

SENATE JOURNAL
SIXTY-FIFTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2017 Regular Session
Convened January 9, 2017
Adjourned Sine Die April 23, 2017

2017 Second Extraordinary Session
Convened May 23, 2017
Adjourned Sine Die June 21, 2017

2017 First Extraordinary Session
Convened April 24, 2017
Adjourned Sine Die May 23, 2017

2017 Third Extraordinary Session
Convened June 21, 2017
Adjourned Sine Die July 20, 2017

Volume 1



Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of Washington

Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Jim Honeyford, *Vice President Pro Tempore*
Hunter G. Goodman, *Secretary of the Senate*

SENATE CAUCUS OFFICERS

2017

MAJORITY COALITION CAUCUS

Majority Leader..... Mark Schoesler
Majority Caucus Chair..... Randi Becker
Majority Floor Leader..... Joe Fain
Majority Whip..... Barbara Bailey
Majority Caucus Deputy Leader..... Sharon Brown
Majority Caucus Vice Chair..... Judy Warnick
Majority Assistant Floor Leader..... Brad Hawkins
Majority Assistant Whip..... Maureen Walsh

DEMOCRATIC CAUCUS

Democratic Leader..... Sharon Nelson
Democratic Caucus Chair..... John McCoy
Democratic Vice Caucus Chair..... Lisa Wellman
Democratic Floor Leader..... Marko Liias
Democratic Whip Rebecca Saldana
Deputy Minority Leader..... Andy Billig
Democratic Assistant Floor Leader Christine Rolfes
Democratic Assistant Whip..... Mark Mullet

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Secretary of the Senate Hunter G. Goodman
Deputy Secretary Pablo G. (Paul) Campos

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FIRST DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 9, 2017

At 12:02 p.m., pursuant to law, the Senate of the 2017 Regular Session of the Sixty-Fifth Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The thirty-nine flags of the counties of Washington were paraded into the Chamber by Senate high school pages and college interns (see index for full list).

The Washington State Patrol Honor Guard, consisting of Trooper MaKayla Morgan; Trooper Kelli Howes; Trooper Shaneka Phillips; Sergeant Matt Fehler and Sergeant Greg Tri, presented the Colors.

The President led the Senate in the Pledge of Allegiance.

INTRODUCTION OF SPECIAL GUESTS

The President introduced North Thurston Public Schools students representing the American Sign Language Program, who signed and performed the National Anthem. They were led by Director Cathy Boos.

The Washington State Patrol Honor Guard retired from the chamber.

The county flags were retired from the chamber.

The prayer was offered by Ms. Tanna Engdahl, Spiritual Leader of the Cowlitz Tribe.

Ms. Engdahl: "I confess to you, I have already prayed and this is what I have prayed for: In the Indian world we do nothing major that we don't call upon our ancestors. So I have called your ancestors. Your grandparents if on the other side. And all the way to your grandparents' grandparents. They are here standing with you.

All that they were is culminated in you. They know what's in your heart, your real thoughts. When you go into a meeting, when you vote, you won't be alone.

By the way, your title is not yours. It was loaned to you. The owners paid a high price for the seat you occupy. You sit in a borrowed seat with a loaned title. Your agreement with the owners for the rental of that seat is honesty, integrity, perseverance, wisdom and grace.

Our Indian ancestors sat in Council not for themselves but for the seventh generation. Our thought process was long and deliberate knowing we did not make decisions for just today but for all the unborns yet to come. People we will never know, grandchildren we will never see. By some calculations, since statehood, in 1889, you are the seventh generation.

That's why I called upon your ancestors. To stay with you through these hard months to come as your link to the past to give you strength to give us a good foundation for the future, to the seventh generation.

So we pray, by all that is Holy, for you to have wisdom and the grace to know how to use it."

REMARKS BY THE PRESIDENT

President Owen: "Every year we are privileged to have the Capital Lakefair Queen welcome us on the opening day of legislative session. I am pleased to introduce this year's Lakefair Queen Jaclyn Deshaye, who is from Olympia High School, to say a few words. Queen Jaclyn is accompanied today by her parents, Mr. and Mrs. Deshaye and 2016 Royalty Chair Ms. Karen Griggs, all of whom are seated in the South Gallery. Welcome. Queen Jaclyn the rostrum is yours."

With permission of the Senate, business was suspended to allow Queen Jaclyn to address the Senate and welcome the senators to Olympia.

REMARKS BY QUEEN JACLYN DESHAYE

Miss Jaclyn Deshaye: "Good morning, and thank you so much for inviting me here today. My name is Jaclyn Deshaye and I am honored to be representing Olympia High School as the 2017 Lakefair Queen."

"I have learned so much and gained many experiences this year through the Lakefair organization, but I think the most influential lesson I have learned is how to be a role model. I am so grateful to my school, Olympia High, to have trusted me enough to have sent me as their candidate for the court. I know, through my school's eyes, my job was to be myself and to keep doing my best. To my peers, I learned that it was now my job to be an example, to be poised and intelligent, and to be proud of who I was. To my fellow court members, I learned that it was my job to perform all the duties we had been assigned and to do them with the elegance and honor that follow the Lakefair organization. Being a role model can be challenging, but I am so grateful to fill that spot in my community's eyes."

"You are all role models. The people who voted for you truly believe in you. I urge you to do them proud by representing your community and those who stand behind you in the very best way you can, by being yourself, the person they trusted with their vote."

"As a part of the Lakefair Court this past year, I have gone on numerous parades, volunteered at numerous events, and attended community meetings where the other court members and I gave our platform speeches. I wrote mine December of 2015, in preparation for trying out to be on the Court. My speech centered on my thoughts regarding goal setting and perseverance. A goal of mine was to be on the Lakefair Court, and with a lot of hard work and a lot of perseverance, I get to stand up here today. I have given the same speech to numerous service clubs and community members, and every time I say it I can see it spark a different meaning in listener's eyes."

"What does perseverance mean to you? What are some goals you haven't accomplished yet? As a role model yourself, I hope you keep those questions in mind as you begin this next year's legislation."

"Again, thank you for inviting me here today and for what you are doing for our beautiful state. Let's make 2017 the best year we have seen!"

MOTION

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

APPOINTMENT TO VACANCY

KING COUNTY SIGNATURE REPORT
Motion 14759

A MOTION making an appointment to fill the vacancy in the position of state senator for the 45th legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 45th legislative district due to the death of Senator Andy Hill, and

WHEREAS, the 45th legislative district Republican precinct committee officers have met to consider candidates for the position, and

WHEREAS, the King County Republican Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

Dino Rossi is hereby appointed to the position of state senator for the 45th legislative district.

Motion 14759 was introduced on 12/5/2016 and passed as amended by the Metropolitan King County Council on 12/5/2016, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci; No: 0; Excused: 1 - Mr. Gossett,

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
J. Joseph McDermott, Chair

LETTER OF RESIGNATION

Washington State Senate
Senator Bruce Dammeier
25th Legislative District

December 9, 2016

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504

Re: Resignation from the Washington State Senate effective December 31, 2016

Dear Governor Inslee:

Pierce County recently adopted an amendment to the County Charter prohibiting a county elected official from holding any other elected office during his or her term. As I have been elected to the position of Pierce County Executive, based on the new Charter amendment, I must resign my Senate seat prior to taking office.

It has been a pleasure to serve the people of the 25th legislative district as their State Senator, and I look forward to continuing to serve them in my new capacity.

Pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective Saturday, December 31, 2016.

If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Sincerely,
Senator Bruce Dammeier
25th Legislative District

EDITOR'S NOTE: Pursuant to Article 2, Section 15, State Constitution, haven been elected in the general election and of the same party, Senator Hans Zeiger, 25th Legislative District, was sworn in January 3rd to fill the vacancy caused by the resignation of Senator Bruce Dammeier.

LETTER OF RESIGNATION

Washington State Legislature

November 29, 2016

The Honorable Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee,

I am submitting to you my notice of resignation as Senator of the 37th Legislative District. The effective date of my resignation will be December 11, 2016.

It has been an honor to serve as a member of the State Legislature. I am looking forward to continuing to represent the great people of Washington State as the Representative from the 7th Congressional District. This will begin in January of 2017.

Sincerely,
Pramila Jayapal
State Senator
37th Legislative District

KING COUNTY SIGNATURE REPORT
Motion 14767

A MOTION making an appointment to fill the vacancy in the position of state senator for the 37th legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 37th legislative district due to the resignation of Senator Pramila Jayapal following Senator Jayapal's election as United States Representative for the 7th Congressional District of the State of Washington, and

WHEREAS, the 37th legislative district Democratic precinct committee officers have met to consider candidates for the position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

Rebecca Saldaña is hereby appointed to the position of state senator for the 37th legislative district.

Motion 14767 was introduced on 12/12/2016 and passed as amended by the Metropolitan King County Council on 12/12/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci; No:0; Excused: 0.

KING COUNTY COUNCIL KING
COUNTY, WASHINGTON
J. Joseph McDermott, Chair

LETTER OF RESIGNATION

Washington State Senate
Senator Pam Roach

FIRST DAY, JANUARY 9, 2017

2017 REGULAR SESSION

Speaker Pro Tempore
31st Legislative District

January 3, 2017

Governor Jay Inslee
Legislative Building

Re: Resignation from the Washington State Senate effective at 9:59 AM, January 3, 2017

Dear Governor Inslee:

As the longest-serving female state senator in Washington history, it has been a sincere honor and privilege to represent the good people of the 31st District. I was also humbled and honored that my colleagues selected me to serve as the President Pro Tempore of the Senate.

Pursuant to RCW 42.12.020, please accept my resignation from both of these positions effective at 9:59 AM, today.

I'm happy with the many things I have achieved at the state level during my 26 years in the Senate. However, having been elected to the Pierce County Council last fall, I am ready to devote my skills and energy to solving problems at the county level. I will therefore resign my Senate seat and the office of President Pro Tempore of the Senate, effective at 9:59 AM, January 3, 2017.

I look forward to this new challenge and will look back fondly on my time in the Senate. I leave behind a legacy of which I am very proud. I have fought to improve public safety, passed legislation that gives law-enforcement officers and prosecutors more tools to go after human traffickers, and passed groundbreaking measures to protect Washington families by keeping sex predators out of neighborhoods. I also spent much of my state legislative career fighting for taxpayers, protecting property rights, and defending the people's right to make and reject laws through the power of initiative and referendum. I have also been one of the staunchest defenders of all of our Constitutional rights, including the Second Amendment.

God bless the people of Washington state and my colleagues in the Legislature.

Sincerely,
Senator Pam Roach
31st Legislative District

KING COUNTY AND PIERCE COUNTY SIGNATURE
REPORT
January 6, 2017

A JOINT MOTION AND RESOLUTION of the Metropolitan King County Council and the Pierce County Council making an appointment to fill the vacancy in the position of state senator for the 31st legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 31st legislative district due to the resignation of Senator Pam Roach following Senator Roach's election to the Pierce county council, and

WHEREAS, the 31st legislative district is a multicounty legislative district, including part of King County and part of Pierce county, and

WHEREAS, Article II, Section 15 of the Washington state constitution provides that in the event of a vacancy occurring in a multicounty legislative district the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political party as the legislator whose office is vacated, and

WHEREAS, the candidates must reside in the 31st legislative district and be of the same political party as the legislator whose office is vacated, and

WHEREAS, the Washington State Republican Central Committee has submitted the names of three constitutionally qualified candidates to fill the vacancy created by Senator Roach's resignation;

NOW, THEREFORE, BE IT MOVED AND RESOLVED by the Councils of King and Pierce County:

A. Phil Fortunato, one of the three nominees, is hereby appointed to the position of state senator for the 31st legislative district in the Washington state senate and continuing until a successor is elected at the next general election, and has qualified.

B. The clerks of the councils shall provide a copy of this joint motion and resolution to the clerk of the Washington state Senate, the governor of the state of Washington and the chair of the Washington State Republican Central Committee.

PIERCE COUNTY COUNCIL
PIERCE COUNTY, WASHINGTON
Doug Richardson, Chair

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
J. Joseph McDermott, Chair

LETTER OF RESIGNATION

Washington State Senate
Senator Cyrus Habib
48th Legislative District

January 4th, 2017

The Honorable Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee,
In light of my impending inauguration as Lieutenant Governor, I write to submit my resignation as State Senator from the 48th Legislative District, effective immediately. Please do not hesitate to contact me on this or any other matter.
Sincerely,

Cyrus Habib
Washington State Senator and Lieutenant Governor-elect

KING COUNTY SIGNATURE REPORT
Motion 14786

A MOTION making an appointment to fill the vacancy in the position of state senator for the 48th legislative district.

WHEREAS, a vacancy exists in the position of state senator for the 48th legislative district due to the resignation of Senator Cyrus Habib following Senator Habib's election as Lieutenant Governor of the State of Washington, and

WHEREAS, the 48th legislative district Democratic precinct committee officers have met to consider candidates for the position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

Patty Kuderer is hereby appointed to the position of state senator for the 48th legislative district.

Motion 14786 was introduced on 12/12/2016 and passed as amended by the Metropolitan King County Council on 1/5/2017, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci; No: 0; Excused: 0.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
J. Joseph McDermott, Chair

MESSAGES FROM THE SECRETARY OF STATE

**The Honorable President of the Senate
The Legislature of the State of Washington
Olympia, Washington**

Mr. President:

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Senator, as shown by the official returns of the November 8, 2016 General Election on file in the Office of the Secretary of State. This list contains newly elected as well as returning Senators.

Senators Elected November 8, 2016

| District | Name | Party Preference | Counties Represented |
|----------|-------------------|--------------------------|---|
| 1 | Guy Palumbo | Prefers Democratic Party | King, Snohomish |
| 2 | Randi Becker | Prefers Republican Party | Pierce, Thurston |
| 3 | Andy Billig | Prefers Democratic Party | Spokane |
| 4 | Mike Padden | Prefers Republican Party | Spokane |
| 5 | Mark Mullet | Prefers Democratic Party | King |
| 9 | Mark G. Schoesler | Prefers G.O.P Party | Adams, Asotin, Franklin, Garfield, Spokane, Whitman |
| 10 | Barbara Bailey | Prefers Republican Party | Island, Skagit, Snohomish |
| 11 | Bob Hasegawa | Prefers Democratic Party | King |
| 12 | Brad Hawkins | Prefers Republican Party | Chelan, Douglas, Grant, Okanogan |
| 14 | Curtis King | Prefers Republican Party | Clark, Klickitat, Skamania, Yakima |
| 16 | Maureen Walsh | Prefers Republican Party | Benton, Columbia, Franklin, Walla Walla |
| 17 | Lynda Wilson | Prefers Republican Party | Clark |
| 18 | Ann Rivers | Prefers Republican Party | Clark |

| District | Name | Party Preference | Counties Represented |
|----------|-------------------|--------------------------|--|
| 19 | Dean Takko | Prefers Democratic Party | Cowlitz, Grays Harbor, Lewis, Pacific, Wahkiakum |
| 20 | John Braun | Prefers Republican Party | Clark, Cowlitz, Lewis, Thurston |
| 22 | Sam Hunt | Prefers Democratic Party | Thurston |
| 23 | Christine Rolfes | Prefers Democratic Party | Kitsap |
| 24 | Kevin Van De Wege | Prefers Democratic Party | Clallam, Grays Harbor, Jefferson |
| 25 | Hans Zeiger | Prefers Republican Party | Pierce |
| 27 | Jeannie Darneille | Prefers Democratic Party | Pierce |
| 28 | Steve O'Ban | Prefers Republican Party | Pierce |
| 36 | Reuven Carlyle | Prefers Democratic Party | King |
| 39 | Kirk Pearson | Prefers Republican Party | King, Skagit, Snohomish |
| 40 | Kevin Ranker | Prefers Democratic Party | San Juan, Skagit, Whatcom |
| 41 | Lisa Wellman | Prefers Democratic Party | King |
| 49 | Annette Cleveland | Prefers Democratic Party | Clark |

Returning Senators

| District | Name | Party Preference | Counties Represented |
|----------|-----------------------|--------------------------|--|
| 6 | Michael Baumgartner | Prefers Republican Party | Spokane |
| 7 | Brian Dansel | Prefers Republican Party | Ferry, Okanogan, Pend Oreille, Spokane, Stevens Benton |
| 8 | Sharon Brown | Prefers Republican Party | Benton |
| 13 | Judith (Judy) Warnick | Prefers Republican Party | Grant, Kittitas, Lincoln, Yakima |
| 15 | Jim Honeyford | Prefers G.O.P. Party | Yakima |
| 21 | Marko Liias | Prefers Democratic Party | Snohomish |
| 26 | Jan Angel | Prefers Republican Party | Kitsap, Pierce |
| 29 | Steve Conway | Prefers Democratic Party | Pierce |
| 30 | Mark Miloscia | Prefers Republican Party | King, Pierce |
| 31 | Pam Roach | Prefers Republican Party | King, Pierce |
| 32 | Maralyn Chase | Prefers Democratic Party | King, Snohomish |
| 33 | Karen Keiser | Prefers Democratic Party | King |
| 34 | Sharon K. Nelson | Prefers Democratic Party | King |

| District | Name | Party Preference | Counties Represented |
|----------|-----------------|--------------------------|-------------------------|
| 35 | Tim Sheldon | Prefers Democratic Party | Kitsap, Mason, Thurston |
| 37 | Pramila Jayapal | Prefers Democratic Party | King |
| 38 | John McCoy | Prefers Democratic Party | Snohomish |
| 42 | Doug Ericksen | Prefers Republican Party | Whatcom |
| 43 | Jamie Pedersen | Prefers Democratic Party | King |
| 44 | Steve Hobbs | Prefers Democratic Party | Snohomish |
| 45 | Dino Rossi | Prefers Republican Party | King |
| 46 | David Frockt | Prefers Democratic Party | King |
| 47 | Joe Fain | Prefers Republican Party | King |
| 48 | Cyrus Habib | Prefers Democratic Party | King |

Initiative Measure No. 1491

Initiative Measure No. 1491 concerns court-issued extreme risk protection orders temporarily preventing access to firearms. This measure would allow police, family, or household members to obtain court orders temporarily preventing firearms access by persons exhibiting mental illness, violent or other behavior indicating they may harm themselves or others.

| | |
|-----|-----------|
| Yes | 2,234,799 |
| No | 985,658 |

Initiative Measure No. 1501

Initiative Measure No. 1501 concerns seniors and vulnerable individuals. This measure would increase the penalties for criminal identity theft and civil consumer fraud targeted at seniors or vulnerable individuals; and exempt certain information of vulnerable individuals and in-home caregivers from public disclosure.

| | |
|-----|-----------|
| Yes | 2,247,906 |
| No | 934,365 |

Initiative Measure No. 732

Initiative Measure No. 732 concerns taxes. This measure would impose a carbon emission tax on certain fossil fuels and fossil-fuel-generated electricity, reduce the sales tax by one percentage point and increase a low-income exemption, and reduce certain manufacturing taxes.

| | |
|-----|-----------|
| Yes | 1,265,123 |
| No | 1,839,414 |

Initiative Measure No. 735

Initiative Measure No. 735 concerns a proposed amendment to the federal constitution. This measure would urge the Washington state congressional delegation to propose a federal constitutional amendment that constitutional rights belong only to individuals, not corporations, and constitutionally - protected free speech excludes the spending of money.

| | |
|-----|-----------|
| Yes | 1,923,489 |
| No | 1,138,453 |

**Advisory Vote No. 14
House Bill 2768**

The legislature extended, without a vote of the people, the insurance premium tax to some insurance for stand-alone family dental plans, costing an indeterminate amount in the first ten years, for government spending.

| | |
|------------|-----------|
| Repealed | 2,038,321 |
| Maintained | 909,701 |

**Advisory Vote No. 15
Second Engrossed Substitute House Bill 2778**

The legislature imposed, without a vote of the people, certain limitations on the retail sales and use tax exemptions for clean alternative-fuel vehicles, costing \$2,000,000 in the first ten years, for government spending.

| | |
|------------|-----------|
| Repealed | 1,754,489 |
| Maintained | 1,174,345 |

Senate Joint Resolution No. 8210

The legislature has proposed a constitutional amendment on the deadline for completing state legislative and congressional redistricting. This amendment would require the state redistricting commission to complete redistricting for state

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington on this 7th day of December 2016.

SEAL /s/Kim Wyman
Secretary of State

EDITOR'S NOTE: Senator Rossi appointed to fill the vacancy created by the passing of Senator Andy Hill, 45th Legislative District.

**Canvass of the Returns of the General Election Held on
November 8, 2016**

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.240, I have canvassed the returns of the 3,363,440 votes cast for candidates in the November 8, 2016 General Election by the registered voters of the state for all federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors, and that the votes cast for these measures and these candidates for office are as follows:

Initiative Measure No. 1433

Initiative Measure No. 1433 concerns labor standards. This measure would increase the state minimum wage to \$11.00 in 2017, \$11.50 in 2018, \$12.00 in 2019, and \$13.50 in 2020, require employers to provide paid sick leave, and adopt related laws.

| | |
|-----|-----------|
| Yes | 1,848,583 |
| No | 1,370,907 |

Initiative Measure No. 1464

Initiative Measure No. 1464 concerns campaign finance laws and lobbyists. This measure would create a campaign-finance system; allow residents to direct state funds to candidates; repeal the non-resident sales-tax exemption; restrict lobbying employment by certain former public employees; and add enforcement requirements.

| | |
|-----|-----------|
| Yes | 1,415,798 |
|-----|-----------|

legislative and congressional districts by November 15 of each year ending in a one, 46 days earlier than currently required.

Approved 2,246,030
Rejected 658,927

| Ballot Name | Party Preference | Votes |
|--|--|-----------|
| United States President/ Vice President | | |
| Hillary Clinton/ Tim Kaine | Democratic Party Nominees | 1,742,718 |
| Donald J. Trump/ Michael R. Pence | Republican Party Nominees | 1,221,747 |
| Alyson Kennedy/ Osborne Hart | Socialist Workers Party Nominees | 4,307 |
| Gloria Estela LaRiva/ Eugene Puryear | Socialism & Liberation Party Nominees | 3,523 |
| Jill Stein/ Ajamu Baraka | Green Party Nominees | 58,417 |
| Darrell L. Castle/ Scott N. Bradley | Constitution Party Nominees | 17,623 |
| Gary Johnson/ Bill Weld | Libertarian Party Nominees | 160,879 |
| Write-ins | | 107,805 |

| United States Senator | | |
|------------------------------|----------------------------|-----------|
| Patty Murray | (Prefers Democratic Party) | 1,913,979 |
| Chris Vance | (Prefers Republican Party) | 1,329,338 |

| Congressional District 1 U.S. Representative | | |
|---|----------------------------|---------|
| Suzan DelBene | (Prefers Democratic Party) | 193,619 |
| Robert J. Sutherland | (Prefers Republican Party) | 155,779 |

| Congressional District 2 U.S. Representative | | |
|---|----------------------------|---------|
| Rick Larsen | (Prefers Democratic Party) | 208,314 |
| Marc Hennemann | (Prefers Republican Party) | 117,094 |

| Congressional District 3 U.S. Representative | | |
|---|----------------------------|---------|
| Jaime Herrera Beutler | (Prefers Republican Party) | 193,457 |
| Jim Moeller | (Prefers Democratic Party) | 119,820 |

| Congressional District 4 U.S. Representative | | |
|---|----------------------------|---------|
| Dan Newhouse | (Prefers Republican Party) | 132,517 |
| Clint Didier | (Prefers Democratic Party) | 97,402 |

| Congressional District 5 U.S. Representative | | |
|---|----------------------------|---------|
| Cathy McMorris- Rodgers | (Prefers Republican Party) | 192,959 |
| Joe Pakootas | (Prefers Democratic Party) | 130,575 |

| Congressional District 6 U.S. Representative | | |
|---|----------------------------|---------|
| Derek Kilmer | (Prefers Democratic Party) | 201,718 |
| Todd A. Bloom | (Prefers Republican Party) | 126,116 |

| Congressional District 7 U.S. Representative | | |
|---|----------------------------|---------|
| Pramila Jayapal | (Prefers Democratic Party) | 212,010 |
| Brady Pinero Walkinshaw | (Prefers Democratic Party) | 166,744 |

| Congressional District 8 U.S. Representative | | |
|---|----------------------------|---------|
| Dave Reichert | (Prefers Republican Party) | 193,145 |
| Tony Ventrella | (Prefers Democratic Party) | 127,720 |

| Congressional District 9 U.S. Representative | | |
|---|----------------------------|---------|
| Adam Smith | (Prefers Democratic Party) | 205,165 |
| Doug Basler | (Prefers Republican Party) | 76,317 |

| Congressional District 10 U.S. Representative | | |
|--|----------------------------|---------|
| Denny Heck | (Prefers Democratic Party) | 170,460 |
| Jim Postma | (Prefers Republican Party) | 120,104 |

| Washington State Governor | | |
|----------------------------------|----------------------------|-----------|
| Jay Inslee | (Prefers Democratic Party) | 1,760,520 |
| Bill Bryant | (Prefers Republican Party) | 1,476,346 |
| Write-ins | | 8,416 |

| Washington State Lt. Governor | | |
|--------------------------------------|----------------------------|-----------|
| Cyrus Habib | (Prefers Democratic Party) | 1,698,297 |
| Marty McClendon | (Prefers Republican Party) | 1,424,277 |

| Washington State Secretary of State | | |
|--|----------------------------|-----------|
| Kim Wyman | (Prefers Republican Party) | 1,713,004 |
| Tina Podlodowski | (Prefers Democratic Party) | 1,416,299 |

| Washington State Treasurer | | |
|-----------------------------------|----------------------------|-----------|
| Duane Davidson | (Prefers Republican Party) | 1,576,580 |
| Michael Waite | (Prefers Republican Party) | 1,134,843 |

| Washington State Auditor | | |
|---------------------------------|----------------------------|-----------|
| Mark Miloscia | (Prefers Republican Party) | 1,455,771 |
| Pat (Patrice) McCarthy | (Prefers Democratic Party) | 1,597,011 |

| Washington State Attorney General | | |
|--|----------------------------|-----------|
| Bob Ferguson | (Prefers Democratic Party) | 2,000,804 |
| Joshua B. Trumbull | | 979,105 |

| Washington State Commissioner of Public Lands | | |
|--|----------------------------|-----------|
| Steve McLaughlin | (Prefers Republican Party) | 1,436,817 |
| Hilary Franz | (Prefers Democratic Party) | 1,630,369 |

| Washington State Superintendent of Public Instruction | | |
|--|-------------|-----------|
| Erin Jones | Nonpartisan | 1,309,896 |
| Chris Reykdal | Nonpartisan | 1,337,547 |

| Washington State Insurance Commissioner | | |
|--|----------------------------|-----------|
| Mike Kreidler | (Prefers Democratic Party) | 1,763,134 |
| Richard Schrock | (Prefers Republican Party) | 1,258,827 |

| Legislative District 1 State Senator | | |
|---|----------------------------|--------|
| Mindie Wirth | (Prefers Republican Party) | 30,850 |
| Guy Palumbo | (Prefers Democratic Party) | 40,758 |

| Legislative District 1 State Representative Position 1 | | |
|---|----------------------------|--------|
| Derek Stanford | (Prefers Democratic Party) | 43,207 |
| Neil Thannisch | (Prefers Republican Party) | 27,661 |

| Legislative District 1 State Representative Position 2 | | |
|---|----------------------------|--------|
| Jim Langston | (Prefers Republican Party) | 31,739 |
| Shelley Kloba | (Prefers Democratic Party) | 39,076 |

| Legislative District 2 State Senator | | |
|---|----------------------------|--------|
| Randi Becker | (Prefers Republican Party) | 36,739 |
| Marilyn Rasmussen | (Prefers Democratic Party) | 23,149 |

| Legislative District 2 State Representative Position 1 | | |
|---|------------------------------------|--------|
| Andrew Barkis | (Prefers Republican Party) | 34,167 |
| Amy Pivetta Hoffman | (Prefers Independent Dem Party) | 24,544 |

FIRST DAY, JANUARY 9, 2017

2017 REGULAR SESSION

Legislative District 2 State Representative Position 2

| | | |
|--------------|----------------------------|--------|
| JT Wilcox | (Prefers Republican Party) | 39,033 |
| Derek Maynes | (Prefers Democratic Party) | 20,413 |

Legislative District 7 State Representative Position 1

| | | |
|--------------|----------------------------|--------|
| Shelly Short | (Prefers Republican Party) | 56,589 |
|--------------|----------------------------|--------|

Legislative District 7 State Representative Position 2

| | | |
|-------------|-----------------------------|--------|
| Joel Kretz | (Prefers Republican Party) | 49,635 |
| Mike Foster | (Prefers Libertarian Party) | 14,946 |

Legislative District 9 State Senator

| | | |
|-------------------|------------------------|--------|
| Mark G. Schoesler | (Prefers G.O.P. Party) | 41,951 |
|-------------------|------------------------|--------|

Legislative District 9 State Representative Position 1

| | | |
|-----------------|----------------------------|--------|
| Mary Dye | (Prefers Republican Party) | 35,640 |
| Jennifer Goulet | (Prefers Democratic Party) | 17,944 |

Legislative District 9 State Representative Position 2

| | | |
|-------------|----------------------------|--------|
| Joe Schmick | (Prefers Republican Party) | 42,695 |
|-------------|----------------------------|--------|

Legislative District 10 State Senator

| | | |
|----------------|----------------------------|--------|
| Barbara Bailey | (Prefers Republican Party) | 42,309 |
| Angie Homola | (Prefers Democratic Party) | 32,309 |

Legislative District 10 State Representative Position 1

| | | |
|---------------|-----------------------------|--------|
| Norma Smith | (Prefers Republican Party) | 48,178 |
| Michael Scott | (Prefers Libertarian Party) | 18,778 |

Legislative District 10 State Representative Position 2

| | | |
|----------------|----------------------------|--------|
| Dave Hayes | (Prefers Republican Party) | 42,962 |
| Doris Brevoort | (Prefers Democratic Party) | 29,756 |

Legislative District 12 State Senator

| | | |
|--------------|----------------------------|--------|
| Brad Hawkins | (Prefers Republican Party) | 30,882 |
| Jon Wyss | (Prefers Republican Party) | 24,258 |

Legislative District 12 State Representative Position 1

| | | |
|---------------|----------------------------|--------|
| Cary Condotta | (Prefers Republican Party) | 36,748 |
| Dan Maher | (Prefers Democratic Party) | 21,653 |

Legislative District 12 State Representative Position 2

| | | |
|-------------|----------------------------|--------|
| Mike Steele | (Prefers Republican Party) | 30,397 |
| Jerry Paine | (Prefers Republican Party) | 20,112 |

Legislative District 13 State Representative Position 1

| | | |
|----------|----------------------------|--------|
| Tom Dent | (Prefers Republican Party) | 41,673 |
|----------|----------------------------|--------|

Legislative District 13 State Representative Position 2

| | | |
|----------------|----------------------------|--------|
| Matt Manweller | (Prefers Republican Party) | 35,071 |
| Jordan Webb | (Prefers Democratic Party) | 14,507 |

Legislative District 14 State Senator

| | | |
|-----------------|---------------------------------|--------|
| Curtis King | (Prefers Republican Party) | 31,156 |
| Amanda Richards | (Prefers Independent GOP Party) | 19,900 |

Legislative District 14 State Representative Position 1

| | | |
|-------------------|----------------------------|--------|
| Norm Johnson | (Prefers Republican Party) | 35,787 |
| Susan Soto Palmer | (Prefers Democratic Party) | 18,393 |

Legislative District 14 State Representative Position 2

| | | |
|-------------------|----------------------------|--------|
| Gina McCabe | (Prefers Republican Party) | 36,848 |
| John (Eric) Adams | (Prefers Democratic Party) | 16,914 |

Legislative District 16 State Senator

| | | |
|---------------|----------------------------|--------|
| Maureen Walsh | (Prefers Republican Party) | 40,354 |
|---------------|----------------------------|--------|

Legislative District 16 State Representative Position 1

| | | |
|-----------------------|----------------------------|--------|
| Rebecca Francik | (Prefers Democratic Party) | 18,252 |
| William "Bill" Jenkin | (Prefers Republican Party) | 29,812 |

Legislative District 16 State Representative Position 2

| | | |
|-----------------|----------------------------|--------|
| Terry R. Nealey | (Prefers Republican Party) | 32,860 |
| Gary Downing | (Prefers Democratic Party) | 15,507 |

Legislative District 19 State Senator

| | | |
|-------------------|---------------------------------|--------|
| Dean Takko | (Prefers Democratic Party) | 30,850 |
| Sue Kuel Pederson | (Prefers Independent GOP Party) | 25,064 |

Legislative District 19 State Representative Position 1

| | | |
|----------------|----------------------------|--------|
| Jim Walsh | (Prefers Republican Party) | 28,693 |
| Teresa Purcell | (Prefers Democratic Party) | 28,134 |

Legislative District 2 State Representative Position 2

| | | |
|----------------|----------------------------|--------|
| Brian E. Blake | (Prefers Democratic Party) | 33,629 |
| Jimi O'Hagan | (Prefers Republican Party) | 22,504 |

Legislative District 20 State Senator

| | | |
|------------|----------------------------|--------|
| John Braun | (Prefers Republican Party) | 49,936 |
|------------|----------------------------|--------|

Legislative District 20 State Representative Position 1

| | | |
|----------------|---------------------|--------|
| Richard DeBolt | (Prefers GOP Party) | 47,206 |
|----------------|---------------------|--------|

Legislative District 20 State Representative Position 2

| | | |
|-----------|----------------------------|--------|
| Ed Orcutt | (Prefers Republican Party) | 49,195 |
|-----------|----------------------------|--------|

Legislative District 24 State Senator

| | | |
|-------------------|---------------------------------|--------|
| Kevin Van De Wege | (Prefers Democratic Party) | 40,808 |
| Danille Turissini | (Prefers Independent GOP Party) | 31,342 |

Legislative District 24 State Representative Position 1

| | | |
|---------------|----------------------------|--------|
| Mike Chapman | (Prefers Democratic Party) | 43,847 |
| George Vrable | (Prefers Republican Party) | 28,150 |

Legislative District 24 State Representative Position 2

| | | |
|-----------------|---------------------------------|--------|
| Steve Tharinger | (Prefers Democratic Party) | 40,704 |
| John D. Alger | (Prefers GOP/Independent Party) | 30,895 |

Legislative District 26 State Representative Position 1

| | | |
|----------------|---------------------------------|--------|
| Jesse L. Young | (Prefers Republican Party) | 39,857 |
| Larry Seaquist | (Prefers Independent Dem Party) | 30,224 |

Legislative District 26 State Representative Position 2

| | | |
|------------------|------------------------------------|--------|
| Michelle Caldier | (Prefers Republican Party) | 40,755 |
| Randy Spitzer | (Prefers Indep't Democratic Party) | 28,387 |

Legislative District 30 State Representative Position 1

| | | |
|-------------------|----------------------------|--------|
| Mike Pellicciotti | (Prefers Democratic Party) | 26,820 |
| Linda Kochmar | (Prefers Republican Party) | 22,465 |

Legislative District 30 State Representative Position 2

| | | |
|-----------------|----------------------------|--------|
| Kristine Reeves | (Prefers Democratic Party) | 25,206 |
| Teri Hickel | (Prefers Republican Party) | 24,124 |

Legislative District 31 State Representative Position 1

| | | |
|-----------------|-----------------------------|--------|
| Drew Stokesbary | (Prefers Republican Party) | 42,776 |
| John Frostad | (Prefers Libertarian Party) | 16,976 |

Legislative District 31 State Representative Position 2

| | | |
|----------------|----------------------------------|--------|
| Phil Fortunato | (Prefers Republican Party) | 36,000 |
| Lane Walthers | (Prefers Independent Dem. Party) | 26,364 |

Legislative District 32 State Representative Position 1

| | | |
|----------------|----------------------------|--------|
| Cindy Ryu | (Prefers Democratic Party) | 50,061 |
| Alvin Rutledge | (Prefers Republican Party) | 15,950 |

Legislative District 32 State Representative Position 2

| | | |
|------------------|----------------------------|--------|
| Ruth Kagi | (Prefers Democratic Party) | 47,908 |
| David D. Schirle | (Prefers Republican Party) | 18,115 |

Legislative District 35 State Representative Position 1

| | | |
|---------------|---------------------------------|--------|
| Dan Griffey | (Prefers Republican Party) | 36,235 |
| Irene Bowling | (Prefers Independent Dem Party) | 29,658 |

Legislative District 35 State Representative Position 2

| | | |
|-----------------|----------------------------------|--------|
| Drew C. MacEwen | (Prefers Republican Party) | 35,384 |
| Craig Patti | (Prefers Independent Dem. Party) | 29,888 |

Legislative District 39 State Senator

| | | |
|--------------|----------------------------|--------|
| Kirk Pearson | (Prefers Republican Party) | 50,942 |
|--------------|----------------------------|--------|

Legislative District 39 State Representative Position 1

| | | |
|-----------------|----------------------------|--------|
| Dan Kristiansen | (Prefers Republican Party) | 37,503 |
| Linda M. Wright | (Prefers Democratic Party) | 23,306 |

Legislative District 39 State Representative Position 2

| | | |
|---------------|----------------------------|--------|
| John Koster | (Prefers Republican Party) | 37,250 |
| Ronda Metcalf | (Prefers Democratic Party) | 23,854 |

Legislative District 40 State Senator

| | | |
|------------------|----------------------------|--------|
| Kevin Ranker | (Prefers Democratic Party) | 47,108 |
| Daniel R. Miller | (Prefers Republican Party) | 23,081 |

Legislative District 40 State Representative Position 1

| | | |
|-----------------|----------------------------|--------|
| Kristine Lytton | (Prefers Democratic Party) | 53,429 |
|-----------------|----------------------------|--------|

Legislative District 40 State Representative Position 2

| | | |
|-------------|----------------------------|--------|
| Jeff Morris | (Prefers Democratic Party) | 52,376 |
|-------------|----------------------------|--------|

Supreme Court Justice Position 1

| | | |
|--------------|-------------|-----------|
| Mary Yu | Nonpartisan | 1,577,495 |
| David DeWolf | Nonpartisan | 1,174,263 |

Supreme Court Justice Position 5

| | | |
|----------------|-------------|-----------|
| Barbara Madsen | Nonpartisan | 1,679,786 |
| Greg Zempel | Nonpartisan | 1,031,698 |

Supreme Court Justice Position 6

| | | |
|---------------------------|-------------|-----------|
| Charles (Charlie) Wiggins | Nonpartisan | 1,535,554 |
| Dave Larson | Nonpartisan | 1,135,285 |

Court of Appeals, Division 2, District 3 Judge Position 2

| | | |
|------------------|-------------|---------|
| Jill M. Johanson | Nonpartisan | 211,205 |
|------------------|-------------|---------|

Court of Appeals, Division 3, District 2 Judge Position 1

| | | |
|------------------|-------------|--------|
| George Fearing | Nonpartisan | 86,411 |
| Patrick McBurney | Nonpartisan | 74,813 |

Court of Appeals, Division 3, District 3 Judge Position 1

| | | |
|-----------------|-------------|---------|
| Rebecca Pennell | Nonpartisan | 106,059 |
|-----------------|-------------|---------|

Asotin, Columbia, Garfield Superior Court Judge Position 1

| | | |
|------------------|-------------|--------|
| Scott D. Gallina | Nonpartisan | 10,406 |
|------------------|-------------|--------|

Benton, Franklin Superior Court Judge Position 1

| | | |
|------------------|-------------|--------|
| Bruce A. Spanner | Nonpartisan | 75,587 |
|------------------|-------------|--------|

Benton, Franklin Superior Court Judge Position 2

| | | |
|--------------|-------------|--------|
| Joe Burrowes | Nonpartisan | 48,499 |
| Sam Swanberg | Nonpartisan | 43,603 |

Benton, Franklin Superior Court Judge Position 3

| | | |
|------------------------|-------------|--------|
| Alexander Carl Ekstrom | Nonpartisan | 49,528 |
| Alicia Marie Berry | Nonpartisan | 41,433 |

Benton, Franklin Superior Court Judge Position 4

| | | |
|------------------|-------------|--------|
| Cameron Mitchell | Nonpartisan | 78,206 |
|------------------|-------------|--------|

Benton, Franklin Superior Court Judge Position 5

| | | |
|---------------------|-------------|--------|
| Vic L. VanderSchoor | Nonpartisan | 75,928 |
|---------------------|-------------|--------|

Benton, Franklin Superior Court Judge Position 6

| | | |
|--------------|-------------|--------|
| Carrie Runge | Nonpartisan | 75,210 |
|--------------|-------------|--------|

Benton, Franklin Superior Court Judge Position 7

| | | |
|-------------------|-------------|--------|
| Jackie Shea Brown | Nonpartisan | 75,697 |
|-------------------|-------------|--------|

Ferry, Pend Oreille, Stevens Superior Court Judge Position 1

| | | |
|----------------------|-------------|--------|
| Patrick A. Monasmith | Nonpartisan | 21,247 |
| C. Olivia Irwin | Nonpartisan | 7,477 |

Ferry, Pend Oreille, Stevens Superior Court Judge Position 2

| | | |
|-------------------------|-------------|--------|
| Jessica (Taylor) Reeves | Nonpartisan | 17,459 |
| Terry L. Williams | Nonpartisan | 11,324 |

Klickitat, Skamania Superior Court Judge Position 1

| | | |
|--------------|-------------|--------|
| Randall Krog | Nonpartisan | 10,035 |
|--------------|-------------|--------|

Pacific, Wahkiakum Superior Court Judge Position 1

| | | |
|-------------------|-------------|-------|
| Douglas E. Goelz | Nonpartisan | 5,743 |
| Michael S. Turner | Nonpartisan | 5,666 |

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington on this 7th day of December 2016, at Olympia, the State Capital.

SEAL /s/ Kim Wyman
Secretary of State

The Secretary called the roll of the following holdover members of the Senate and all were present: Senators Angel, Baumgartner, Brown, Chase, Conway, Dansel, Ericksen, Fain, Frockt, Hobbs, Honeyford, Keiser, Lias, McCoy, Miloscia, Nelson, Pedersen, Sheldon and Warnick.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Padden and Hunt to escort The Honorable Mary Fairhurst, Chief Justice of the Supreme Court of the State of Washington, to the rostrum.

FIRST DAY, JANUARY 9, 2017

2017 REGULAR SESSION

The President welcomed and introduced the Honorable Mary Fairhurst, Chief Justice of the Supreme Court of the State of Washington, who was present to administer the oath of office to the newly elected Senators.

distinguished member of the Legislature for many many years and I think has shown all the skills and the ability to perform this job and I would move his nomination.”

APPOINTMENT OF SPECIAL COMMITTEE

REMARKS BY SENATOR HONEYFORD

The President of the Senate appointed a committee of honor consisting of Senators Zeiger and Van De Wege to escort the The Honorable Kim Wyman, Secretary of State, to the rostrum.

Senator Honeyford: “It is my privilege to serve with Senator Sheldon both in the House and in the Senate. During all that time I have found him to be an honorable and principled man so I am pleased to second this nomination.”

The President welcomed and introduced Secretary of State Kim Wyman who was present to deliver the certificates of election.

On motion of Senator Fain, the nominations for the office of President Pro Tempore of the Senate were closed.

The Secretary called the roll of the following newly re-elected members of the Senate and all were present: Senators Bailey, Becker, Billig, Braun, Cleveland, Darneille, Hasegawa, King, Mullet, O’Ban, Padden, Pearson, Ranker, Rivers, Rolfes and Schoesler.

The President declared the question before the Senate to be the election for the office of President Pro Tempore.

The Sergeant at Arms, Mr. Andrew Staubitz, escorted each of the newly re-elected members of the Senate to the rostrum of the Senate to receive their oath of office.

The Secretary called the roll for the office of President Pro Tempore and Senator Sheldon was elected President Pro Tempore of the Senate by the following vote: Sheldon, 49.

Chief Justice Fairhurst thereupon administered the oath of office to each of the newly re-elected senators.

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

The Secretary of State presented each of the newly re-elected senators a certificate of election.

The Sergeant at Arms escorted each of the newly re-elected senators to their seat on the floor of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The Secretary called the roll of the following newly elected members and all were present: Senators Carlyle, Hawkins, Hunt, Palumbo, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger.

The President of the Senate appointed a committee of honor consisting of Senators Kuderer and Walsh to escort the newly elected President Pro Tempore to the rostrum.

The Sergeant at Arms escorted each of the newly elected members of the Senate to the rostrum of the Senate to receive their oath of office.

Chief Justice Mary Fairhurst thereupon administered the oath of office to each of the newly elected senators.

Chief Justice Mary Fairhurst thereupon administered the oath of office to Senator Sheldon.

The Secretary of State presented each of the newly elected senators a certificate of election.

Senator Sheldon returned to his seat on the floor of the Senate.

The Sergeant at Arms escorted each of the newly elected senators to their seat on the floor of the Senate.

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President announced the newly appointed members: Senators Fortunato, Kuderer, Rossi and Saldaña.

The President declared the nominations for the Office of Vice President Pro Tempore of the Senate to be open.

The Sergeant at Arms escorted each of the newly appointed members of the Senate to the rostrum of the Senate to receive their oath of office.

REMARKS BY SENATOR BECKER

Chief Justice Fairhurst thereupon administered the oath of office to each of the newly appointed senators.

Senator Becker: “Thank you, Mr. President. I proudly nominate a dear friend of mine my colleague from the 15th Legislative District, that is Senator Jim “Honeybear” Honeyford. You know his qualifications are many he served in the Senate and he’s served in the House but he’s been here for 19 years and he’s led the Capital Budget meetings and committees for a number of years now and he is a wonderful person and I would totally support his position. Thank you.”

The Secretary of State presented each of the newly appointed senators a certificate of appointment.

The Sergeant at Arms escorted each of the newly appointed senators to their seat on the floor of the Senate.

ELECTION OF PRESIDENT PRO TEMPORE

REMARKS BY SENATOR FROCKT

The President declared the nominations for the Office of President Pro Tempore of the Senate to be open.

Senator Frockt: “Thank you, Mr. President. I, too, would like to support the nomination of Senator Honeyford in recognition of his distinguished service to the people of his district and his long service to the people of our state through his time in the state Senate. I look forward to his time as Vice President Pro Tempore and also I look forward, on a personal note, to working with him on the capital budget. Thank you Mr. President.”

REMARKS BY SENATOR KING

Senator King: “Thank you, Mr. President. I would like to move the nomination of Senator Sheldon. He has been a

On motion of Senator Fain, the nominations for the office of Vice President Pro Tempore of the Senate were closed.

The President declared the question before the Senate to be the election for the office of Vice President Pro Tempore.

The Secretary called the roll for the office of Vice President Pro Tempore and Senator Honeyford was elected Vice President Pro Tempore of the Senate by the following vote: Honeyford, 49.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Conway and Wilson to escort the newly elected Vice President Pro Tempore to the rostrum.

Chief Justice Mary Fairhurst thereupon administered the oath of office to Senator Honeyford.

Senator Honeyford returned to his seat on the floor of the Senate

ELECTION OF SECRETARY OF THE SENATE

The President declared the nominations for the office of Secretary of the Senate to be open.

REMARKS BY SENATOR FAIN

Senator Fain: "Thank you Mr. President. It is with great pleasure that I bring this name forward today. This is a very important job running the administration of this chamber in a nonpartisan way, that is fair to both the majority and the minority. I believe that Hunter Goodman has done an exemplary job of caring about each and every member of this floor no matter of their party identity. Again, it is with great honor that I recommend him to the chamber."

REMARKS BY SENATOR ROLFES

Senator Rolfes: "Thank you Mr. President. Hunter Goodman has been serving and we find him to be fair and honorable and very hard working and it is my honor to nominate him."

MOTION

On motion of Senator Fain, the nominations for the office of Secretary of the Senate were closed.

The President declared the question before the Senate to be the election for the office of Secretary of the Senate.

The Secretary called the roll for the office of Secretary of the Senate and Hunter Graham Goodman was elected Secretary of the Senate by the following vote: Goodman, 49.

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

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Fain and Rolfes to escort Mr. Goodman to the rostrum.

Chief Justice Mary Fairhurst thereupon administered the oath of office to Mr. Hunter G. Goodman.

The Secretary of the Senate returned to his seat at the rostrum.

The President thanked Chief Justice Mary Fairhurst and Secretary of State Kim Wyman for their participation in the day's ceremonies.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Padden and Hunt to escort Chief Justice Mary Fairhurst from the Senate Chamber.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Zeiger and Van De Wege to escort Secretary of State Kim Wyman from the Senate Chamber.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

By Senators Schoesler and Nelson

BE IT RESOLVED, That a committee consisting of two members of the Senate be appointed by the President of the Senate to notify the Governor that the Senate is organized and ready to conduct business.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8600.

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8600, the President appointed Senators Hawkins and Palumbo to notify the Governor that the Senate is organized and ready to conduct business.

On motion of Senator Fain, the proposed standing committee assignments were adopted:

2017 SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture, Water, Trade & Economic Development

Warnick, Chair
Hawkins, Vice Chair
Chase, Ranking Minority Member
Wellman, Assistant Ranking Minority Member
 Brown
 Dansel
 Honeyford
 McCoy
 Pearson
 Takko
 Van De Wege

Commerce, Labor & Sports

Baumgartner, Chair;
Braun, Vice Chair;
Keiser; Ranking Minority Member
 Conway
 Hasegawa
 King
 Rossi
 Saldaña
 Wilson

Early Learning & K-12 Education

Zeiger, Chair
Fain, Vice Chair
Rolfes, Ranking Minority Member
 Billig
 Mullet
 Rivers
 Warnick

Energy, Environment & Telecommunications

Ericksen, Chair
Sheldon, Vice Chair
Carlyle, Ranking Minority Member
 Brown
 Dansel
 Hobbs
 Honeyford
 Ranker
 Wellman

Financial Institutions & Insurance

Angel, Chair
Ericksen, Vice Chair
Mullet, Ranking Minority Member
 Fain
 Fortunato
 Hobbs
 Kuderer

Health Care

Rivers, Chair
Becker, Vice Chair
Cleveland, Ranking Minority Member
Kuderer, Assistant Ranking Minority Member
 Bailey
 Baumgartner
 Conway
 Fain

Keiser
 Miloscia
 Mullet
 O'Ban
 Walsh

Higher Education

Wilson, Chair
Bailey, Vice Chair
Palumbo, Ranking Minority Member
 Baumgartner
 Frockt

Human Services, Mental Health & Housing

O'Ban, Chair
Miloscia, Vice Chair
Darneille, Ranking Minority Member
 Carlyle
 Hunt
 Padden
 Walsh

Law and Justice

Padden, Chair
O'Ban, Vice Chair
Pedersen, Ranking Minority Member
 Angel
 Darneille
 Frockt
 Wilson

Local Government

Dansel, Chair
Angel, Vice Chair
Takko, Ranking Minority Member
 Angel
 Palumbo
 Sheldon

Natural Resources & Parks

Pearson, Chair
Hawkins, Vice Chair
Van De Wege, Ranking Minority Member
 Fortunato
 McCoy

Rules

Lieutenant Governor, Chair
 Bailey
 Becker
 Billig
 Braun
 Chase
 Cleveland
 Ericksen
 Fain
 Hasegawa
 Honeyford
 King
 Liias
 McCoy
 Miloscia
 Nelson
 O'Ban
 Pearson

Rivers
Schoesler
Sheldon

BERNARD DEAN, Chief Clerk

MOTION

State Government

Miloscia, Chair
Zeiger, Vice Chair
Hunt, Ranking Minority Member
Kuderer
Pearson

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

INTRODUCTION AND FIRST READING

Transportation

King, Chair
Sheldon, Vice Chair
Hobbs, Ranking Minority Member
Liiias, Assistant Ranking Minority Member
Baumgartner
Cleveland
Ericksen
Fortunato
Hawkins
O'Ban
Saldaña
Takko
Van De Wege
Walsh
Wilson

SB 5000 by Senators McCoy, Hunt and Chase
AN ACT Relating to the use of deadly force by law enforcement and corrections officers; amending RCW 9A.16.040; and creating a new section.

Referred to Committee on Law & Justice.

SB 5001 by Senators O'Ban, Angel, Miloscia, Becker, Padden, Honeyford, King and Fortunato
AN ACT Relating to the election and authority of regional transit authority board members; amending RCW 81.112.010 and 81.112.030; adding a new section to chapter 81.112 RCW; creating a new section; repealing RCW 81.112.040; and providing an effective date.

Referred to Committee on Transportation.

Ways & Means

Braun, Chair
Brown, Vice Chair
Rossi, Vice Chair
Honeyford, Vice Chair Capital Budget
Ranker, Ranking Minority Member
Rolfes, Assistant Ranking Minority Member, Operating
Frockt, Assistant Ranking Minority Member, Capital

SB 5002 by Senator Honeyford
AN ACT Relating to requiring certain water banks to replace leased water rights provided for mitigation with water rights that will be permanently available; and adding a new section to chapter 90.42 RCW.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

Budget

Bailey
Becker
Billig
Carlyle
Conway
Darneille
Fain
Hasegawa
Keiser
Miloscia
Padden
Pedersen
Rivers
Schoesler
Warnick
Zeiger

SB 5003 by Senators Honeyford and Warnick
AN ACT Relating to clarifying the authority of the department of ecology regarding minimum flows; amending RCW 90.54.020, 90.22.010, and 90.22.030; adding a new section to chapter 90.54 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5004 by Senators Honeyford, Takko and Warnick
AN ACT Relating to outdoor burning of organic waste derived from pruning by commercial berry growers; amending RCW 70.94.6514, 70.94.6524, and 70.94.6528; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401,
and the same is herewith transmitted.

SB 5005 by Senators Padden, Takko and Warnick

AN ACT Relating to identifying certain water rights held by municipal water suppliers as water rights available for municipal water supply purposes; amending RCW 90.03.560; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5006 by Senators Keiser, King, Hunt, Wellman and Rolfes

AN ACT Relating to allowing beer and/or wine specialty shop licensees to sell products made by distillers that

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produce sixty thousand gallons or less of spirits per year; reenacting and amending RCW 66.24.371; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5007 by Senators Angel and Mullet

AN ACT Relating to surplus line broker licensing; and amending RCW 48.15.070 and 48.15.073.

Referred to Committee on Financial Institutions & Insurance.

SB 5008 by Senators King, Hunt, Sheldon, Hobbs, Mullet and Warnick

AN ACT Relating to facilitating compliance with the federal REAL ID act by modifying driver's license and identicaid design and fees; amending RCW 46.20.202; adding a new section to chapter 46.20 RCW; and repealing RCW 43.41.390 and 46.20.191.

Referred to Committee on Transportation.

SB 5009 by Senators Ericksen and Sheldon

AN ACT Relating to offenses involving economic disruption; amending RCW 9.94A.753; adding a new section to chapter 9A.84 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5010 by Senator Warnick

AN ACT Relating to promoting water conservation by protecting certain water rights from relinquishment; amending RCW 90.14.140 and 90.14.140; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5011 by Senators Pedersen, Padden, Frockt, Fain and Kuderer

AN ACT Relating to the business corporation act; amending RCW 23B.12.010, 23B.12.020, 23B.07.050, 23B.13.020, 23B.07.300, 23B.07.320, 23B.11.040, and 23B.19.020; reenacting and amending RCW 23B.01.400; adding a new section to chapter 23B.02 RCW; and adding a new chapter to Title 23B RCW.

Referred to Committee on Law & Justice.

SB 5012 by Senators Pedersen, Padden, Frockt, Fain, Mullet and Kuderer

AN ACT Relating to the distribution of a Washington trust's assets to another trust; and adding a new chapter to Title 11 RCW.

Referred to Committee on Law & Justice.

SB 5013 by Senators Warnick and Hobbs

AN ACT Relating to the disposition of tenant property placed upon the nearest public property; and amending RCW 59.18.312.

Referred to Committee on Financial Institutions & Insurance.

SB 5014 by Senators Pearson, Hobbs and Chase

AN ACT Relating to calculating the benchmark rate for certain community residential services; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Health Care.

SB 5015 by Senators Warnick and Hobbs

AN ACT Relating to unlawful detainer actions for at-will tenancies; and adding a new section to chapter 59.12 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5016 by Senators Hobbs, Rivers and Warnick

AN ACT Relating to deficiency claims after auction of a private property vehicle impound; and amending RCW 46.55.140.

Referred to Committee on Transportation.

SB 5017 by Senators Bailey, Wilson and Conway

AN ACT Relating to providing student loan information to students; and adding a new section to chapter 28B.92 RCW.

Referred to Committee on Higher Education.

SB 5018 by Senators Hasegawa and Kuderer

AN ACT Relating to authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

SB 5019 by Senators Hasegawa, Palumbo, Hunt, Keiser, Pedersen, Conway, Wellman, Rolfes and Frockt

AN ACT Relating to prepaid postage for primary and general election ballots; amending RCW 29A.04.420 and 29A.40.091; and creating a new section.

Referred to Committee on State Government.

SB 5020 by Senators Hasegawa, Hunt, Keiser and Chase

AN ACT Relating to certain state ethnic and cultural diversity commissions; amending RCW 43.113.030 and 43.117.070; and repealing RCW 43.131.342.

Referred to Committee on State Government.

SB 5021 by Senators O'Ban, Frockt, Schoesler, Darneille, Nelson, Pearson, Rolfes, Conway, Sheldon, Fortunato, Fain, Hasegawa and Kuderer

AN ACT Relating to pro bono legal services for military service members, veterans, and their families; and adding new sections to chapter 43.10 RCW.

Referred to Committee on Law & Justice.

SB 5022 by Senators Bailey, Rolfes, Lias, Keiser, Conway, Wellman, Hasegawa, Mullet, Frockt and Kuderer

AN ACT Relating to providing information to students about education loans; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 5023 by Senators Wellman, Rolfes, Nelson, McCoy, Carlyle, Frockt, Palumbo, Lias, Billig, Hunt, Keiser, Pedersen, Conway, Saldaña, Darneille, Hasegawa, Chase, Mullet and Kuderer

AN ACT Relating to delaying implementation of revisions to the school levy lid; amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing expiration dates.

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

SB 5024 by Senators McCoy, Hasegawa, Chase, Lias, Rolfes, Cleveland, Wellman, Frockt, Pedersen, Keiser and Kuderer

AN ACT Relating to groundwater supply availability in areas with ground and surface water interaction; amending RCW 19.27.097, 58.17.110, and 90.42.110; adding a new section to chapter 36.70 RCW; adding a new section to chapter 90.44 RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5025 by Senators Miloscia, Walsh, O'Ban, Darneille, Cleveland, King, Keiser, Pedersen, Frockt, Lias, Hunt, Chase and Kuderer

AN ACT Relating to protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products; amending RCW 26.28.080, 70.155.005, 70.155.010, 70.345.010, 70.155.020, 70.345.070, 70.345.100, 70.155.030, 70.345.160, 70.155.110, and 70.155.120; and providing an effective date.

Referred to Committee on Health Care.

SJM 8000 by Senators Takko, Nelson, Billig, Conway, Hunt, Ranker, Frockt, Rolfes, Wellman, Hobbs, Van De Wege, Palumbo, Keiser, Darneille, Rivers, Miloscia and Kuderer

Asking congress to call a limited convention, authorized under Article V of the United States Constitution, for the purpose of proposing a free and fair elections amendment to that Constitution.

Referred to Committee on State Government.

SJM 8001 by Senators Hasegawa, Hunt and Keiser

Calling on Congress to exercise its authority under Article V of the United States Constitution to regulate money spent on elections.

Referred to Committee on State Government.

SJR 8200 by Senator Baumgartner

Amending the Constitution to provide for a system of publicly funded schools.

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8400 by Senators Schoesler and Nelson

Establishing cutoff dates for the consideration of legislation during the 2017 regular session of the sixty-fifth legislature.

HCR 4401 by Representatives Sullivan, Kretz and Sawyer

Calling a Joint Session of the Legislature.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8400 and House Concurrent Resolution No. 4401, which were placed on the day's second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Schoesler and Nelson

Establishing cutoff dates for the consideration of legislation during the 2017 regular session of the sixty-fifth legislature.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8400.

Senator Fain spoke in favor of adoption of the resolution.

SENATE CONCURRENT RESOLUTION NO. 8400 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Sullivan, Kretz and Sawyer

Calling a Joint Session of the Legislature.

The measure was read the second time.

MOTION

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On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4401.

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

Senator Fain spoke in favor of adoption of the resolution.

Ladies and Gentlemen:

HOUSE CONCURRENT RESOLUTION NO. 4401 having received a majority was adopted by voice vote.

I am returning herewith, without my approval, Engrossed Senate Bill No. 6166 entitled:

MOTION

"AN ACT Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act."

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

This bill would allow electricity produced by new capital investments in older biomass facilities to be fully eligible as renewable energy under Initiative 937, the Energy Independence Act.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504

I appreciate the intent of this bill to encourage owners to make capital improvements that increase the efficiency and use of renewable energy at older biomass facilities. However, the bill would undermine investments in renewable energy previously made by others.

MR. PRESIDENT:

I respectfully transmit for your consideration the following measures which were vetoed by the Governor, along with his objections to the bills, as required by Article III, section 12, of the Washington State Constitution:

I remain open to changes in our renewable energy standards that encourage new investments and new technologies, without displacing current investments.

For these reasons I have vetoed Engrossed Senate Bill No. 6166 in its entirety

Respectfully submitted,
/s/Jay Inslee, Governor

SSB 6117 Relating to notice against trespass.
ESB 6166 Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act.

MESSAGE FROM THE GOVERNOR

VETO ON SUBSTITUTE SENATE BILL No. 6329

April 1, 2016

SSB 6329 Relating to creating the parent to parent program for individuals with developmental disabilities.

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

Ladies and Gentlemen:

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 5th day of April, 2016.

/s/KIM WYMAN, Secretary of State

(Seal)

I am returning herewith, without my approval, Substitute Senate Bill No. 6329 entitled:

"AN ACT Relating to creating the parent to parent program for individuals with developmental disabilities."

MESSAGE FROM THE GOVERNOR
VETO ON SUBSTITUTE SENATE BILL No. 6117

April 1, 2016

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

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6117 entitled:

"AN ACT Relating to notice against trespass."

I don't believe this bill is necessary to achieve the ends it hopes to accomplish and encourage the stakeholders work together to develop other alternatives.

For these reasons I have vetoed Substitute Senate Bill No. 6117 in its entirety.

I fully support the intent of this legislation, including the establishment of this program in state statute and provision of certain activities through a contracted agency, dependent on funding provided for that purpose. However, this bill is identical in its substantive provisions with the House companion bill, House Bill 2394, creating the parent to parent program for individuals with developmental disabilities. I have previously signed House Bill 2394 into law, thereby making the provisions of this bill duplicative and unnecessary.

For these reasons I have vetoed Substitute Senate Bill No. 6329 in its entirety

Respectfully submitted,
/s/Jay Inslee, Governor

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL No. 6166

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill 5778

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 1st day of April, 2016.

/s/KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF SUBSTITUTE SENATE BILL No. 5778

March 31, 2016

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 7, Substitute Senate Bill No. 5778 entitled:

"AN ACT Relating to ambulatory surgical facilities."

Section 7 is a fiscal null and void clause, but this bill does not have a fiscal impact. Therefore the clause is not necessary.

For these reasons I have vetoed Section 7 of Substitute Senate Bill No. 5778. With the exception of section 7, Substitute Senate Bill No. 5778 is approved.

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Second Substitute Senate Bill No. 6242
Engrossed Substitute Senate Bill No. 6248
Substitute Senate Bill No. 6523
Engrossed Substitute Senate Bill No. 6528

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 5th day of April, 2016.

/s/KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF ENGROSSED SECOND SUBSTITUTE
SENATE BILL No. 6242

April 1, 2016

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Engrossed Second Substitute Senate Bill No. 6242 entitled:

"AN ACT Relating to the indeterminate sentence review board."

I am vetoing the emergency clause provision in this bill. To properly implement this legislation, the Indeterminate Sentence Review Board (ISRB) needs time to hire and train additional staff, update and create new forms, and notify offenders of the bill requirements. I expect that during this implementation process, the ISRB will continue to work closely with prosecutors and victims to improve transparency and notification.

For these reasons I have vetoed Section 3 of Engrossed Second Substitute Senate Bill No. 6242. With the exception of Section 3, Engrossed Second Substitute Senate Bill No. 6242 is approved.

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF ENGROSSED SUBSTITUTE SENATE
BILL No. 6248

April 1, 2016

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Engrossed Substitute Senate Bill No. 6248 entitled:

"AN ACT Relating to risk mitigation plans to promote the transition of eligible coal units."

Section 3 of the bill prohibits the Utilities and Transportation Commission (UTC) from authorizing the use of retirement account funds if the electrical company proposes a closure or retirement date before December 31, 2022, subject to certain exceptions. This section inappropriately changes the long-standing definition of how the commission determines whether utility investment and expenses are prudent. It unnecessarily interferes with the market and with UTC's role in determining how best to protect the ratepayers of Washington-owned utilities.

For these reasons I have vetoed Section 3 of Engrossed Substitute Senate Bill No. 6248. With the exception of Section 3, Engrossed Substitute Senate Bill No. 6248 is approved.

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF SUBSTITUTE SENATE BILL No. 6523

April 1, 2016

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Substitute Senate Bill No. 6523 entitled:

"AN ACT Relating to service credit for pension purposes for certain emergency medical services employees."

The first section of this bill is not necessary for the implementation of the bill, and it raises facts that are inconsistent with the remainder of the bill. This may cause confusion and make the statute less clear.

For these reasons I have vetoed Section 1 of Substitute Senate Bill No. 6523.

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With the exception of Section 1, Substitute Senate Bill No. 6523 is approved.

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF ENGROSSED SUBSTITUTE SENATE
BILL No. 6528

April 1, 2016

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

Ladies and Gentlemen :

I am returning herewith, without my approval as to Section 1, Engrossed Substitute Senate Bill No. 6528 entitled:

"AN ACT Relating to promoting economic development through protection of information technology resources."

Section 1 is an intent section that is not necessary for the policy implementation of the bill. It does, however, contain language that may create unintended liability for the state.

For these reasons I have vetoed Section 1 of Engrossed Substitute Senate Bill No. 6528.

With the exception of Section 1, Engrossed Substitute Senate Bill No. 6528 is approved.

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Substitute Senate Bill No. 6656

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 21st day of April, 2016.

/s/KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR
PARTIAL VETO OF ENGROSSED SUBSTITUTE SENATE
BILL No. 6656

April 19, 2016

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

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2, 7, 9, and 12, Engrossed Substitute Senate Bill No. 6656 entitled:

"AN ACT Relating to the reform of practices at state hospitals."

Section 2 refers to the creation of a transition plan for changing the current financing structure for civil bed utilization. While I

agree a transition plan is needed, I would prefer to use the consultant's recommendations to inform the development of the plan. The consultant is funded in the Office of Financial Management's (OFM) budget. I will charge OFM to work with the Department of Social and Health Services (DSHS) and the consultant to address the requirements of this section and report back to me and the Select Committee on Quality Improvement in State Hospitals by November 2016.

Section 7 creates rules for how funds from the Governor's Behavioral Health Innovation Fund can be used. While I agree with many of the categories for funding, I am concerned that funding cannot be used for compensation increases for hospital personnel; a critical tool in increasing staffing at the state hospitals. As a result, I have vetoed Section 7.

Section 9 requires DSHS to assure that several policies are implemented, subject to the availability of funding. This section is effective in July of 2016. While I agree with many of the policies stipulated in the bill, this section requires implementation of policies that have not had the full benefit of the recommendations made by the consultants called for in section 5. In addition, provisions that require a plan to use all the funding appropriated for Enhanced Services Facilities is duplicative of the requirements of Section 11. For these reasons, I have vetoed Section 9.

Section 12 requires the Office of Financial Management to create a job class for Advanced Registered Nurse Practitioners (ARNP) and Physician Assistants (PA) to allow them to work at the top of their practice. While I agree that allowing ARNPs and other mid-level professionals to practice in our hospitals should be an important part of the state's strategy to address workforce shortages, the requirement to create the job class is not consistent with the process provided in law for creation of classified positions. I have therefore vetoed Section 12.

For these reasons I have vetoed Sections 2, 7, 9, and 12 of Engrossed Substitute Senate Bill No. 6656.

With the exception of Sections 2, 7, 9, and 12, Engrossed Substitute Senate Bill No. 6656 is approved.

Respectfully submitted,
/s/Jay Inslee, Governor

MESSAGE FROM THE STATE OFFICERS

January 9, 2017

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

Ladies and Gentleman:

For your information, the following reports have been submitted by various agencies, departments, and taskforces and received by the Office of the Secretary of the Senate since the close of the previous session.

Joint Legislative Executive Committee on Aging and Disability Issues - "2016 Final Report", in accordance with Engrossed Substitute Senate Bill No. 6052;

Department of Agriculture - "Pesticide Management Division 2015 Report", pursuant to 15.58.420 RCW; "Implementation of Nutrient Management Training Program for Farmers", in accordance with Engrossed Substitute Senate Bill No. 6052; "Electronic Cattle Transaction Reporting System, 2016 Report", pursuant to 16.57.450 RCW;

Washington State Building Council - "Washington State Energy Code, Progress toward 2030", pursuant to 19.27A.160 RCW;

Caseload Forecast Council - "Racial and Ethnic Impact Statements", in accordance with Second Engrossed Substitute House Bill No. 2376;

Department of Commerce - "Financial Fraud and Identity Theft Investigation and Prosecution Program" pursuant to 43.330.300 RCW;

Department of Commerce - "Criminal Penalty Fees", in accordance with Engrossed Substitute House Bill No. 1291; "Civilian-Military Land Use Study", in accordance with Second Engrossed Substitute House Bill No. 2376; "Developmental Disabilities Ombuds Program", in accordance with Engrossed Second Substitute Senate Bill No. 6564; "Achieving a Better Life Experience (ABLE)", in accordance with Engrossed Substitute House Bill No. 2323; "Associate Development Organizations, 2015-2016 Report", pursuant to 43.330.082 RCW; "Jobs Act for K-12 Public Schools and Higher Education Institutions, 2016 Report", in accordance with Engrossed Substitute House Bill No. 2836; "Local Infrastructure Financing Tool Program (LIFT)", pursuant to 39.102 RCW; "Staff Safety, 2016 Report pursuant to 72.09.680 RCW;

Department of Corrections - "Extraordinary Medical Placement Report for 2015", in pursuant to 72.09.620 RCW;

Department of Ecology - "Model Toxics Control Accounts Ten-Year Financing Report 2016", in pursuant to 70.105D.030 RCW; "Voluntary Cleanup Program", pursuant to 70.105D.030 RCW; "Dredged Material Management Program Review", in accordance with House Bill No. 2376; "Cleanup Settlement Account, Annual Report for 2016 Fiscal Year", pursuant to 70.105D.130 RCW; "Greenhouse Gas Emissions Inventory Report 2010-2013", pursuant to 70.235.020 RCW; "E-Cycle Washington: Use of Existing Infrastructure for Collection of Electronics", pursuant to 70.95.290 RCW; "2016 Columbia River Basin Long-Term Water Supply and Demand Forecast", pursuant to 90.90.040 RCW; "Status of Developing Model Remedies" pursuant to 70.105D.030 RCW;

Department Employment Security - "Training Benefits Program Report, 2016" pursuant to 50.22.157 RCW; "WorkFrist Wage Progression and Returns Report: through third quarter 2015", in pursuant to 74.08A.411 RCW;

Department of Enterprise Services - "Jobs Act for K-12 Public Schools and Higher Education Institutions, 2016 Report", in accordance with Engrossed Substitute House Bill No. 2836; "Washington State Energy Code, Progress toward 2030", pursuant to 19.27A.160 RCW;

Office of Financial Management - "Audit Resolution, 2016 Report", pursuant to 43.88.160 RCW;

Department of Fish and Wildlife - "Washington Animal Trafficking Act Report", pursuant to 77.15.135 RCW; "Fish Barrier Removal Board - Progress Report", pursuant to House Bill No. 2251; "Use of Renewable Biofertilizers", in accordance with House Bill No. 2380;

GET Committee - "Future Options for the Washington Advanced College Tuition Program: Impacts of the College Affordability Program", pursuant to 28B.95.045 RCW;

Governor's Interagency Council on Health Disparities - "State Action Plan to Eliminate Health Disparities, 2016 Update", pursuant to 43.20.270 RCW;

Health Benefit Exchange - "Financial Report for August 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Strategic Plan 2016-17", in accordance with Second Engrossed Senate Bill No. 6089 "Detailed Salaries, Finances, and Expenditures Report for 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for July 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for June 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for May 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Per Member Per Month Expenditures Quarterly Update - June 2016", in accordance with Second Engrossed Senate Bill No.

6089; "Financial Report for April 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for March 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Five-Year Spending Plan", in accordance with Second Engrossed Senate Bill No. 6089; "Financial Report for February 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for January 2016", in accordance with Engrossed Substitute Senate Bill No. 6052; "Strategic Plan", in accordance with Second Engrossed Senate Bill No. 6089; "Annual Grace Period Report: Subsidized Qualified Health Plan Enrollees, 2015 Report", in accordance with 48.43.039 RCW; "Financial Report for December 2015", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for November 2015", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for October 2015", in accordance with Engrossed Substitute Senate Bill No. 6052; "Financial Report for September 2015", in accordance with Engrossed Substitute Senate Bill No. 6052; "Annual Grace Period Report: Subsidized Qualified Health Plan Enrollees, 2014 Report", pursuant to 48.43.039 RCW; "Financing the Washington From the From the Health Benefit Exchange", in accordance with Senate Bill No. 5445;

Health Care Authority - "Medicaid Fraud, Waste, and Abuse Program", in accordance with Engrossed Substitute Senate Bill No. 6052; "SmartHealth Effectiveness", in accordance with Second Engrossed Substitute House Bill No. 2376; "SmartHealth Effectiveness, January - June 2016", in accordance with Second Engrossed Substitute House Bill No. 2376; "Child Health Services: Provider Performance", in accordance with Engrossed Substitute House Bill No. 2128 74.09.480 RCW; "Holding Managed Care Rates at Calendar Year 2016 Level", in accordance with Second Engrossed Substitute House Bill No. 2376; "Comparison of Federally Qualified Health Centers and Rural Health Clinics to Uniform Medical Plan Rates", in accordance with Second Engrossed Substitute House Bill No. 2376; "Medicaid Managed Care Preventive Services and Vaccinations", in accordance with Second Engrossed Substitute House Bill No. 2376; "PEBB Annual Report of Customer Service Complaints and Appeals, 2016 Report", pursuant to 41.05.630 RCW; "Bleeding Disorder Collaborative for Care", in accordance with Engrossed Substitute Senate Bill No. 6052; "PEBB Health Benefit Plan: Cost and Utilization, Trends, Demographics, and Impacts of Alternative Consumer-Directed Health Plan", pursuant to 41.05.065 RCW; "Proportion of Non-Participating Providers Serving Apple Health Enrollees", pursuant to 74.09.522 RCW; "Medicaid Dental Prior Authorization", in accordance with 74.09 RCW; "Home Health Nursing", in accordance with Second Engrossed Substitute House Bill No. 2376; "Reimbursement for Births Performed at Birth Centers", in accordance with Second Engrossed Substitute House Bill No. 2376; "Inpatient Hospital Certified Public Expenditure Program", in accordance with Senate Bill No. 6052; "Employment Status of Apple Health Care Clients and Non-Client Individuals with Dependents Who Are Apple Health Care Clients, 2016 Report", in accordance with Engrossed Substitute House Bill No. 3079; "Employment Status of Apple Health Care Clients, Statewide Data for 2016, Part A", in accordance with Engrossed Substitute House Bill No. 3079; "Employment Status of Apple Health Care Clients, Statewide Data for 2016, Part B", in accordance with Engrossed Substitute House Bill No. 3079;

Washington State Health Insurance Pool -, "Annual Report for 2015 pursuant to 48.41.240 RCW;

Department of Health -"Hospital Survey/Audit Customer Satisfaction Survey, September 2014 - August 2015", in accordance with Senate Bill No. 6485; "Mental Health Providers'

FIRST DAY, JANUARY 9, 2017

2017 REGULAR SESSION

Associate's License Renewals, 2016 Report", pursuant to 18.225.800 RCW; "Newborn Screening Program, 2015 Report", pursuant to 70.83.080 RCW; "Uniform Disciplinary Act Biennial Report for 2013-15 pursuant to 18.130.310 RCW; "Medical Marijuana Authorization Database Implementation Cost", in accordance with Second Substitute Senate Bill No. 5052; "Family Medical Residency Programs" in accordance with House Bill No. 1485; "A Plan to Rebuild and Modernize Washington's Public Health System", in accordance with Second Engrossed Substitute House Bill No. 2376; "Alternative training options for home care aides and medical assistants", pursuant to 18.88A.087 RCW; "Biotoxin Fee Letter", in accordance with Senate Bill No. 5169 77.32.555 RCW;

Office of the Insurance Commissioner - "K-12 School District Health Benefits and Data Collection Project, Year 4 Report", pursuant to 48.02.210 RCW;

Department of Labor and Industries - "Claim Resolution Structured Settlements", pursuant to 51.04.069 RCW; "Improving Integrity and Accountability in the Workers' Compensation System, 2015 Report", pursuant to 43.22.331 RCW;

Department of Licensing - "Tribal Fuel Tax Agreement, 2015 Report", pursuant to 82.38.310 RCW; "Facial Recognition Matching System Annual Report", pursuant to 46.20.0371 RCW; "Liquid Natural Gas/Compressed Natural Gas Recommendations", in accordance with Engrossed Substitute Senate Bill No. 6440; "Special License Plate Annual Report", pursuant to 46.18.060 RCW;

Task Force on Mental Health and Suicide Prevention in Higher Education - "Mental Health & Suicide Prevention in Higher Education", in accordance with House Bill No. 1138;

Office of Minority and Women's Business Enterprises - "Annual Report, Fiscal Year 2015", pursuant to 39.19.030 RCW;

Department of Natural Resources - "Dairy Biofertilizer and Fiber", in accordance with Engrossed Substitute House Bill No. 2380; "Aerial Contractors for Fire Suppression", in accordance with Second Engrossed Substitute House Bill No. 2376; "Dredged Material Management Program Review", in accordance with House Bill No. 2376;

Washington State Parks and Recreation Commission - "John Wayne Pioneer Trail Noxious Weed Treatment and Vegetation Management", in accordance with Second Engrossed Substitute House Bill No. 2376;

Pollution Liability Insurance Agency - "Underground Storage Tank Loan and Grant Program, 2016 Report", pursuant to 70.340 RCW;

Office of the Superintendent of Public Instruction - "Science, Technology, Engineering, and Mathematics (STEM) Pilot Project Grant Program", in accordance with Engrossed Substitute House Bill No. 2380;

Public Works Board - "Public Works Board Recommended Construction Loan List", pursuant to 43.155.070 RCW;

Department of Social & Health Services - "Workplace Safety in State Hospitals, September 2016 Report", pursuant to 72.23.451 RCW; "Individual Provider Overtime Quarterly Expenditures", in accordance with Engrossed Second Substitute House Bill No. 1725; "WorkFirst Maintenance of Effort and Work Participation Rates, October - December 2015", in accordance with Second Engrossed Substitute House Bill No. 2376; "BHO/Early Adopter Integration of Behavioral Health, April 1, 2016-May 31, 2016", in accordance with Second Engrossed Substitute House Bill No. 2376; "Foster and Adoptive Home Placement Annual Report for 2015", pursuant to 74.13.031 RCW; "Timeliness of Services Related to Competency to Proceed or Stand Trial - 2015 Annual Report", in accordance with

Substitute Senate Bill No. 6492; "WorkFirst Monitoring Report, State Fiscal Year 2016, as of March 31, 2016", pursuant to 74.08A.341 RCW; "Behavioral Health Organizations Rate Setting", in accordance with Engrossed Substitute Senate Bill No. 6052; "Individual Provider Overtime Spending Plan", in accordance with Engrossed Second Substitute House Bill No. 1725; "Naturalization Services - 2015 Report", in accordance with Engrossed Substitute Senate Bill No. 6052;

Department of Social & Health Services - "Child Fatality Report, January - March 2016", pursuant to 74.13.640 RCW; "Racial Disproportionality and Disparity in Washington State, 2015 Report", pursuant to 74.13.096 RCW; "Refugee and Immigrant Employment Services: Limited English Proficiency (LEP) and Basic Food Employment and Training (BFET)", in accordance with Engrossed Substitute Senate Bill No. 6052; "Parole Services for High-Risk Juvenile Offenders, 2015 Report", pursuant to 13.40.212 RCW; "WorkFirst Wage Progression and Returns Report, January - March 2015", pursuant to 74.08A.411 RCW; "Expansion of the Basic Food Employment and Training Program", pursuant to 74.04.535 RCW; "WorkFirst Monitoring Report, April 1 - June 30, 2015", pursuant to 74.08A.341 RCW; "WorkFirst Monitoring Report, October 1 - December 31, 2015", pursuant to 74.08A.341 RCW; "WorkFirst Monitoring Report, July 1 - September 30, 2015", pursuant to 74.08A.341 RCW; "Blended Funding Report for 2015", pursuant to 74.14A.060 RCW;

Student Achievement Council - "Strategic Action Plan, 2017-19", pursuant to 28B.77.020 RCW; "Future Options for the Washington Advanced College Tuition Program: Impacts of the College Affordability Program", pursuant to 28B.95.045 RCW;

Department of Transportation - "Toll Division Proviso Report, April - June 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Traffic Operations Low Cost Enhancement Program, 2013-15 Biennium Report", in accordance with Engrossed Substitute House Bill No. 2524; "Toll Division Proviso Report, January - March 2016", in accordance with Second Engrossed Substitute House Bill No. 1299; "Fund Transfers Report, April - June 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Capital Projects and Nickel/TPA Projects Quarterly Reports - 2015-17 Biennium Quarter 4", in accordance with Second Engrossed Substitute House Bill No. 1299; "Semi-annual Practical Design Savings Report, June 2016", pursuant to 47.01.480 RCW; "Fund Transfers Report, January - March 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Fund Transfers Report (Nickel and TPA Accounts), January - March 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Capital Projects and Nickel/TPA Projects Quarterly Reports - 2015-17 Biennium Quarter 3", in accordance with Second Engrossed Substitute House Bill No. 1299; "Implementing Practical Design Connecting Washington Project Title and Scope Changes", pursuant to 47.01.480 RCW; "Regional Mobility Grant Program, 2017-2019 Recommended Projects", pursuant to 47.66.030 RCW; "Streamlining the environmental review of highway transportation projects", in accordance with Second Engrossed Substitute Senate Bill No. 5994; "Toll Division Proviso Report, July - September 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Fund Transfers Report, July - September 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Fund Transfers Report (Nickel and TPA Accounts), July - September 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Capital Projects Benefits to Transit, Bicycle, or Pedestrian Elements", in accordance with Engrossed Substitute House Bill No. 2524; "Connecting Washington LEAP Report 2016", in accordance with Engrossed Substitute House

Bill No. 2524; "Capital Projects and Nickel/TPA Projects Quarterly Reports, 2015-17 Biennium Quarter 5", in accordance with Second Engrossed Substitute House Bill No. 1299; "Freight Rail Assistance Program/Freight Rail Investment Bank Project Lists for 2017-2019", in accordance with Engrossed Substitute House Bill No. 2524; "Bicycle and Pedestrian Project Funding Recommendations", in accordance with Engrossed Substitute House Bill No. 2524; "Out-of-Boundary Transit Study", in accordance with Engrossed Substitute House Bill No. 2524; "I-405 Express Toll Lanes Nine Month Update, April - June 2016", in accordance with Engrossed Substitute House Bill No. 2524; "Transit Integration Report, Transit Coordination Grants, and Summary of Public Transportation System Coordination", pursuant to 35.58.2796 RCW; "Pedestrian and Bicycle and Safe Routes to School Programs, 2017 Prioritized Project List and Program Update", in accordance with Engrossed Substitute House Bill No. 2524; "2016 Prioritized Freight Project List", in accordance with House Bill No. 2524; "2016 Freight Rail Investment Bank (FRIB) Report", in accordance with House Bill No. 1299; "Transit Mobility 2016 Report", pursuant to 47.01.330 RCW; "Practical Design Savings, Semiannual Report", pursuant to 47.01.480 RCW; "Diesel Fuel Price Hedging 2016 Report", pursuant to 47.60.830 RCW;

Joint Legislative Task Force on the Use of Deadly Force in Community Policing - "Final Report to the Legislature and the

Governor", in accordance with Engrossed Substitute House Bill No. 2908;

Washington Health Plan Finder - "Washington State Health Benefit Exchange Report to the Legislature" in accordance with Second Engrossed Senate Bill No. 6089.

Respectfully Submitted,
Hunter G. Goodman
Secretary of the Senate
Washington State Senate

MOTION

On motion of Senator Fain, the vetoes and partial vetoes by the Governor were held at the desk without objection.

MOTION

At 2:13 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock p.m. Monday, January 10, 2017.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SECOND DAY

NOON SESSION

Senate Chamber, Olympia
 Tuesday, January 10, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Owen presiding. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5026 by Senators Hobbs and Rivers

AN ACT Relating to commercial transportation services freight deliverers; and amending RCW 48.177.005.

Referred to Committee on Transportation.

SB 5027 by Senators McCoy and Rolfes

AN ACT Relating to distributed generation; amending RCW 82.16.120, 82.16.130, 82.08.962, 82.08.963, 82.12.962, and 82.12.963; adding new sections to chapter 82.16 RCW; adding a new section to chapter 70.95N RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5028 by Senators McCoy and Billig

AN ACT Relating to requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements; amending RCW 28B.10.710; and creating a new section.

Referred to Committee on Higher Education.

SB 5029 by Senators Padden, Darneille, Hasegawa, Pearson, Pedersen, Miloscia, Frockt and Rolfes

AN ACT Relating to no-contact orders for human trafficking and promoting prostitution-related offenses; reenacting and amending RCW 26.50.110; adding new sections to chapter 9A.40 RCW; adding new sections to chapter 9A.88 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5030 by Senators Darneille, Fain, Hasegawa and Miloscia

AN ACT Relating to human trafficking, prostitution, and commercial sexual abuse of a minor; amending RCW 9A.04.080, 9.68A.100, 9.68A.101, and 9A.88.060; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5031 by Senators Angel and Mullet

AN ACT Relating to licensing and enforcement provisions applicable to money transmitters and currency exchanges under the uniform money services act; amending RCW 19.230.010, 19.230.020, 19.230.030, 19.230.040, 19.230.050, 19.230.070, 19.230.100, 19.230.110, 19.230.130, 19.230.140, 19.230.150, 19.230.152, 19.230.180, 19.230.200, 19.230.210, 19.230.250, 19.230.290, 19.230.320, and 19.230.330; adding new sections to chapter 19.230 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

MOTION

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

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 11, 2017.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 11, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Owen presiding. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Hobbs and Keiser.

The Sergeant at Arms Color Guard consisting of Pages Miss Alyssa Simmons and Benjamin Stebbins, presented the Colors. The prayer was offered by Senator Kirk Pearson, 39th Legislative District, Monroe.

MOTION

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

MOTION

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

MOTION

On motion of Senator Saldaña, Senators Hobbs and Keiser were excused.

MOTION

Senator Fain moved adoption of the following resolution:

**SENATE RESOLUTION
8602**

By Senator Fain

BE IT RESOLVED, That the Rules of the Senate for the 2015 Regular Session of the 64th Legislature, as amended in the 2015 Regular Session and the 2016 Regular Session, be adopted as amended as the Rules of the Senate for the 2017 Regular Session of the 65th Legislature, to read as follows:

**PERMANENT RULES
OF THE
SENATE
SIXTY-FIFTH LEGISLATURE
2017**

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- Rule 1** Duties of the President
- Rule 2** President Pro Tempore
- Rule 3** Secretary of the Senate
- Rule 4** Sergeant at Arms
- Rule 5** Subordinate Officers
- Rule 6** Employees
- Rule 7** Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses - Facilities and Operations
- Rule 9** Use of Senate Chambers

- Rule 10** Admission to the Senate
- Rule 11** ENGROSSED Printing of Bills
- Rule 12** Furnishing Full File of Bills
- Rule 13** Regulation of Lobbyists
- Rule 14** Security Management

SECTION III - RULES AND ORDER

- Rule 15** Time of Convening
- Rule 16** Quorum
- Rule 17** Order of Business
- Rule 18** Special Order
- Rule 19** Unfinished Business
- Rule 20** Motions and Senate Floor Resolutions (How Presented)
- Rule 21** Precedence of Motions
- Rule 22** Voting
- Rule 23** Announcement of Vote
- Rule 24** Call of the Senate
- Rule 25** One Subject in a Bill
- Rule 26** No Amendment by Mere Reference to Title of Act
- Rule 27** Reading of Papers
- Rule 28** Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate
- Rule 30** Recognition by the President
- Rule 31** Call for Division of a Question
- Rule 32** Point of Order - Decision Appealable
- Rule 33** Question of Privilege
- Rule 34** Protests
- Rule 35** Suspension of Rules
- Rule 36** Previous Question
- Rule 37** Reconsideration
- Rule 38** Motion to adjourn
- Rule 39** Yeas and Nays - When Must be Taken
- Rule 40** Reed's Parliamentary Rules

SECTION V - COMMITTEES

- Rule 41** Committees - Appointment and Confirmation
- Rule 42** Subcommittees
- Rule 43** Subpoena Power
- Rule 44** Duties of Committees
- Rule 45** Committee Rules
- Rule 46** Committee Meetings During Sessions
- Rule 47** Reading of Reports
- Rule 48** Recalling Bills from Committees
- Rule 49** Bills Referred to Rules Committee
- Rule 50** Rules Committee
- Rule 51** Employment Committee
- Rule 52** Committee of the Whole
- Rule 53** Appropriation Budget Bills

**SECTION VI - BILLS, RESOLUTIONS, MEMORIALS
AND GUBERNATORIAL APPOINTMENTS**

- Rule 54** Definitions
- Rule 55** Prefiling
- Rule 56** Introduction of Bills
- Rule 57** Amendatory Bills
- Rule 58** Joint Resolutions and Memorials
- Rule 59** Senate Concurrent Resolutions
- Rule 60** Committee Bills

- Rule 61** Committee Reference
- Rule 62** Reading of Bills
- Rule 63** First Reading
- Rule 64** Second Reading/Amendments
- Rule 65** Third Reading
- Rule 66** Scope and Object of Bill Not to be Changed
- Rule 67** Matter Related to Disagreement Between the Senate and House
- Rule 68** Bills Committed for Special Amendment
- Rule 69** Confirmation of Gubernatorial Appointees

SECTION I
OFFICERS-MEMBERS-EMPLOYEES
Duties of the President

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing, and this prohibition shall be enforced in the same manner as any other breach of order and decorum.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the

lieutenant governor's absence. The president pro tempore shall serve as the vice chair of the committee on rules. The senate shall also elect a vice president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

3. A "majority caucus" is a caucus whose members constitute a majority of the senate and may include members from different political caucuses. The establishment of a majority caucus is evidenced by a majority of the members of the senate demonstrating the intent to caucus together and to lead the senate. Those members not part of the majority caucus constitute the minority caucus or caucuses.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The director of senate security shall perform the functions of the sergeant at arms for the senate.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. Food and drink are prohibited within the senate chamber during floor session, except that members may drink water at their floor desks. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the facilities and operations committee. The chair of the majority caucus shall be the chair of the facilities and operations committee. The operation of the senate shall transfer to the newly designated members after the reorganization caucuses of the senate or at any time after the reorganization caucuses if a different caucus becomes the majority caucus.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,
Members of the house of representatives,
State elected officials,
Officers and authorized employees of the legislature,
Honored guests being presented to the senate,
Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,
Representatives of the press,
Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III RULES AND ORDER Time of Convening

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees.
- SECOND. Reports of select committees.
- THIRD. Messages from the governor and other state officers.
- FOURTH. Messages from the house of representatives.
- FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
- SIXTH. Second reading of bills.
- SEVENTH. Third reading of bills.
- EIGHTH. Presentation of petitions, memorials and floor resolutions.
- NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the measure that was before the senate when consideration of the special order was commenced.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

Motions and Senate Floor Resolutions

(How Presented)

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall

be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. The senate shall consider no more than one floor resolution per day in session: Provided, That this rule shall not apply to floor resolutions essential to the operation of the senate; and further Provided, That there shall be no limit on the number of floor resolutions considered on senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. Members' names shall only be added to the resolution if the member signs the resolution. Members shall have until thirty minutes after the senate is convened the following day the senate is in a regular or pro forma session to add their names to the floor resolution. A motion may be made to close the period for signatures at an earlier time.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

- Adjourn, recess, or go at ease
- Reconsider
- Demand for call of the senate
- Demand for roll call
- Demand for division
- Question of privilege
- Orders of the day

INCIDENTAL MOTIONS

- Points of order and appeal
- Method of consideration
- Suspend the rules
- Reading papers
- Withdraw a motion
- Division of a question

SUBSIDIARY MOTIONS

- 1st Rank: To lay on the table
- 2nd Rank: For the previous question
- 3rd Rank: To postpone to a day certain
To commit or recommit
To postpone indefinitely
- 4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

8. If a member of the majority is going to be absent due to a health matter or other emergency, then a member of the minority may publicly announce on the floor of the senate that he or she will cast votes as he or she believes the absent member would have voted in order to avoid results that would only occur because of the unanticipated absence.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not

apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV PARLIAMENTARY PROCEDURE Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than ~~((three))~~ two minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration. (See also Reed's Rule 214).

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. 1. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the president stand as the judgment of the senate?"

2. When a member appeals the decision of the presiding officer, the presiding officer may not preside over the appeal.

3. An appeal from the decision of the presiding officer is timely if brought before the body on the day the decision was made unless the decision affected a measure that is no longer in possession of the senate.

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question or discuss the subject of any vote taken by the body or any legislative matter that may have been introduced or considered during the legislative session in such explanations, nor shall any question of personal privilege permit

any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude

consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

**SECTION V
COMMITTEES**

Committees - Appointment and Confirmation

Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

| Standing Committee | Total Membership |
|---|-----------------------------------|
| 1. (Accountability & Reform) | 5 |
| 2.) Agriculture, Water, Trade & (Rural) Economic Development | ((5)) 11 |
| (3-) 2. Commerce (&), Labor & Sports | ((7)) 9 |
| (4-) 3. Early Learning & K-12 Education..... | ((9)) 7 |
| (5-) 4. Energy, Environment & Telecommunications | 9 |
| (6-) 5. Financial Institutions & Insurance..... | ((9)) 7 |
| (7- Government Operations & Security) | 7 |
| 8-) 6. Health Care | 13 |
| (9-) 7. Higher Education..... | ((7)) 5 |
| (10-) 8. Human Services, Mental Health & Housing .. | ((5)) 7 |
| (11-) 9. Law & Justice..... | 7 |
| (12-) 10. Local Government..... | 5 |
| 11. Natural Resources & Parks..... | ((7)) 5 |
| (13-) 12. Rules..... | 20 (plus the Lieutenant Governor) |
| (14- Trade & Economic Development) | 7 |
| 15-) 13. State Government..... | 5 |
| 14. Transportation..... | 15 |
| (16-) 15. Ways & Means | 23 |

Subcommittees

Rule 42. Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to

study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed

standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or
- d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, subject to the limitation of subsection 12 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. Unless the signatory of a minority report expressly indicates a "do not pass" recommendation, the member's vote shall be deemed to be "without recommendation." In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature, this rule may be suspended by a majority vote.

12. When a standing committee is operated by cochairs, the committee may not vote upon any measure or appointment without the consent of each cochair.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The president pro tempore shall be a voting member and the vice chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the operating budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.

SECTION VI BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions, and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution, or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution, or joint memorial is to be introduced.

Provided that a vote has not been taken on final passage of a bill, joint resolution, or joint memorial, a member may add his or her name as a cosponsor until 2:00 p.m. of the day of its introduction. For any bill, joint resolution, or joint memorial that has been prefiled for a regular session, a member has until 2:00 p.m. of the day following introduction to add his or her name as a cosponsor.

To be considered during a regular session, a bill must be introduced at least ten days before final adjournment of the legislature, unless the legislature directs otherwise by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated

"NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

When statutes are being repealed, the Revised Code of Washington section number to be repealed, the section caption and the session law history, from the most current to the original, shall be cited.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62, 63, and 64.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

- FIRST: A standing committee.
SECOND: A select committee.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. Except for bills that (~~create a new tax~~) raise taxes as provided in Rule 64, on and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote. (See also Rule 59 and Rule 64).

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 5.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading: Provided, That any bill that (~~creates a new tax shall require~~) raises taxes requires the affirmative vote of two-thirds of the senators elected or appointed to advance to third reading, unless the bill contains a referendum clause.

"Raises taxes" means increasing state tax revenue deposited in any fund, budget, or account.

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A proposed amendment to an unamended title-only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title.

Matters Related to Disagreement Between the Senate and House

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

- To concur
To non-concur
To recede
To insist
To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for

original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

A motion to concur with an amendment or amendments that ~~((create a new tax))~~ raise taxes requires the affirmative vote of two-thirds of the senators elected or appointed unless the bill contains a referendum clause.

"Raises taxes" means increasing state tax revenue deposited in any fund, budget, or account.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the secretary of the senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

MOTION

Senator Baumgartner moved that the following floor amendment no. 1 by Senator Baumgartner be adopted:

On page 5, line 27, after "as the" strike "vice" and insert "((vice))"

On page 5, line 30, after "tempore." insert "The vice president3pro tempore shall serve as the vice chair of the committee on rules."

On page 19, line 37, strike "(plus the Lieutenant Governor)" and5insert "(((plus the Lieutenant Governor)))"

On page 24, line 4, after "The" strike "lieutenant governor" and7insert "(((lieutenant governor))) president pro tempore"

On page 24, line 5, after "The" insert "vice"

Senators Baumgartner, Fain and Ericksen spoke in favor of adoption of the amendment.

Senator Hasegawa spoke against adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, it is my understanding, from observation, that the Lieutenant Governor has the ability to pull bills and vote in the Rules committee? Has that not been past practice?"

Mr. President: "That is correct Senator."

The President declared the question before the Senate to be the adoption of floor amendment no. 1 by Senator Baumgartner on page 5, after line 27 to Senate Resolution No. 8602.

The motion by Senator Baumgartner did not carry and floor amendment no. 1 was not adopted on rising vote.

MOTION

Senator Billig moved that the following floor amendment no. 2 by Senator Billig be adopted:

On page 5, line 27, after "as the" strike "vice" and insert "((vice))"

On page 5, line 30, after "tempore." insert "The vice president pro tempore shall serve as the vice chair of the committee on rules."

On page 19, line 37, strike "(plus the Lieutenant Governor)" and insert "(((plus the Lieutenant Governor)))"

On page 24, line 4, after "The" strike "lieutenant governor" and insert "(((lieutenant governor))) president pro tempore"

On page 24, line 5, after "The" insert "vice"

Senators Billig, Rolfes and Pedersen spoke in favor of adoption of the amendment.

Senators Ericksen, Schoesler and Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 2 by Senator Billig on page 28, line 29 to Senate Resolution No. 8602.

The motion by Senator Billig did not carry and floor amendment no. 2 was not adopted by voice vote.

Senators Angel and Dassel spoke in favor of adoption of the resolution.

Senators Liias, Darneille and Takko spoke against adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8602.

The motion by Senator Fain carried and Senate Resolution No. 8602 was adopted by voice vote.

MOTION

On motion of Senator Fain, and without objection, the Senate affirmed its actions confirming the appointments of members to standing committees on January 9, 2017, and referring bills to standing committees on January 9 and 10, 2017.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5032 by Senators Keiser, Pedersen, Rolfes, Conway, Darneille, Hasegawa, Cleveland, Hunt, Chase, Ranker, McCoy, Hobbs, Nelson, Billig, Frockt and Palumbo
AN ACT Relating to implementing family and medical leave insurance; amending RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.160, 49.86.170, 49.86.180, and 49.86.210; reenacting and amending RCW 43.79A.040, 50.29.021, and 34.05.328; adding new sections to chapter 49.86 RCW; creating a new section; repealing RCW 49.86.100; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5033 by Senators Keiser, Honeyford, Frockt, Warnick, Conway and Palumbo
AN ACT Relating to financing essential public infrastructure; amending RCW 43.155.020, 43.155.040, 43.155.060, 43.155.065, 43.155.068, 43.155.070, 43.155.075, and 43.155.120; reenacting and amending RCW 43.155.050; adding new sections to chapter 43.155 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5034 by Senators Rivers, Takko and Dansel
AN ACT Relating to local government financial reports; and amending RCW 43.09.230.

Referred to Committee on Local Government.

SB 5035 by Senators Pedersen, Rivers, Cleveland, Becker, Keiser, Walsh, Conway, Bailey, O'Ban, Mullet, Kuderer, Darneille and Wellman
AN ACT Relating to patients' access to investigational medical products; amending RCW 69.04.570; reenacting and amending RCW 69.50.101; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care.

SB 5036 by Senators Takko and Sheldon
AN ACT Relating to clarifying the authority and procedures for unit priced contracting by public utility districts; and amending RCW 54.04.070.

Referred to Committee on Local Government.

SB 5037 by Senators Padden, Frockt, O'Ban, Darneille, Miloscia, Kuderer, Zeiger, Carlyle, Pearson, Conway, Rolfes, Palumbo, Angel and Wellman
AN ACT Relating to making a fourth driving under the influence offense a felony; amending RCW 46.61.502, 46.61.504, and 46.61.5054; reenacting and amending RCW 46.61.5055 and 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5038 by Senators Padden, Pedersen, Kuderer, Darneille, Frockt and Angel
AN ACT Relating to disclosures regarding incentivized evidence and testimony; and adding new sections to chapter 10.58 RCW.

Referred to Committee on Law & Justice.

SB 5039 by Senators Pedersen, O'Ban, Frockt and Padden
AN ACT Relating to the uniform electronic legal material act; adding a new chapter to Title 1 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5040 by Senators Pedersen and Padden
AN ACT Relating to making revisions to the uniform business organizations code; and amending RCW 23.95.235, 23.95.255, 23.95.530, 23B.01.570, and 25.05.500.

Referred to Committee on Law & Justice.

SB 5041 by Senators Baumgartner, Bailey, Conway, Rolfes, Darneille, Zeiger, Chase and Wellman
AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Law & Justice.

SB 5042 by Senators Angel, Hobbs and Wellman
AN ACT Relating to authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies; and amending RCW 48.24.280 and 48.21.380.

Referred to Committee on Financial Institutions & Insurance.

SB 5043 by Senators Angel, Mullet and Hobbs
AN ACT Relating to collection agency transaction fees for processing electronic payments; and amending RCW 19.16.100 and 19.16.250.

Referred to Committee on Financial Institutions & Insurance.

SB 5044 by Senators Hasegawa and Chase
AN ACT Relating to the burden of proof in civil asset forfeiture hearings; and amending RCW 69.50.505.

Referred to Committee on Law & Justice.

SB 5045 by Senators Hasegawa and Chase

AN ACT Relating to the regulation of employment agencies; reenacting and amending RCW 19.31.020; adding a new section to chapter 19.31 RCW; and repealing RCW 19.31.030, 19.31.040, 19.31.050, 19.31.060, 19.31.070, 19.31.080, 19.31.090, 19.31.100, 19.31.110, 19.31.120, 19.31.130, 19.31.140, 19.31.150, 19.31.160, 19.31.170, 19.31.180, 19.31.190, 19.31.210, 19.31.220, 19.31.230, 19.31.240, 19.31.245, 19.31.250, 19.31.260, 19.31.270, 19.31.900, and 19.31.910.

Referred to Committee on Commerce, Labor & Sports.

SB 5046 by Senators Hasegawa, Chase, Darneille and Rolfes

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; amending RCW 38.52.070; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Local Government.

SB 5047 by Senators Braun and Ranker

AN ACT Relating to fiscal matters; amending 2016 1st sp.s. c 36 ss 112, 113, 114, 117, 118, 120, 121, 124, 125, 127, 128, 130, 131, 132, 134, 135, 136, 137, 139, 141, 143, 147, 148, 149, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 511, 512, 513, 516, 517, 602, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 615, 617, 701, 706, 801, and 804 (uncodified); amending 2015 3rd sp.s. c 4 ss 108, 125, 506, 703, and 710 (uncodified); adding new sections to 2015 3rd sp.s. c 4 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5048 by Senators Braun and Ranker

AN ACT Relating to fiscal matters; amending RCW 28B.15.067, 36.70A.725, 38.52.540, 41.26.450, 43.08.190, 43.09.475, 43.43.839, 43.101.200, 43.320.110, 70.105D.070, 70.119A.120, 71.24.580, 77.12.203, 79.64.040, 79.64.110, 79.105.150, 82.19.040, 82.19.040, and 86.26.007; amending 2013 2nd sp.s. c 15 s 8 (uncodified); amending 2015 c 15 ss 8 and 9 (uncodified); reenacting and amending RCW 43.155.050; creating new sections; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5049 by Senator King

AN ACT Relating to relocation assistance following real property acquisition; and amending RCW 8.26.010.

Referred to Committee on Transportation.

SB 5050 by Senators Frockt, Ranker, Kuderer, Wellman, Saldaña, Lias, Darneille, Chase and Cleveland

AN ACT Relating to assault weapons and large capacity magazines; amending RCW 9.41.010; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law & Justice.

SB 5051 by Senators Brown, Warnick, Honeyford, Becker and Schoesler

AN ACT Relating to nondefault termination provisions in state land leases for agricultural or grazing purposes; and adding a new section to chapter 79.13 RCW.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5052 by Senators Dansel and Palumbo

AN ACT Relating to modifying the penalty amount for certain left lane driving; amending RCW 46.61.100; and prescribing penalties.

Referred to Committee on Transportation.

SB 5053 by Senators Dansel, Darneille, Mullet and Palumbo

AN ACT Relating to adjusting the maximum speed limit for certain segments of Interstate 90; and amending RCW 46.61.400 and 46.61.405.

Referred to Committee on Transportation.

SB 5054 by Senators Dansel, Darneille and Rolfes

AN ACT Relating to student transportation safety; and amending RCW 28A.160.010, 28A.160.195, and 46.37.630.

Referred to Committee on Transportation.

SB 5055 by Senator Dansel

AN ACT Relating to proceedings of the joint administrative rules review committee; and amending RCW 34.05.655 and 34.05.640.

Referred to Committee on State Government.

SB 5056 by Senator Dansel

AN ACT Relating to modifying limitations on new evidence taken on judicial review of administrative actions; and amending RCW 34.05.562.

Referred to Committee on State Government.

SB 5057 by Senator Dansel

AN ACT Relating to the removal of an adjudicative proceeding to the office of administrative hearings; and amending RCW 34.05.413.

Referred to Committee on State Government.

SB 5058 by Senator Dansel

AN ACT Relating to the payment of interim attorneys' fees to nongovernment parties under certain claims; and amending RCW 4.84.010.

Referred to Committee on Law & Justice.

SB 5059 by Senators O'Ban, Fortunato, Rivers, Miloscia, Brown, Warnick, Honeyford and Padden

AN ACT Relating to motor vehicle property offenses; amending RCW 9.94A.525; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5060 by Senators O'Ban, Conway and Wellman

AN ACT Relating to the number of adult family homes permitted in residential neighborhoods; and amending RCW 70.128.007 and 70.128.040.

Referred to Committee on Health Care.

SB 5061 by Senators O'Ban, Pedersen, Fortunato, Sheldon, Miloscia, Zeiger, Wilson, Warnick, Becker, Brown and Rolfes

AN ACT Relating to military service credit for members of the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Ways & Means.

SB 5062 by Senators Hunt and Dansel

AN ACT Relating to extending the period for which a bond levy may be increased; amending RCW 84.55.050; and creating a new section.

Referred to Committee on Local Government.

SB 5063 by Senators Fain and Palumbo

AN ACT Relating to clarifying the taxation of pet adoption fees; amending RCW 82.04.040 and 82.04.190; and creating new sections.

Referred to Committee on Ways & Means.

SB 5064 by Senators Fain, Rolfes, Rivers, Pedersen, Ranker, Mullet, Billig, Becker, Braun, King, Darneille, Chase, Carlyle and Palumbo

AN ACT Relating to the freedom of expression rights of students at public schools and institutions of higher education; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

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

SB 5065 by Senators Miloscia and Zeiger

AN ACT Relating to government performance and accountability; amending RCW 43.17.385, 43.17.390, 43.41.100, 43.41.270, 43.88.005, 43.88.030, 43.88.090, 43.88C.010, 43.88C.020, 43.09.440, 43.09.470, 46.68.290, 47.04.280, 47.60.140, 70.94.551, and 2.56.200; reenacting and amending RCW 43.88.160 and 44.04.260; adding a new section to chapter 43.88 RCW; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 43 RCW; creating a new section; and repealing RCW 43.17.380.

Referred to Committee on State Government.

SB 5066 by Senators Miloscia, Rivers, Zeiger, Rossi, Fortunato, Bailey, O'Ban, Honeyford, Sheldon, Brown, Schoesler, Padden and Angel

AN ACT Relating to improving state budgeting through zero-based budget reviews; adding a new section to chapter 43.88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

SB 5067 by Senator Miloscia

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020 and 29A.76.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government.

SB 5068 by Senators Miloscia, Rivers, Schoesler, Honeyford and Padden

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections in cities, towns, code cities, and counties; amending RCW 35.18.020, 35.23.850, 35A.12.180, 36.32.050, and 36.32.0556; and creating a new section.

Referred to Committee on State Government.

SB 5069 by Senators Walsh, Frockt, O'Ban, Zeiger, Chase, Hasegawa, Conway and Palumbo

AN ACT Relating to providing associate degree education to enhance education opportunities and public safety; amending RCW 72.09.460 and 72.09.465; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5070 by Senators Rivers, Mullet, Braun, Hobbs and Rolfes

AN ACT Relating to paraeducators; amending RCW 28A.630.400, 28A.150.203, 28A.410.062, and 28B.50.891; adding a new section to chapter 28A.410 RCW; and creating new sections.

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

SB 5071 by Senators Keiser, Rivers, Conway, Cleveland, Bailey and Hasegawa

AN ACT Relating to family medicine residency application criteria; and amending RCW 70.112.060.

Referred to Committee on Health Care.

SB 5072 by Senators Keiser, Rivers, Conway, Cleveland, Saldaña, Bailey, Hasegawa and Wellman

AN ACT Relating to graduate medical education; and amending RCW 70.112.020.

Referred to Committee on Health Care.

SB 5073 by Senators Frockt, McCoy, Pedersen, Hasegawa, Darneille, Chase, Hunt and Wellman

AN ACT Relating to recommendations from the joint legislative task force on the use of deadly force in community policing; amending RCW 9A.16.040 and

43.101.410; adding new sections to chapter 36.28A RCW; adding new sections to chapter 43.10 RCW; adding new sections to chapter 43.101 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SB 5074 by Senators Frockt, Hasegawa, Carlyle, McCoy, Rolfes, Mullet and Palumbo

AN ACT Relating to aligning eligibility for the college bound scholarship program with the state need grant program; and amending RCW 28B.118.010.

Referred to Committee on Higher Education.

SB 5075 by Senators Takko and Warnick

AN ACT Relating to dispute resolution between seed buyers and dealers; amending RCW 15.49.071 and 15.49.091; and repealing RCW 15.49.081, 15.49.101, and 15.49.111.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5076 by Senators Mullet, Darneille, Pedersen, Frockt, Carlyle, Liias, McCoy, Billig, Nelson, Wellman, Conway, Palumbo and Hunt

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SJM 8002 by Senators Hasegawa, Chase, Conway, Palumbo and Wellman

Requesting that Congress enact legislation that would reinstate the separation of commercial and investment banking functions that were in effect under the Glass-Steagall act.

Referred to Committee on Financial Institutions & Insurance.

SJR 8201 by Senators Keiser, Honeyford, Frockt, Conway and Palumbo

Amending the Constitution to allow the state to guarantee debt issued to local governments for infrastructure projects.

Referred to Committee on Ways & Means.

SJR 8202 by Senators Mullet, Darneille, Pedersen, Frockt, Carlyle, Liias, McCoy, Billig, Nelson, Wellman, Conway, Palumbo and Hunt

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5069 which was originally designated to the Committee on Higher Education and referred to the Committee on Law & Justice; Senate Bill No. 5071 which had been designated to the

Committee on Natural Resources and Parks and referred to the Committee on Health Care; and Senate Bill No. 5072 which had been designated to Energy, Environment & Telecommunications and was referred to the Committee on Health Care.

MOTION

At 11:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of convening a Joint Session with the House of Representatives pursuant to House Concurrent Resolution No. 4401.

The Senate proceeded to the House of Representatives.

JOINT SESSION

Pursuant to House Concurrent Resolution 4401, the Speaker of the House of Representatives, Representative Frank Chopp, called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of the Senate members. The Speaker declared a quorum of the Legislature was present.

Mr. Speaker: "The first purpose of this Joint Session is to comply with the constitutional requirement of canvassing the vote for and against referenda and initiatives and for the constitutional elective officers."

MESSAGE FROM THE SECRETARY OF STATE

December 7, 2016

The Honorable Frank Chopp
Speaker of the House of Representatives
P.O. Box 40600
Olympia, WA 98504-0600

Dear Speaker Chopp:

The returns of the November 8, 2016 General Election have been certified. My office certifies the results for statewide measures, federal offices, statewide offices and any legislative or judicial office that crosses county lines. Legislative and judicial offices located entirely within one county were certified by the county canvassing board of that county on November 29, 2016.

Enclosed, please find copies of the measures and races certified by my office, as well as a list of all new representatives.

Please feel free to contact my office if you have any questions.

Sincerely,
/s/ Kim Wyman
Secretary of State

Canvass of the Returns of the General Election Held on November 8, 2016

I, Kim Wyman, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.240, I have canvassed the returns of the 3,363,440 votes cast for candidates in the November 8, 2016 General Election by the registered voters of the state for all federal and statewide

offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors, and that the votes cast for these measures and these candidates for office are as follows:

Initiative Measure No. 1433

Initiative Measure No. 1433 concerns labor standards. This measure would increase the state minimum wage to \$11.00 in 2017, \$11.50 in 2018, \$12.00 in 2019, and \$13.50 in 2020, require employers to provide paid sick leave, and adopt related laws.

| | |
|-----|-----------|
| Yes | 1,848,583 |
| No | 1,370,907 |

Initiative Measure No. 1464

Initiative Measure No. 1464 concerns campaign finance laws and lobbyists. This measure would create a campaign-finance system; allow residents to direct state funds to candidates; repeal the non-resident sales-tax exemption; restrict lobbying employment by certain former public employees; and add enforcement requirements.

| | |
|-----|-----------|
| Yes | 1,415,798 |
| No | 1,642,784 |

Initiative Measure No. 1491

Initiative Measure No. 1491 concerns court-issued extreme risk protection orders temporarily preventing access to firearms. This measure would allow police, family, or household members to obtain court orders temporarily preventing firearms access by persons exhibiting mental illness, violent or other behavior indicating they may harm themselves or others.

| | |
|-----|-----------|
| Yes | 2,234,799 |
| No | 985,658 |

Initiative Measure No. 1501

Initiative Measure No. 1501 concerns seniors and vulnerable individuals. This measure would increase the penalties for criminal identity theft and civil consumer fraud targeted at seniors or vulnerable individuals; and exempt certain information of vulnerable individuals and in-home caregivers from public disclosure.

| | |
|-----|-----------|
| Yes | 2,247,906 |
| No | 934,365 |

Initiative Measure No. 732

Initiative Measure No. 732 concerns taxes. This measure would impose a carbon emission tax on certain fossil fuels and fossil-fuel-generated electricity, reduce the sales tax by one percentage point and increase a low-income exemption, and reduce certain manufacturing taxes.

| | |
|-----|-----------|
| Yes | 1,265,123 |
| No | 1,839,414 |

Initiative Measure No. 735

Initiative Measure No. 735 concerns a proposed amendment to the federal constitution. This measure would urge the Washington state congressional delegation to propose a federal constitutional amendment that constitutional rights belong only to individuals, not corporations, and constitutionally - protected free speech excludes the spending of money.

| | |
|-----|-----------|
| Yes | 1,923,489 |
| No | 1,138,453 |

**Advisory Vote No. 14
House Bill 2768**

The legislature extended, without a vote of the people, the insurance premium tax to some insurance for stand-alone family dental plans, costing an indeterminate amount in the first ten years, for government spending.

| | |
|------------|-----------|
| Repealed | 2,038,321 |
| Maintained | 909,701 |

**Advisory Vote No. 15
Second Engrossed Substitute House Bill 2778**

The legislature imposed, without a vote of the people, certain limitations on the retail sales and use tax exemptions for clean alternative-fuel vehicles, costing \$2,000,000 in the first ten years, for government spending.

| | |
|------------|-----------|
| Repealed | 1,754,489 |
| Maintained | 1,174,345 |

Senate Joint Resolution No. 8210

The legislature has proposed a constitutional amendment on the deadline for completing state legislative and congressional redistricting. This amendment would require the state redistricting

commission to complete redistricting for state legislative and congressional districts by November 15 of each year ending in a one, 46 days earlier than currently required.

| | |
|----------|-----------|
| Approved | 2,246,030 |
| Rejected | 658,927 |

| Ballot Name | Party Preference | Votes |
|---|--|--------------|
| United States President/ Vice President | | |
| Hillary Clinton/ Tim Kaane | Democratic Party Nominees | 1,742,718 |
| Donald J. Trump/ Michael R. Pence | Republican Party Nominees | 1,221,747 |
| Alyson Kennedy/ Osborne Hart | Socialist Workers Party Nominees | 4,307 |
| Gloria Estela La Riva/ Eugene Puryear | Socialism & Liberation Party Nominees | 3,523 |
| Jill Stein/ Ajamu Baraka | Green Party Nominees | 58,417 |
| Darrell L. Castle/ Scott N. Bradley | Constitution Party Nominees | 17,623 |
| Gary Johnson/ Bill Weld | Libertarian Party Nominees | 160,879 |
| Write-ins | | 107,805 |
| United States Senator | | |
| Patty Murray | (Prefers Democratic Party) | 1,913,979 |
| Chris Vance | (Prefers Republican Party) | 1,329,338 |
| Congressional District 1 U.S. Representative | | |
| Suzan DelBene | (Prefers Democratic Party) | 193,619 |
| Robert J. Sutherland | (Prefers Republican Party) | 155,779 |
| Congressional District 2 U.S. Representative | | |
| Rick Larsen | (Prefers Democratic Party) | 208,314 |
| Marc Hennemann | (Prefers Republican Party) | 117,094 |
| Congressional District 3 U.S. Representative | | |
| Jaime Herrera Beutler | (Prefers Republican Party) | 193,457 |
| Jim Moeller | (Prefers Democratic Party) | 119,820 |
| Congressional District 4 U.S. Representative | | |

| | | |
|--|----------------------------|-----------|
| Dan Newhouse | (Prefers Republican Party) | 132,517 |
| Clint Didier | (Prefers Democratic Party) | 97,402 |
| Congressional District 5 U.S. Representative | | |
| Cathy McMorris-Rodgers | (Prefers Republican Party) | 192,959 |
| Joe Pakootas | (Prefers Democratic Party) | 130,575 |
| Congressional District 6 U.S. Representative | | |
| Derek Kilmer | (Prefers Democratic Party) | 201,718 |
| Todd A. Bloom | (Prefers Republican Party) | 126,116 |
| Congressional District 7 U.S. Representative | | |
| Pramila Jayapal | (Prefers Democratic Party) | 212,010 |
| Brady Pinero | (Prefers Democratic Party) | 166,744 |
| Walkinshaw | | |
| Congressional District 8 U.S. Representative | | |
| Dave Reichert | (Prefers Republican Party) | 193,145 |
| Tony Ventrella | (Prefers Democratic Party) | 127,720 |
| Congressional District 9 U.S. Representative | | |
| Adam Smith | (Prefers Democratic Party) | 205,165 |
| Doug Basler | (Prefers Republican Party) | 76,317 |
| Congressional District 10 U.S. Representative | | |
| Denny Heck | (Prefers Democratic Party) | 170,460 |
| Jim Postma | (Prefers Republican Party) | 120,104 |
| Washington State Governor | | |
| Jay Inslee | (Prefers Democratic Party) | 1,760,520 |
| Bill Bryant | (Prefers Republican Party) | 1,476,346 |
| Write-ins | | 8,416 |
| Washington State Lt. Governor | | |
| Cyrus Habib | (Prefers Democratic Party) | 1,698,297 |
| Marty McClendon | (Prefers Republican Party) | 1,424,277 |
| Washington State Secretary of State | | |
| Kim Wyman | (Prefers Republican Party) | 1,713,004 |
| Tina Podlodowski | (Prefers Democratic Party) | 1,416,299 |
| Washington State Treasurer | | |
| Duane Davidson | (Prefers Republican Party) | 1,576,580 |
| Michael Waite | (Prefers Republican Party) | 1,134,843 |
| Washington State Auditor | | |
| Mark Miloscia | (Prefers Republican Party) | 1,455,771 |
| Pat (Patrice) McCarthy | (Prefers Democratic Party) | 1,597,011 |
| Washington State Attorney General | | |
| Bob Ferguson | (Prefers Democratic Party) | 2,000,804 |
| Joshua B. Trumbull | | 979,105 |
| Washington State Commissioner of Public Lands | | |
| Steve McLaughlin | (Prefers Republican Party) | 1,436,817 |
| Hilary Franz | (Prefers Democratic Party) | 1,630,369 |
| Washington State Superintendent of Public Instruction | | |
| Erin Jones | Nonpartisan | 1,309,896 |
| Chris Reykdal | Nonpartisan | 1,337,547 |
| Washington State Insurance Commissioner | | |
| Mike Kreidler | (Prefers Democratic Party) | 1,763,134 |

| | | |
|--|---------------------------------|-----------|
| Richard Schrock | (Prefers Republican Party) | 1,258,827 |
| Legislative District 1 State Senator | | |
| Mindie Wirth | (Prefers Republican Party) | 30,850 |
| Guy Palumbo | (Prefers Democratic Party) | 40,758 |
| Legislative District 1 State Representative Position 1 | | |
| Derek Stanford | (Prefers Democratic Party) | 43,207 |
| Neil Thannisch | (Prefers Republican Party) | 27,661 |
| Legislative District 1 State Representative Position 2 | | |
| Jim Langston | (Prefers Republican Party) | 31,739 |
| Shelley Kloba | (Prefers Democratic Party) | 39,076 |
| Legislative District 2 State Senator | | |
| Randi Becker | (Prefers Republican Party) | 36,739 |
| Marilyn Rasmussen | (Prefers Democratic Party) | 23,149 |
| Legislative District 2 State Representative Position 1 | | |
| Andrew Barkis | (Prefers Republican Party) | 34,167 |
| Amy Pivetta Hoffman | (Prefers Independent Dem Party) | 24,544 |
| Legislative District 2 State Representative Position 2 | | |
| JT Wilcox | (Prefers Republican Party) | 39,033 |
| Derek Maynes | (Prefers Democratic Party) | 20,413 |
| Legislative District 7 State Representative Position 1 | | |
| Shelly Short | (Prefers Republican Party) | 56,589 |
| Legislative District 7 State Representative Position 2 | | |
| Joel Kretz | (Prefers Republican Party) | 49,635 |
| Mike Foster | (Prefers Libertarian Party) | 14,946 |
| Legislative District 9 State Senator | | |
| Mark G. Schoesler | (Prefers G.O.P. Party) | 41,951 |
| Legislative District 9 State Representative Position 1 | | |
| Mary Dye | (Prefers Republican Party) | 35,640 |
| Jennifer Goulet | (Prefers Democratic Party) | 17,944 |
| Legislative District 9 State Representative Position 2 | | |
| Joe Schmick | (Prefers Republican Party) | 42,695 |
| Legislative District 10 State Senator | | |
| Barbara Bailey | (Prefers Republican Party) | 42,309 |
| Angie Homola | (Prefers Democratic Party) | 32,309 |
| Legislative District 10 State Representative Position 1 | | |
| Norma Smith | (Prefers Republican Party) | 48,178 |
| Michael Scott | (Prefers Libertarian Party) | 18,778 |
| Legislative District 10 State Representative Position 2 | | |
| Dave Hayes | (Prefers Republican Party) | 42,962 |
| Doris Brevoort | (Prefers Democratic Party) | 29,756 |
| Legislative District 12 State Senator | | |
| Brad Hawkins | (Prefers Republican Party) | 30,882 |
| Jon Wyss | (Prefers Republican Party) | 24,258 |
| Legislative District 12 State Representative Position 1 | | |
| Cary Condotta | (Prefers Republican Party) | 36,748 |
| Dan Maher | (Prefers Democratic Party) | 21,653 |

Legislative District 12 State Representative Position 2

| | | |
|-------------|----------------------------|--------|
| Mike Steele | (Prefers Republican Party) | 30,397 |
| Jerry Paine | (Prefers Republican Party) | 20,112 |

Legislative District 13 State Representative Position 1

| | | |
|----------|----------------------------|--------|
| Tom Dent | (Prefers Republican Party) | 41,673 |
|----------|----------------------------|--------|

Legislative District 13 State Representative Position 2

| | | |
|----------------|----------------------------|--------|
| Matt Manweller | (Prefers Republican Party) | 35,071 |
| Jordan Webb | (Prefers Democratic Party) | 14,507 |

Legislative District 14 State Senator

| | | |
|-----------------|---------------------------------|--------|
| Curtis King | (Prefers Republican Party) | 31,156 |
| Amanda Richards | (Prefers Independent GOP Party) | 19,900 |

Legislative District 14 State Representative Position 1

| | | |
|-------------------|----------------------------|--------|
| Norm Johnson | (Prefers Republican Party) | 35,787 |
| Susan Soto Palmer | (Prefers Democratic Party) | 18,393 |

Legislative District 14 State Representative Position 2

| | | |
|-------------------|----------------------------|--------|
| Gina McCabe | (Prefers Republican Party) | 36,848 |
| John (Eric) Adams | (Prefers Democratic Party) | 16,914 |

Legislative District 16 State Senator

| | | |
|---------------|----------------------------|--------|
| Maureen Walsh | (Prefers Republican Party) | 40,354 |
|---------------|----------------------------|--------|

Legislative District 16 State Representative Position 1

| | | |
|-----------------------|----------------------------|--------|
| Rebecca Francik | (Prefers Democratic Party) | 18,252 |
| William "Bill" Jenkin | (Prefers Republican Party) | 29,812 |

Legislative District 16 State Representative Position 2

| | | |
|-----------------|----------------------------|--------|
| Terry R. Nealey | (Prefers Republican Party) | 32,860 |
| Gary Downing | (Prefers Democratic Party) | 15,507 |

Legislative District 19 State Senator

| | | |
|-------------------|---------------------------------|--------|
| Dean Takko | (Prefers Democratic Party) | 30,850 |
| Sue Kuel Pederson | (Prefers Independent GOP Party) | 25,064 |

Legislative District 19 State Representative Position 1

| | | |
|----------------|----------------------------|--------|
| Jim Walsh | (Prefers Republican Party) | 28,693 |
| Teresa Purcell | (Prefers Democratic Party) | 28,134 |

Legislative District 2 State Representative Position 2

| | | |
|----------------|----------------------------|--------|
| Brian E. Blake | (Prefers Democratic Party) | 33,629 |
| Jimi O'Hagan | (Prefers Republican Party) | 22,504 |

Legislative District 20 State Senator

| | | |
|------------|----------------------------|--------|
| John Braun | (Prefers Republican Party) | 49,936 |
|------------|----------------------------|--------|

Legislative District 20 State Representative Position 1

| | | |
|----------------|---------------------|--------|
| Richard DeBolt | (Prefers GOP Party) | 47,206 |
|----------------|---------------------|--------|

Legislative District 20 State Representative Position 2

| | | |
|-----------|----------------------------|--------|
| Ed Orcutt | (Prefers Republican Party) | 49,195 |
|-----------|----------------------------|--------|

Legislative District 24 State Senator

| | | |
|-------------------|---------------------------------|--------|
| Kevin Van De Wege | (Prefers Democratic Party) | 40,808 |
| Danille Turissini | (Prefers Independent GOP Party) | 31,342 |

Legislative District 24 State Representative Position 1

| | | |
|---------------|----------------------------|--------|
| Mike Chapman | (Prefers Democratic Party) | 43,847 |
| George Vrable | (Prefers Republican Party) | 28,150 |

Legislative District 24 State Representative Position 2

| | | |
|-----------------|---------------------------------|--------|
| Steve Tharinger | (Prefers Democratic Party) | 40,704 |
| John D. Alger | (Prefers GOP/Independent Party) | 30,895 |

Legislative District 26 State Representative Position 1

| | | |
|----------------|---------------------------------|--------|
| Jesse L. Young | (Prefers Republican Party) | 39,857 |
| Larry Seaquist | (Prefers Independent Dem Party) | 30,224 |

Legislative District 26 State Representative Position 2

| | | |
|------------------|------------------------------------|--------|
| Michelle Caldier | (Prefers Republican Party) | 40,755 |
| Randy Spitzer | (Prefers Indep't Democratic Party) | 28,387 |

Legislative District 30 State Representative Position 1

| | | |
|-------------------|----------------------------|--------|
| Mike Pellicciotti | (Prefers Democratic Party) | 26,820 |
| Linda Kochmar | (Prefers Republican Party) | 22,465 |

Legislative District 30 State Representative Position 2

| | | |
|-----------------|----------------------------|--------|
| Kristine Reeves | (Prefers Democratic Party) | 25,206 |
| Teri Hickel | (Prefers Republican Party) | 24,124 |

Legislative District 31 State Representative Position 1

| | | |
|-----------------|-----------------------------|--------|
| Drew Stokesbary | (Prefers Republican Party) | 42,776 |
| John Frostad | (Prefers Libertarian Party) | 16,976 |

Legislative District 31 State Representative Position 2

| | | |
|----------------|----------------------------------|--------|
| Phil Fortunato | (Prefers Republican Party) | 36,000 |
| Lane Walthers | (Prefers Independent Dem. Party) | 26,364 |

Legislative District 32 State Representative Position 1

| | | |
|----------------|----------------------------|--------|
| Cindy Ryu | (Prefers Democratic Party) | 50,061 |
| Alvin Rutledge | (Prefers Republican Party) | 15,950 |

Legislative District 32 State Representative Position 2

| | | |
|------------------|----------------------------|--------|
| Ruth Kagi | (Prefers Democratic Party) | 47,908 |
| David D. Schirle | (Prefers Republican Party) | 18,115 |

Legislative District 35 State Representative Position 1

| | | |
|---------------|---------------------------------|--------|
| Dan Griffey | (Prefers Republican Party) | 36,235 |
| Irene Bowling | (Prefers Independent Dem Party) | 29,658 |

Legislative District 35 State Representative Position 2

| | | |
|-----------------|----------------------------------|--------|
| Drew C. MacEwen | (Prefers Republican Party) | 35,384 |
| Craig Patti | (Prefers Independent Dem. Party) | 29,888 |

Legislative District 39 State Senator

| | | |
|--------------|----------------------------|--------|
| Kirk Pearson | (Prefers Republican Party) | 50,942 |
|--------------|----------------------------|--------|

Legislative District 39 State Representative Position 1

| | | |
|-----------------|----------------------------|--------|
| Dan Kristiansen | (Prefers Republican Party) | 37,503 |
| Linda M. Wright | (Prefers Democratic Party) | 23,306 |

Legislative District 39 State Representative Position 2

| | | |
|---------------|----------------------------|--------|
| John Koster | (Prefers Republican Party) | 37,250 |
| Ronda Metcalf | (Prefers Democratic Party) | 23,854 |

Legislative District 40 State Senator

Kevin Ranker (Prefers Democratic Party) 47,108
 Daniel R. Miller (Prefers Republican Party) 23,081

Legislative District 40 State Representative Position 1

Kristine Lytton (Prefers Democratic Party) 53,429

Legislative District 40 State Representative Position 2

Jeff Morris (Prefers Democratic Party) 52,376

Supreme Court Justice Position 1

Mary Yu Nonpartisan 1,577,495
 David DeWolf Nonpartisan 1,174,263

Supreme Court Justice Position 5

Barbara Madsen Nonpartisan 1,679,786
 Greg Zempel Nonpartisan 1,031,698

Supreme Court Justice Position 6

Charles (Charlie) Wiggins Nonpartisan 1,535,554
 Dave Larson Nonpartisan 1,135,285

Court of Appeals, Division 2, District 3 Judge Position 2

Jill M. Johanson Nonpartisan 211,205

Court of Appeals, Division 3, District 2 Judge Position 1

George Fearing Nonpartisan 86,411
 Patrick McBurney Nonpartisan 74,813

Court of Appeals, Division 3, District 3 Judge Position 1

Rebecca Pennell Nonpartisan 106,059

Asotin, Columbia, Garfield Superior Court Judge Position 1

Scott D. Gallina Nonpartisan 10,406

Benton, Franklin Superior Court Judge Position 1

Bruce A. Spanner Nonpartisan 75,587

Benton, Franklin Superior Court Judge Position 2

Joe Burrowes Nonpartisan 48,499
 Sam Swanberg Nonpartisan 43,603

Benton, Franklin Superior Court Judge Position 3

Alexander Carl Nonpartisan 49,528
 Ekstrom
 Alicia Marie Berry Nonpartisan 41,433

Benton, Franklin Superior Court Judge Position 4

Cameron Mitchell Nonpartisan 78,206

Benton, Franklin Superior Court Judge Position 5

Vic L. Nonpartisan 75,928
 VanderSchoor

Benton, Franklin Superior Court Judge Position 6

Carrie Runge Nonpartisan 75,210

Benton, Franklin Superior Court Judge Position 7

Jackie Shea Brown Nonpartisan 75,697

Ferry, Pend Oreille, Stevens Superior Court Judge Position 1

Patrick A. Nonpartisan 21,247
 Monasmith
 C. Olivia Irwin Nonpartisan 7,477

Ferry, Pend Oreille, Stevens Superior Court Judge Position 2

Jessica (Taylor) Nonpartisan 17,459
 Reeves
 Terry L. Williams 11,324

Klickitat, Skamania Superior Court Judge Position 1

Randall Krog Nonpartisan 10,035

Pacific, Wahkiakum Superior Court Judge Position 1

Douglas E. Goelz Nonpartisan 5,743
 Michael S. Turner Nonpartisan 5,666

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the State of Washington on this 7th day of December 2016, at Olympia, the State Capital.

/s/ Kim Wyman
 Secretary of State

Mr. Speaker: "In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the State of Washington:"

| | |
|----------------|--------------------------------------|
| Jay Inslee | Governor |
| Cyrus Habib | Lieutenant Governor |
| Kim Wyman | Secretary of State |
| Duane Davidson | State Treasurer |
| Pat McCarthy | State Auditor |
| Bob Ferguson | Attorney General |
| Chris Reykdal | Superintendent of Public Instruction |
| Mike Kreidler | Insurance Commissioner |
| Hilary Franz | Commissioner of Public Lands |

The Speaker and the President of the Senate signed the Certificates of Election for the duly elected constitutional officers.

SPEAKER'S REMARKS

Mr. Speaker: "Brad Owen got his start right here when he was elected to the State House of Representatives in 1976. He moved over to the Senate in 1983 and in 1996 the people of our state elected him Lieutenant Governor. 1976 to 2016 is a long time to serve our state. That's forty years Brad, including twenty of holding the gavel in the Senate keeping Senators on task at hand. A life of service like that isn't easy. The hours are long and the personalities can be challenging, should we say. So as you retire from public life, I want to thank you Brad, not just for the things you've accomplished for the people of this state, but particularly for the young people around out state. We thank you for dedicating your career to this noble endeavor we call democracy. And thank you for your kindness, your wisdom, and particularly your friendship."

On behalf of the people of the State of Washington and the Legislature, the Speaker presented the President with a commissioned gift of glass art created by Ms. Kim Merriman in gratitude for and recognition of his public service

The Speaker called upon President of the Senate, Lt. Governor Brad Owen, to preside over the Joint Session.

REMARKS BY THE PRESIDENT

President Owen: “Thank you Mr. Speaker. Thank you very much for your kind remarks but most importantly for your kindness to me over the years that I served here and being willing to work with me on many different things. I appreciate it very much. I appreciate all of you who are serving this great state of ours. It is an incredible privilege and I am just going to remind you of something and particularly the new members that I always like to say that if I ever start to feel like this is just a job, your office is just an office, that you come into this magnificent chamber, when nobody else is here, and you sit and you just look around. And it will exemplify the magnitude of the job that you have to do here and how important it is to the people of this great state of ours and it is an incredible privilege. So thank you for your service as well.”

President Owen: “The purpose of this joint session is to administer the oaths of office to statewide elected officials and to receive the inaugural address from His Excellency, Governor Jay Inslee.”

The President appointed a committee of honor to escort the Chief Justice and the Justices of the Supreme Court to the House Chamber: Representatives Reeves and Graves; Senators Wellman and Zeiger.

The President appointed a committee of honor to escort the statewide elected officials to the House Chamber: Representatives Kloba and Jenkin; Senators Saldaña and Hawkins.

The President appointed a committee of honor to advise His Excellency, Governor Jay Inslee, that the joint session had assembled and to escort him to the House Chamber: Representatives Chapman and Kraft; Senators Billig and Rossi.

The Sergeant at Arms of the House announced the arrival of the Chief Justice and the Justices of the State Supreme Court at the Chamber doors. The committee of honor escorted the Chief Justice and the Justices of the Supreme Court to seats on the floor of the House Chamber and they were introduced: Chief Justice Mary Fairhurst, Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Debra Stephens, Justice Charlie Wiggins, Justice Steven Gonzalez, Justice Sheryl Gordon McCloud and Justice Mary Yu.

The Sergeant at Arms of the House announced the arrival of the statewide elected officials at the Chamber doors. The committee of honor escorted the statewide elected officials to seats on the floor of the House Chamber and they were introduced: Lieutenant Governor-elect Cyrus Habib, Secretary of State Kim Wyman, State Treasurer-elect Duane Davidson, State Auditor-elect Pat McCarthy, State Attorney General Bob Ferguson, Superintendent of Public Instruction-elect Chris Reykdal, Insurance Commissioner Mike Kreidler, Commissioner-elect of Public Lands Hilary Franz.

INTRODUCTION OF SPECIAL GUESTS

The President introduced special guests present in the Chamber: Judge Susan Amini, mother of Lieutenant Governor-elect Cyrus Habib, Ambassador Gary Locke, King County Executive Dow Constantine, Snohomish County Executive Dave Somers, Seattle Mayor Ed Murray, Everett Mayor Ray

Stephanson, Vice President Tyson Johnston of the Quinault Indian Nation, Chair Virginia Cross of the Muckleshoot Indian Tribe, Sergeant at Arms Asa Washines of the Confederated Tribes and Bands of the Yakama Nation and Chair William Iyall of the Cowlitz Indian Tribe.

The President welcomed the following members and representatives of the State of Washington Consular Association who were present in the rear of the Chamber: Consul General of the Republic of Korea Duk-ho Moon; Consul General of Canada James Hill; Deputy Consul General – People’s Republic of China Takeshi Murazawa; Consul of the United Kingdom Robin Twyman; Diplomatic Attache – Consulate of Mexico Luis Mingo; Representative of the Russian Federation Roman Smovkiy; Honorary Consulate of Cyprus Vassos M. Demetriou; Honorary Consulate of France Jack A. Cowan; Honorary Consul of Jamaica Enid L. Dwyer; Consul General of Peru Miguel Velasquez; Honorary Consulate of Cambodia Daravuth Huoth; Honorary Consul of Lithuania Victor Lapatinskas; Honorary Consulate of Switzerland Philippe Goetschel; Honorary Consul of Sweden Lars Jonsson; Honorary Consulate of Norway Kim Nesselquist; Honorary Consul of New Zealand Rachel Jacobsen; Honorary Consulate of Brazil Pedro Augusto Leite Costa; Honorary Consul of the Republic of Poland Teresa Indelak Davis; Honorary Consulate of Austria Eva Kammel; Honorary Consul of Hungary Katalin Pearman; and Taipei Economic and Cultural Office in Seattle Director General Vincent C. H. Yao.

The Sergeant at Arms of the House announced the arrival of His Excellency Governor Jay Inslee at the Chamber doors. The committee of honor escorted Governor Inslee to the rostrum and he was introduced.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard, commanded by Sergeant Jason Greer and comprised of Trooper Shaneka Phillips, Trooper Kelli Howes, Trooper Brandon Tobol, Trooper James Maguire, Trooper Travis Joyce, Trooper William Rutherford, Sergeant Greg Tri and Sergeant Ethan Wynecoop. Ms. Judy Collins, an award-winning singer-songwriter, performed the National Anthem.

The President led the Chamber in the pledge of allegiance.

The prayer was offered by Reverend Leslie Braxton, New Beginnings Christian Fellowship, Kent.

Reverend Braxton: “Let us pray. God of our weary years and God of our silent tears Thou who has brought us thus far along the way Thou who has by Thy might led us into the light God keep us forever in the path we pray Eternal God. We pray Your presence here in this place and in this space pray upon this governor as he begins a new term and upon these legislators as they move into a new session, upon these judges as they rule and discern and make judgement upon lives and make decisions that affect lives. We pray dear Lord that they be the fingers on Your hand as You advance the well-being of the citizens of this state and the inhabitants therein, build our bridges and roads, educate our children, take care of our elderly, to protect our rights under the law, to protect our opportunities, to oversee our treatments by the law. We pray dear Lord, that You would not allow to settle in this place the hyper-partisanship and extremism that wants to take this state, this nation, backwards to former days that were less inclusive, less just, less diverse, less fair. Your cause is always a forward looking, forward moving, forward running, even forward falling advance. You have sounded out a trumpet

that shall never sound retreat, You have sifted out the hearts of men and women beneath Your judgement seat and oh be swift our souls to answer You in jubilant our feet for Your truth marches on, never back. We pray dear Lord, that they would march on protecting our water, our air, our fish, our streams, our rights, our dignity. We pray that they would stand and conduct themselves with a deportment that defies the incivility, the vulgarness, the divisiveness, the insult that has settled into higher places threatening to trickle down and poison the political culture even here. May the people who inhabit these places and spaces stand as a light in the darkness. Let them heed the words of the prayer of St. Francis Assisi, 'Make them instruments of thy peace. Where there is hatred let them sow love, where there is insult pardon, where there is despair hope, where there is sadness joy, darkness light. Divine Master let them not seek so much to be understood as to understand, to be comforted as to comfort, to be loved as to love for it is when we give that we receive, when we pardon then we ourselves are pardoned and when we die we are born into eternal life.' 'What does the Lord require of us?', said the prophet, 'but to do justice, to love mercy, to walk humbly before our God.' Let this be our call individually and collectively. Let us not rest until all have a place to rest. Let us not stop fighting until the fighting is stopped. Let us not stop living until we have put death at hand and at bay. By whatever name and every name we know You, we give thanks and we give You praise. Amen."

HONORING OUTGOING STATE ELECTED OFFICIALS

Mr. President: "Randy Dorn has served as Superintendent of Public Instruction for two terms. He is a lifelong resident of Washington state. Randy Dorn has been an elementary and middle school teacher, a principal, a legislator for nine years, he was executive director of Public School Employees of Washington. Will Superintendent Dorn please rise and be recognized by the Legislature?"

The Joint Session recognized retiring Superintendent of Public Instruction Randy Dorn who was present in gallery.

Mr. President: "Peter Goldmark is the thirteenth Commissioner of Public Lands where he served two terms. In addition to his tenure as Commissioner of Public Lands, Commissioner Goldmark has served as Washington State Director of Agriculture with extensive service over the years on various governor's councils on agriculture and the environment. He has also served as a member of the Okanogan School Board and the Washington State University Board of Regents. Will Commissioner Goldmark please stand and be recognized by the Legislature?"

The Joint Session recognized retiring Commissioner of Public Lands Peter Goldmark who was present in the gallery.

Mr. President: "For the past four years Troy Kelley has served as Washington's tenth State Auditor. Over the years he has served in various public service roles including the federal prosecutor's office in the Western district of New York, as an attorney for the Securities and Exchange Commission, an Army Judge Advocate General for more than twenty years, he has previously taught at the Army JAG school and currently serves as a Lieutenant Colonel in the National Guard. Mr. Kelley also served three terms in the House of Representatives. Will Auditor Kelley please rise? Is he here? He's not here."

Mr. President: "Jim McIntire was elected as Washington's twenty-second State Treasurer in 2008 where he has also served two terms. He began his political career working in the United States Senate for Hubert Humphrey and served as a policy advisor to Congressional committee chairman and Washington state governors. In addition, Jim McIntire served five terms in the House of Representatives, providing leadership on several financial committees. He was also president of National Association of State Treasurers in 2016 bringing the association's annual conference to Washington state. Will Treasurer McIntire please rise and be recognized by the Legislature?"

The Joint Session recognized retiring State Treasurer Jim McIntire who was present in the gallery.

On behalf of the people of the State of Washington and the Legislature, each outgoing statewide elected official was bestowed with a commissioned gift of glass art created by Ms. Kim Merriman in gratitude for and recognition of their public service.

OATHS OF OFFICE

The President called upon each elected and re-elected state elected official to proceed to the rostrum to receive their oath of office.

Justice Sheryl Gordon McCloud administered the Oath of Office to Hilary Franz, Commissioner of Public Lands.

Justice Charles Wiggins administered the Oath of Office to Chris Reykdal, Superintendent of Public Instruction.

Justice Barbara Madsen administered the Oath of Office to Bob Ferguson, Attorney General.

Justice James Johnson administered the Oath of Office to Pat McCarthy, State Auditor.

Justice Susan Owens administered the Oath of Office to Duane Davidson, State Treasurer.

Justice Mary Yu administered the Oath of Office to Kim Wyman, Secretary of State.

Justice Steven Gonzalez administered the Oath of Office to Cyrus Habib, Lieutenant Governor.

President Brad Owen called upon President of the Senate to preside. The President of the Senate, Lieutenant Governor Habib, assumed the Chair.

REMARKS BY THE PRESIDENT

President Habib: "The President is overwhelmed. I would like to take just one moment to honor my predecessor in this office one more time. It has been a tremendous privilege for me to learn from Brad Owen in the Washington State Senate. For twenty years, Lieutenant Governor Owen presided over the Senate with dignity and decorum, with grace, with nonpartisanship at the core of his rulings and his manner. As a partner and deputy to not one, not two, but three governors of the State of Washington, Lt. Gov Owen was there to respond in some of our darkest hours, most recently the tragic mudslide at Oso when he was acting Governor. And finally as the chair of the

Legislative Committee on Economic Development and International Relations and active member of the Consular Association, Lt. Gov. Owen made sure that our state will strengthen its ties and friendships with peoples all around the world and that we will continue to be the most successful exporting state of any in this union. So for all of that please join me in thanking one more time a man who will always be Lieutenant Governor Emeritus of this state, Brad Owen.”

“I know who you are here to listen to so I will vacate the podium in just a moment but I did want to say a word of thanks to several individuals. I wanted to thank my mom, Judge Susan Amini, who is here and my father whom we lost to cancer this past year but I know is smiling down on us now today, for raising me to believe that truly anything is possible in this great country.”

“I want to thank Senator Schoesler and Senator Nelson and the members of the Washington State Senate for allowing me to be your presiding officer. As I have said, this will be much like when somebody hosts Jeopardy after Alex Trebek, everything will feel different, it won’t be quite the same. Brad Owen has twenty years of doing this but I am one hundred percent committed to being a fast learner and to presiding in a fair, effective and transparent manner over the state Senate.”

“And finally I want to thank Governor Inslee for his offer of partnership and collaboration. It will be an honor to work alongside him and to serve in his stead from time to time.”

“One final note, I want to acknowledge one who is not with us today, a colleague of mine in the state senate, whom we also lost to cancer, in fact within weeks of my father’s passing. Senator Andy Hill was chief budget writer in the Senate, an effective and collaborative member of this body and his absence will be felt by all of us and is an inspiration to me and others to put partisanship aside and try to do always what best for the people of the State of Washington. So if you would just join me in a moment of silence or prayer for Senator Andy Hill and his family.”

The Joint Session observed a moment of silence in honor and memory of Senator Andy Hill, 45th Legislative District, who passed away October 31, 2016.

Chief Justice Mary Fairhurst administered the Oath of Office to Jay Inslee, Governor.

GOVERNOR’S INAUGURAL ADDRESS

Governor Inslee: “Thank you, Reverend Braxton, for your inspiring words. Thank you to my friend, Judy, for that beautiful rendition of our national anthem. And of course, I’d like to thank all our families, particularly, my wife, Trudi, and my entire family for their love and support.”

“Before I begin, I’d like to recognize two members of our legislative family whose absence is keenly felt today. Senator Andy Hill and House Page Supervisor Gina Grant Bull were dedicated Washingtonians. They will be greatly missed by their families, colleagues and friends. Please join me as we pay our respects with a moment of silence. Thank you.”

The Joint Session observed a moment of silence in honor and memory of Senator Andy Hill, 45th Legislative district, who passed away October 31, 2016.

“Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, members of the Legislature, tribal leaders, state and local government officials, members of the Consular Corps, and most importantly, my fellow Washingtonians. As leaders of our state, we are entrusted with the unique opportunity to work together for a strong and secure

future for Washington. And there’s nothing more essential to that future than acting to fulfill our top priority, fully funding education this year.”

“I want to talk today about that challenge which I think about as not just a big challenge but as a historic opportunity. I want to talk about why we should be confident that we can do this. And I want to talk about the common values that will drive us as we confront uncommon times. We’re no strangers to working through hard challenges. We’ve done some hard things together in the past four years. We worked together to give all our aspiring young Washingtonians access to college, regardless of where they may have been born. We worked together to pass a historic transportation package that builds, repairs and improves infrastructure in every corner of our state. We worked together to make historic investments in early learning. We know there is no better time to set our children up to succeed than when they are most eager to learn. And we worked together to give hundreds of thousands of Washingtonians health care. We know a healthier Washington is a more prosperous Washington.

These things didn’t happen by accident. They happened because we made them happen. We all demonstrated a strong commitment to our principles and a recognition that compromise is necessary for our mutual success. The work we do is important in promoting the attributes that make our state exceptional, a growing economy, smart workers, innovative entrepreneurs, safe communities and beautiful outdoor spaces. I believe these successes should give us even more confidence, even more commitment and even more willingness to work together. These bipartisan successes reflect our values as Washingtonians. And now it’s time to go even further to secure the prosperous future we want for our kids and for our state.

I know there are many issues in front of us this session, not just funding for kindergarten-through-12th grade education. We need to transform our mental health system to one that is patient-centered, community-based and prevention-focused so we can provide people with the right treatment at the right time in the right setting. We need to continue expanding access to early learning so more kids can get the strongest possible start in school. We need to restructure our social services to more effectively ensure the well-being of Washington’s children and families. We need to prevent harm, not just react to it. We need to invest in more affordable housing and support services for the chronically homeless. This includes looking at root causes such as opioid addiction and mental illness. We need to maintain the lower tuition rate we passed for students at our public colleges and universities, expand financial aid for those who need it most and ensure we provide career-connected education opportunities for those who choose another path. And we need to continue important conversations on issues like the use of deadly force, paid family leave, gun safety, how we serve our veterans, capital punishment, how we promote prosperity for all workers in a changing economy and vital water infrastructure needs on both sides of the Cascades.

Every one of these things is important. But as we enter this new session, I want to say this: None of these issues is more important than fully funding the K-12 education our kids deserve. One hundred and twenty-eight years ago, the signers of our state constitution declared that making “ample provision for the education of all children” was not merely among our responsibilities. It was “the paramount duty of the state.” At a time when Washington’s towns and cities were just specks on a map, our state’s founders chose education as our paramount duty. Not roads or railroads. Not jails. They chose schools. So should we. We should choose to build on the enduring foundation of Washington — the intellectual light of our children. Our founders

understood this, and so do we. As elected officials, we all took an oath to uphold that constitution. Yet we haven't always fully lived up to the words on that parchment or the values they represent. It has now been 40 years, 40 years, since the court ordered the state to define and fund basic education in accordance with our constitution. It has now been five years since our Supreme Court ruled that the state must do more to live up to the paramount duty our founders described. The journey to fully fund education in our state has been a lot like climbing a mountain. And we've been climbing together for a long, long time. And now we're almost there."

"We've added more than \$4.6 billion for our schools. We've tackled issues like all-day kindergarten, smaller class sizes in early grades and funding for student transportation and supplies. And now we're at the final steps. We know what needs to get done and we know 2017 is the year to do it. I don't say this thinking it will be easy. I say this knowing that Washingtonians can do hard things."

"We've climbed high enough to see the summit. We're almost there. And we have a Washingtonian here today who can inspire us — the first American to summit Mount Everest, in 1963. This is a guy who knows how to finish the climb, who really inspires me — Jim Whittaker. Thank you, Jim, for being here today. Let's give him a round of applause. Jim knows the incredible reward that comes from pushing forward. We will not arrive on the summit by chance. This is something we must make happen. Mountain climbers will tell you that every ascent has a crux move, the moment at which they face the hardest, most difficult pitch. For us, this is that moment. There are multiple routes we could take. I have proposed one that gets us there this year, a route based on what I've seen work as I've visited schools around the state."

"In Spokane, I visited Lincoln Heights Elementary, where I met with a crop of new teachers. They impressed upon me the importance of the district's support for new teachers. One of the things they highlighted was mentoring through the Beginning Educator Support Team. It's a program that works so I put it in my budget."

"In Kent, I visited Phoenix Academy. I met with a group of students and parents to learn about the continuum of services provided there to ensure every student has what is needed — whether it's food for lunch or a tutor for math. Together, school counselors, psychologists, nurses and family engagement counselors break down barriers to learning and set up strategies for success."

"I've seen this same strategy work in multiple schools. Schools that hire these people are schools that are helping kids succeed. That's why I include funding for these services in my budget."

"At the Yakima Valley Technical Skills Center, students told me how their career-connected training helped them see the relevance of their education and offered them a vision for their future they never saw in a traditional classroom. Put these students to work while they are in high school and watch graduation rates climb."

"We are going to stop telling our kids that a four-year degree is the only path to success. It's time we recognize the dreams of those who want to build beautiful boats as a welder, or assemble aircraft as a machinist, or help cure diseases as a global health specialist. And that's why I propose more funding for these and other career-connected opportunities from elementary school through high school graduation. It works. And I have heard loud and clear from across the state, from parents and students and educators, that we simply need more resources in our K-12

system if we want all our children to graduate with a meaningful education. I've also heard loud and clear that we cannot finance our schools by slashing the services upon which students and their families depend. We are a better state than that and there are better ways to finance our schools."

"So here's what I propose: We aren't raising anyone's property taxes. In fact, my budget starts by lowering property taxes for three out of four Washington households and businesses. Let me repeat that: 75 percent of households and businesses will see a property tax cut. In addition, we reduce B&O taxes for 38,000 more small businesses. In exchange, my budget asks a small percentage of the wealthiest Washingtonians to pay a little more on the gains from their investments. It taxes carbon pollution that harms our kids and imperils the planet. And it asks service providers, such as lawyers and accountants, to pay B&O taxes more comparable to those paid by goods-based businesses."

"If we do it this way, we'll accomplish two things: First, we will finally have the resources we need to fulfill our constitutional obligation to fully fund K-12 education. Second, working families will pay less in property taxes. I just don't think raising property or sales taxes is the best approach to this challenge. Imagine what fully funding education will mean. Imagine schools that can recruit and keep great teachers, with competitive salaries. Imagine closing the opportunity gap in our state by making sure at-risk kids have extra teaching and mentoring time. Imagine more students graduating because we have psychologists, nurses and counselors who can help them cross the finish line. Imagine mentoring programs that help teachers starting out in their careers. Today, nearly half our teachers leave the profession within just five years. We can change that, and when we do, it will make an incredible difference for our kids. Finally, imagine students learning skills that employers tell us they need right now. We want everyone in this state to have the chance to go to college. But for young people who want to join the workforce straight out of high school, there will be a path to a good job."

"But we can't make this progress for just some of our children. We must make progress for all our children. It is long past time to do what we know is right. I'm looking forward to working with the state superintendent's office and appreciate Superintendent Reykdal's support for this approach. And I'm looking forward to working with all of you. There are many routes to the summit. My plan isn't the only way. I've been meeting with legislators this week and want to hear the ideas you have for getting this done. It's important to act this year. Kids are only 5 years old once in their lives. If we don't do this for them now, they don't get a redo."

"I recognize the Legislature has some hard lifting to do. Nobody should minimize what we're doing here. It's been 40 years. If it were easy, someone else would have already done this. But you know what? It won't be any easier next year, or the year after that. Just as we set high expectations for our students, we should set high expectations for ourselves. And know that we are capable of meeting them. And let me say one more thing about the mountain we're climbing together. After 40 years, it's going to feel great. It feels great when you finish a big job."

"I can tell you from my personal experience that people are ready for us to solve this. When I released my budget last month, I expected criticism because what I proposed includes a lot of hard decisions. And I heard that criticism, some of it from some of you. But I was encouraged to see a recognition that despite the tough choices my plan requires, people were glad to see a plan that truly finishes the job. And that's why each of us is here today. Like our founders in 1889, we are setting a vision of opportunity for generations to come. We're here because we

believe that when we live up to our expectations when we adhere to our values there is no better place on Earth than Washington state. And that's why I want to close with a few comments about our state's values. Because for all the good we've done in our state, developments taking place in our country have left many of our friends and neighbors scared for what the future might bring. And that is why today, I say this: No matter what happens in that Washington, here in this Washington, we will not forget who we are. We will not turn our back on the progress we have made. Our commitment to equal rights and human dignity will not be diminished."

Washington will remain a place where no one can be discriminated against because of the color of their skin, their country of origin, how they worship or who they love. Washington will remain a place where women have access to the full range of health care and family planning services they need, a place where we continue to fight for equal pay and equal opportunity. Washington will stand up proudly for dreamers and for those who come here in search of safety and refuge. We will stand strong against anyone who would rob hardworking young Washingtonians of the promise of a college degree or a chance at a decent job. Washington's businesses and government will remain leaders and innovators in combating the devastating threats from carbon pollution, the scourge of climate change and ocean acidification. We will fight and keep fighting to protect the 750,000 Washingtonians who finally have health insurance, thanks to the Affordable Care Act and Medicaid expansion. And here, we may vigorously debate about the way forward on funding education. But when it comes to our kids, let's start this session with a shared commitment to all and excuses to none. A recognition that the best thing we can do in service to our children and our state this year is to fully fund the education system they deserve."

"So let's go get this job done. Thank you."

Ms. Judy Collins performed "America the Beautiful".

The President thanked Governor Inslee for his remarks and called upon the committee of honor to escort Governor Inslee from the House Chamber and the Governor retired from the Chamber.

The President called upon the committee of honor to escort the statewide elected officials from the House Chamber and they retired from the Chamber.

The President called upon the committee of honor to escort the Chief Justice and the Justices of the Supreme Court from the House Chamber and they retired from the Chamber.

On motion of Representative Sullivan, the Joint Session was dissolved. The President returned the gavel to the Speaker. The Speaker (Representative Orwall presiding) assumed the chair.

The Speaker (Representative Orwall presiding) called upon the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Cyrus Habib, retiring President of the Senate Brad Owen, President Pro Tempore Tim Sheldon, Senator John McCoy, Senator Lynda Wilson and the members of the Senate from the House Chamber and the Senate retired from the Chamber.

The Senate was called to order at 1:02 p.m. by President of the Senate, Lieutenant Governor Habib presiding.

MOTION

At 1:03 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, January 12, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 12, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 11, 2017

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4401,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5077 by Senators Angel, Darneille, Padden and Wilson

AN ACT Relating to allowing the department of corrections to provide temporary housing assistance to individuals being released from the Washington corrections center for women; amending RCW 72.02.100; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5078 by Senator Pearson

AN ACT Relating to impacts from wildlife damage; adding a new section to chapter 77.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SB 5079 by Senators McCoy, Becker, Rivers, Cleveland, Keiser, Conway and Kuderer

AN ACT Relating to dental health services in tribal settings; amending RCW 18.29.180, 18.32.030, and 18.260.110; adding a new section to chapter 18.350 RCW; adding a new section to chapter 74.09 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

SB 5080 by Senators Padden and Pedersen

AN ACT Relating to actions for damage to real property resulting from construction, alteration, or repair on adjacent property; adding a new section to chapter 4.16 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5081 by Senators Pedersen and Miloscia

AN ACT Relating to adoption of the revised uniform law on notarial acts; amending RCW 9.97.020, 18.235.010, 18.235.020, 19.34.340, 19.154.060, 43.24.150, 64.08.060, and 64.08.070; adding a new chapter to Title 42 RCW; repealing RCW 42.44.010, 42.44.020, 42.44.030, 42.44.050, 42.44.060, 42.44.070, 42.44.080, 42.44.090, 42.44.100, 42.44.110, 42.44.120, 42.44.130, 42.44.140, 42.44.150, 42.44.160, 42.44.170, 42.44.180, 42.44.190, 42.44.200, 42.44.210, 42.44.220, 42.44.221, 42.44.900, 42.44.901, and 42.44.903; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5082 by Senator Pearson

AN ACT Relating to requiring the owner of a rental property or condominium to certify compliance with fire safety requirements prior to obtaining insurance for the premises; amending RCW 64.34.352; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5083 by Senator Pearson

AN ACT Relating to notice of relief from the duty to register; and amending RCW 9A.44.142 and 9A.44.143.

Referred to Committee on Law & Justice.

SB 5084 by Senators Rolfes, Angel, Hasegawa, Nelson and Honeyford

AN ACT Relating to providing women with timely information regarding their breast health; adding a new section to chapter 70.54 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SB 5085 by Senators Pedersen, Padden, Frockt and O'Ban

AN ACT Relating to enactment of the uniform voidable transactions act; amending RCW 19.40.011, 19.40.021, 19.40.031, 19.40.041, 19.40.051, 19.40.061, 19.40.071, 19.40.081, 19.40.091, and 19.40.900; adding new sections to chapter 19.40 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5086 by Senators Honeyford and Frockt

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 70.340.130, 28B.20.725,

28B.30.750, 28B.35.370, 28B.50.360, and 70.105D.070; amending 2015 3rd sp.s. c 3 ss 1002, 1026, 1028, 3198, 3200, 3202, and 7038 (uncodified); reenacting and amending RCW 43.160.080; adding new sections to 2015 3rd sp.s. c 3 (uncodified); creating new sections; repealing 2016 sp.s. c 35 s 2011 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5087 by Senators Honeyford and Frockt

AN ACT Relating to the evaluation and prioritization of capital budget projects at the public two-year and four-year institutions of higher education; and amending RCW 43.88D.010 and 28B.77.070.

Referred to Committee on Ways & Means.

SB 5088 by Senators Honeyford and Frockt

AN ACT Relating to financing local infrastructure; amending RCW 39.36.060; and adding new sections to chapter 43.180 RCW.

Referred to Committee on Ways & Means.

SB 5089 by Senators Honeyford and Frockt

AN ACT Relating to more efficient use of state facilities through aligning the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections; and amending RCW 43.82.010, 43.82.055, and 43.82.150.

Referred to Committee on Ways & Means.

SB 5090 by Senators Honeyford and Frockt

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150, 43.99G.170, and 43.99G.180; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5091 by Senators Takko and Rivers

AN ACT Relating to removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act; and amending RCW 19.122.130, 19.122.140, and 19.122.150.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5092 by Senator Wilson

AN ACT Relating to designating the revenue from the sales and use tax on feminine hygiene products to the women helping women grant program; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.32 RCW; adding new sections to chapter 43.31 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5093 by Senator Wilson

AN ACT Relating to providing tax relief to females by exempting feminine hygiene products from retail sales and use tax; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5094 by Senators Palumbo and Fain

AN ACT Relating to preventing breed-based dog regulations; amending RCW 16.08.070, 16.08.080, 16.08.090, and 16.08.100; and creating a new section.

Referred to Committee on Local Government.

SB 5095 by Senators King and Hobbs

AN ACT Relating to transportation funding and appropriations; amending 2016 c 14 ss 102, 103, 104, 201-223, 301-311, 401-404, 406-408, and 601 (uncodified); adding a new section to 2016 c 14 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5096 by Senators King and Hobbs

AN ACT Relating to transportation funding and appropriations; amending RCW 47.56.403, 43.19.642, 46.68.325, 47.56.876, 46.68.030, 46.68.060, 46.68.280, and 46.68.290; creating new sections; making appropriations and authorizing expenditures for capital improvements; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5097 by Senators Braun and Takko

AN ACT Relating to clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016; amending RCW 43.21A.731; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5098 by Senators Billig, Carlyle, Rolfes, Frockt, Wellman, McCoy, Kuderer, Liias, Saldaña, Palumbo and Hobbs

AN ACT Relating to high hazard flammable train speed limits in certain urban areas; amending RCW 81.48.030; and creating a new section.

Referred to Committee on Transportation.

SB 5099 by Senators Bailey, Frockt, O'Ban and Pedersen

AN ACT Relating to crimes against vulnerable persons; amending RCW 9A.42.020, 9A.42.030, 9A.42.035, 9A.56.010, 9A.04.080, 9A.56.030, 9A.56.040, and 74.34.020; reenacting and amending RCW 9.94A.411 and 9.94A.515; adding a new section to chapter 9A.56 RCW; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Law & Justice.

SB 5100 by Senators Bailey, Wilson, Angel and Zeiger

AN ACT Relating to financial literacy information for students at institutions of higher education; and amending RCW 28B.76.502.

FOURTH DAY, JANUARY 12, 2017

2017 REGULAR SESSION

Referred to Committee on Higher Education.

SB 5101 by Senators Rivers and Palumbo

AN ACT Relating to licensing agreements and consulting contracts for licensed marijuana businesses; reenacting and amending RCW 42.56.270; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5102 by Senators Rivers and Palumbo

AN ACT Relating to residency requirements for licensed marijuana businesses; and amending RCW 69.50.331.

Referred to Committee on Commerce, Labor & Sports.

SB 5103 by Senator O'Ban

AN ACT Relating to petitions for review of involuntary commitment decisions filed by an immediate family member, guardian, or conservator; amending RCW 71.05.201, 71.05.203, and 71.05.203; reenacting and amending RCW 71.05.201; creating a new section; providing an effective date; and providing an expiration date.

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

SB 5104 by Senator O'Ban

AN ACT Relating to the creation of a property tax exemption for spouses of military members or first responders killed in the line of duty; amending RCW 84.36.385 and 84.36.387; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5105 by Senator O'Ban

AN ACT Relating to streamlining foster care licensing; reenacting and amending RCW 74.15.100; and adding new sections to chapter 74.15 RCW.

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

SB 5106 by Senator O'Ban

AN ACT Relating to clarifying obligations under the involuntary treatment act; amending RCW 71.05.590, 71.05.590, 71.05.590, 71.05.154, and 71.05.154; providing effective dates; and providing expiration dates.

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

SB 5107 by Senators Billig, Fain, Rolfes, Wellman, Walsh, Zeiger and Liias

AN ACT Relating to creating a local pathway for local governments, school districts, and nonprofit organizations to provide more high quality early learning opportunities by reducing barriers and increasing efficiency; amending RCW 43.215.099, 43.215.410, and 43.215.195; adding a new section to chapter 43.215 RCW; and creating a new section.

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

SB 5108 by Senators Billig, Miloscia, Hunt, Palumbo, Liias, Fain and Saldaña

AN ACT Relating to contributions from political committees to other political committees; amending RCW 42.17A.442; and creating a new section.

Referred to Committee on State Government.

SB 5109 by Senators Baumgartner and Billig

AN ACT Relating to collegiate sports; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5110 by Senators Billig, Hunt, Liias, Palumbo, Kuderer and Saldaña

AN ACT Relating to enhancing youth voter registration; amending RCW 29A.08.210, 29A.08.330, 29A.08.710, 29A.08.810, 46.20.155, and 42.56.250; adding a new section to chapter 29A.08 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on State Government.

SB 5111 by Senators Braun and Ranker

AN ACT Relating to enacting an excise tax on capital gains to improve the fairness of Washington's tax system and provide funding for the education legacy trust account; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5112 by Senators Braun and Ranker

AN ACT Relating to investing in education and other vital public services by narrowing or eliminating tax preferences, making administrative revenue changes, and redirecting existing revenue sources; amending RCW 82.12.0263, 82.08.0273, 82.08.0293, 82.12.0293, 82.45.010, 82.45.080, 82.08.010, 19.02.075, 19.02.210, 82.32.050, 82.32.060, 82.32.145, 82.04.066, 82.04.067, 82.04.220, 82.45.060, 82.16.020, 82.18.040, and 43.155.060; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.08 RCW; creating new sections; repealing RCW 82.04.424; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5113 by Senators Braun and Ranker

AN ACT Relating to investing in education by modifying the business and occupation tax and providing small business tax relief; amending RCW 82.32.045, 82.04.4451, and 82.04.29002; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5114 by Senators Braun, Ranker, Brown and Rossi

AN ACT Relating to providing that a quarterly revenue forecast is due on February 20th during both a long and short

legislative session year; reenacting and amending RCW 82.33.020; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5115 by Senators Carlyle and Zeiger

AN ACT Relating to school directors' compensation; and amending RCW 28A.343.400.

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

SB 5116 by Senators Carlyle, Chase and Frockt

AN ACT Relating to investing the assets of the first-class cities' retirement systems; amending RCW 43.33A.020, 43.33A.150, 35.39.060, 35.39.070, 35.39.080, 35.39.090, 41.28.080, and 41.28.085; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8603

By Senator Fain

WHEREAS, January 13th was designated as Korean-American Day; and

WHEREAS, This year marks the 10-year anniversary of Washington coming together to celebrate the rich cultural impact of the Korean diaspora in the United States; and

WHEREAS, This impact is characterized by a dedication to education, entrepreneurial spirit, and a deep belief in family values; and

WHEREAS, Washington has over 160,000 Korean-Americans enriching our community; and

WHEREAS, The connection between the United States and Korea has fostered a mutually beneficial relationship that promotes economic success and strong democratic principles on both sides of the Pacific;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the 10th anniversary of Korean-American Day; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize Korean-American Day for the important relationship and community enhancement that it represents.

Senator Fain spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8603.

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

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, January 13, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTH DAY

NOON SESSION

Senate Chamber, Olympia
Friday, January 13, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

February 7, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KELSEY GRAY, appointed January 23, 2012, for the term ending June 30, 2017, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9000.

April 6, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARTA B. POWELL, reappointed March 27, 2012, for the term ending March 1, 2017, as Member of the Board of Tax Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9001.

July 19, 2012

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLENE D. STRONG, reappointed June 18, 2012, for the term ending June 17, 2017, as Member of the Human Rights Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9002.

January 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DALE R. PEINECKE, appointed January 16, 2013, for the term ending at the governor's pleasure, as Commissioner of the Employment Security Department.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9003.

January 31, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOEL SACKS, appointed January 16, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Labor and Industries.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9004.

February 7, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL COCKRILL, appointed January 23, 2013, for the term ending at the governor's pleasure, as Chief of the Office of the Chief Information Officer.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9005.

March 11, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN BONLENDER, appointed February 1, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Commerce.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9006.

March 13, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOROTHY F. TEETER, appointed March 4, 2013, for the term ending at the governor's pleasure, as a Director of the Washington State Health Care Authority, Administrator.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9007.

April 9, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HAROLD W. HANSON, reappointed March 11, 2013, for the term ending at the governor's pleasure, as a Director of the Washington State Lottery Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9008.

April 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PETER W. BOGDANOFF, appointed January 16, 2013, for the term ending August 2, 2018, as Member of the Lottery Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9009.

May 14, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUSSELL E. OLSEN, appointed May 1, 2013, for the term ending at the governor's pleasure, as a Director of the Pollution Liability Insurance Program.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9010.

May 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRIS LIU, appointed June 1, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Enterprise Services.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on State Government as Senate Gubernatorial Appointment No. 9011.

May 29, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RONALD K. SPERLING, reappointed May 15, 2013, for the term ending February 11, 2017, as Member of the Health Care Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9012.

June 13, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFRY D. COLLITON, reappointed March 4, 2013, for the term ending January 1, 2018, as Member of the Horse Racing Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9013.

June 13, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOAN M. MARCHIORO, appointed June 1, 2013, for the term ending June 30, 2018, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9014.

June 18, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM A. JOHNSON, reappointed May 17, 2013, for the term ending March 26, 2017, as Member of the Higher Education Facilities Authority.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9015.

June 25, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

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

EDWIN J. SNOOK, appointed July 2, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9016.

July 2, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRISTOPHER P. BARRY, reappointed June 19, 2013, for the term ending January 19, 2017, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9017.

July 2, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CYNTHIA L. BENNETT, appointed July 2, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9018.

July 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL DAHL, appointed July 1, 2013, for the term ending at the governor's pleasure, as a Chair of the The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9019.

July 16, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANK E. FENNERTY, JR., reappointed June 26, 2013, for the term ending June 17, 2019, as Member of the Board of Industrial Insurance Appeals.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9020.

July 23, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LORETTA S. DEKAY, appointed July 8, 2013, for the term ending June 12, 2017, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9021.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RANDY J. ROBINSON, appointed July 8, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9022.

July 30, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIRANDA WECKER, reappointed July 8, 2013, for the term ending December 31, 2018, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9023.

August 6, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GABE P. SPENCER, appointed July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9024.

August 19, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL A. LIEN, appointed July 8, 2013, for the term ending March 1, 2019, as Member of the Board of Tax Appeals.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9025.

August 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LOU OMA DURAND, appointed August 1, 2013, for the term ending at the governor's pleasure, as a Director of the Department of Services for the Blind.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9026.

August 28, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BOB BUGERT, appointed August 5, 2013, for the term ending July 15, 2017, as Member of the Salmon Recovery Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9027.

September 10, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAMELA J. TIETZ, appointed July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9028.

October 24, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCY L. MCDANIEL, appointed October 11, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9029.

November 12, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL LYNCH, appointed November 1, 2013, for the term ending at the governor's pleasure, as a Chair of the Energy Facility Site Evaluation Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9030.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN F. ANDERSON, appointed November 13, 2013, for the term ending January 19, 2018, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9031.

November 22, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAUREEN C. SIMMONS SPARKS, appointed November 1, 2013, for the term ending January 19, 2017, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9032.

December 10, 2013

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIMOTHY W. LYNCH, appointed November 13, 2013, for the term ending January 19, 2018, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9033.

January 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YANG-SU CHO, appointed August 19, 2013, for the term ending July 1, 2018, as Member of the State School for the Blind Board of Trustees.

Sincerely,
JAY INSLEE, Governor

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9034.

January 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFREY C. ESTES, appointed January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9035.

January 6, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SCOTT E. CARSON, appointed November 25, 2013, for the term ending September 30, 2019, as Member, Board of Regents, Washington State University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9036.

January 6, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DIANA CLAY, appointed December 23, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 23 (Edmonds Community College).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9037.

January 13, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOLLY A. KOON, appointed January 13, 2014, for the term ending January 12, 2018, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9038.

January 23, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH J. THEW, appointed November 20, 2013, for the term ending September 30, 2018, as Member, Board of Trustees, Community College District No. 17 (Spokane and Spokane Falls Community Colleges).

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9039.

February 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDMUND I. KILEY, appointed December 27, 2013, for the term ending December 26, 2017, as Member of the Board of Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9040.

February 19, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JENNIFER RANCOURT, reappointed October 16, 2013, for the term ending September 25, 2017, as Member of the Clemency and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9041.

February 26, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN L. MILLER, appointed March 24, 2014, for the term ending January 1, 2019, as Member of the Personnel Resources Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9042.

March 17, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHANIE M. SOLIEN, appointed March 5, 2014, for the term ending June 25, 2017, as Member of the Puget Sound Partnership.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9043.

April 25, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAURA F. CANTRELL, appointed August 3, 2014, for the term ending August 2, 2020, as Member of the Lottery Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9044.

April 28, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEWIS EDELHEIT, appointed April 11, 2014, for the term ending October 1, 2017, as Member of the The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9045.

May 2, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN HEDINE, appointed April 18, 2014, for the term ending October 1, 2017, as Member of the The Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9046.

May 9, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULIA L. PATTERSON, appointed April 11, 2014, for the term ending June 30, 2018, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9047.

May 20, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JIM MOSS, reappointed July 1, 2014, for the term ending June 30, 2018, as Member of the Energy Northwest.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9048.

July 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THOMAS C. MORRILL, appointed August 18, 2014, for the term ending June 30, 2020, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9049.

August 5, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOE M. TORTORELLI, appointed July 1, 2014, for the term ending June 30, 2020, as Member of the Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9050.

December 3, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES T. WILCOX JR., appointed September 11, 2014, for the term ending June 25, 2017, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9051.

December 5, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DON BARBIERI, appointed November 21, 2014, for the term ending September 30, 2020, as Member, Board of Regents, Washington State University.

Sincerely,

JAY INSLEE, Governor

FIFTH DAY, JANUARY 13, 2017

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9052.

December 5, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID TROUTT, reappointed July 21, 2014, for the term ending July 15, 2018, as a Chair of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9053.

December 29, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNE LEVINSON, appointed January 1, 2015, for the term ending December 31, 2019, as Member of the Public Disclosure Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on State Government as Senate Gubernatorial Appointment No. 9054.

December 29, 2014

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THEODORE R. WILLHITE, reappointed January 1, 2015, for the term ending December 31, 2017, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9055.

January 6, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN M. MAYER, appointed January 1, 2015, for the term ending October 1, 2018, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9056.

January 6, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

2017 REGULAR SESSION

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

SUSAN TAOKA, appointed January 1, 2015, for the term ending June 25, 2018, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9057.

January 21, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICIA T. LANTZ, reappointed January 1, 2015, for the term ending December 31, 2020, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9058.

February 3, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANIS AVERY, appointed January 28, 2015, for the term ending January 12, 2019, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9059.

February 3, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RITA E. DILLON, appointed October 2, 2014, for the term ending October 1, 2018, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9060.

February 3, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICK DOWD, appointed January 16, 2015, for the term ending at the governor's pleasure, as a Director of the Office of the Family and Children Ombudsman - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9061.

February 3, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCY HECOX, reappointed January 22, 2015, for the term ending January 20, 2019, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9062.

February 25, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIM CLARK, appointed January 19, 2015, for the term ending September 30, 2018, as Member of the Green River Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9063.

February 25, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH K. JENSEN, reappointed January 22, 2015, for the term ending January 19, 2019, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9064.

February 25, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

D. MICHAEL KELLY, appointed March 5, 2014, for the term ending September 30, 2018, as Member of the Cascadia Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9065.

March 3, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT M. SCHWENK, appointed October 28, 2014, for the term ending October 1, 2017, as Member of the Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9066.

March 6, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEE ANNE CAYLOR, appointed March 10, 2014, for the term ending June 30, 2018, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9067.

March 6, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY D. CHANDLER, appointed March 10, 2014, for the term ending June 30, 2017, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9068.

March 6, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARGARET MCCORMICK, appointed February 17, 2015, for the term ending October 1, 2017, as Member of the Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9069.

March 6, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BUD SIZEMORE, appointed April 11, 2014, for the term ending June 30, 2019, as Member of the Gambling Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9070.

March 16, 2015

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VICKY M. BOWDISH, appointed March 4, 2015, for the term ending January 4, 2021, as Member of the Personnel Resources Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9071.

March 16, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STANLEY M. SORSCHER, reappointed September 10, 2014, for the term ending October 1, 2018, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9072.

April 7, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDY . KUSCHEL, reappointed February 20, 2015, for the term ending December 31, 2017, as Member of the State Investment Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9073.

April 7, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK J. MAXWELL, reappointed February 18, 2015, for the term ending February 28, 2021, as Member of the Board of Tax Appeals.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9074.

April 7, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LORI M. RAMSDELL, appointed March 17, 2015, for the term ending April 15, 2020, as Member of the Indeterminate Sentence Review Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9075.

April 27, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SARA CATE, appointed February 6, 2015, for the term ending September 30, 2019, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9076.

April 27, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHYLLIS GUTIERREZ KENNEY, appointed April 2, 2015, for the term ending April 3, 2019, as Member of the State Board for Community and Technical Colleges.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9077.

December 14, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH L. BAUM, reappointed June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9078.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TERESITA BATAYOLA, reappointed August 28, 2015, for the term ending September 30, 2020, as Member of the Seattle College District Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9079.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCY BIERY, reappointed June 16, 2015, for the term ending July 15, 2019, as Member of the Salmon Recovery Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9080.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LOUISE CHERNIN, appointed June 5, 2015, for the term ending September 30, 2019, as Member of the Seattle College District Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9081.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES H. CURTIS, appointed April 2, 2015, for the term ending September 30, 2019, as Member of the Tacoma Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9082.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARTHA V. FLORES, appointed December 29, 2014, for the term ending September 30, 2019, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9083.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD G. FUKUTAKI, appointed August 11, 2015, for the term ending September 30, 2019, as Member of the Bellevue College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9084.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLARENCE M. HENDERSON, reappointed June 16, 2015, for the term ending June 17, 2020, as Member of the Human Rights Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9085.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KEN A. LARSEN, appointed July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9086.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WENDY L. LAWRENCE, appointed July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9087.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LORRAINE LEE, reappointed July 1, 2015, for the term ending June 30, 2020, as a Director of the Office of Administrative Hearings.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9088.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIFTH DAY, JANUARY 13, 2017

ROBERT J. LOPEZ, appointed October 21, 2015, for the term ending January 17, 2019, as Member of the Horse Racing Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9089.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WAYNE J. MARTIN, reappointed April 30, 2015, for the term ending April 3, 2019, as Member of the State Board for Community and Technical Colleges.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9090.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TORAYA MILLER, appointed November 9, 2015, for the term ending September 30, 2020, as Member of the Everett Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9091.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN M. MOSS, reappointed June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9092.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF A. PATNODE, appointed November 16, 2015, for the term ending April 15, 2019, as Member of the Indeterminate Sentence Review Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9093.

December 15, 2015

2017 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSANA REYES, reappointed May 13, 2015, for the term ending June 30, 2019, as Member of the Washington Student Achievement Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9094.

December 15, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHRIS STEARNS, reappointed April 30, 2015, for the term ending June 30, 2021, as Member of the Gambling Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9095.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TIA H. BENSON TOLLE, appointed November 9, 2015, for the term ending September 30, 2020, as Member of the Edmonds Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9096.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN BLAKE, reappointed August 28, 2015, for the term ending June 30, 2019, as Member of the Pacific States Marine Fisheries Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9097.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AURORA FLORES, appointed August 12, 2015, for the term ending June 30, 2018, as Member of the Professional Educator Standards Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9098.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL GRINSTEIN, appointed November 4, 2015, for the term ending October 1, 2019, as Member of the Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9099.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUSSELL HEPFER, reappointed June 26, 2015, for the term ending June 25, 2019, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9100.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCEE R. HOFMEISTER, reappointed August 24, 2015, for the term ending September 30, 2020, as Member of the Cascadia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9101.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHLEEN M. KYLE, reappointed September 18, 2015, for the term ending August 2, 2018, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9102.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN M. MEYER, appointed October 21, 2015, for the term ending September 30, 2021, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9103.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARUNDHATI SAMBATARO, appointed May 5, 2015, for the term ending January 19, 2018, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9104.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCY J. SINKOVITZ, reappointed June 23, 2015, for the term ending July 1, 2020, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9105.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRIEDA K. TAKAMURA, appointed November 9, 2015, for the term ending September 30, 2020, as Member of the Renton Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9106.

December 18, 2015

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RINA S. YORK, appointed August 12, 2015, for the term ending June 30, 2018, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9107.

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

January 5, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ROBERT J. GREGORY, appointed November 9, 2015, for the term ending September 30, 2020, as Member of the Lower Columbia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9108.

January 5, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CATHY R. PEARSALL-STIPEK, appointed October 21, 2015, for the term ending September 30, 2020, as Member of the Bates Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9109.

January 5, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CATHERINE SHAFFER, reappointed September 18, 2015, for the term ending August 2, 2018, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9110.

January 5, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

LUKE E. THOMAS, reappointed August 12, 2015, for the term ending June 30, 2019, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9111.

January 5, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

STEPHEN W. VINCENT, reappointed April 17, 2015, for the term ending September 30, 2019, as Member of the Lower Columbia College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9112.

January 18, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ALLYSON M. PAGE, appointed January 16, 2015, for the term ending September 30, 2018, as Member of the Columbia Basin College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9113.

January 27, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

RONALD P. ERICKSON, reappointed December 14, 2015, for the term ending September 30, 2021, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9114.

January 27, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ROSS HUNTER, appointed December 3, 2015, for the term ending September 30, 2017, as Member of the Bellevue College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9115.

January 27, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JOHN W. PEDLOW, appointed December 15, 2015, for the term ending September 30, 2020, as Member of the Whatcom Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9116.

January 27, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

HESTER SEREBRIN, appointed December 29, 2015, for the term ending June 30, 2021, as Member of the Transportation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9117.

January 27, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LENORE THREE STARS, appointed May 23, 2014, for the term ending June 17, 2018, as Member of the Human Rights Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9118.

February 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THOMAS M. KARIER, reappointed November 20, 2015, for the term ending January 15, 2020, as Member of the Northwest Power and Conservation Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9119.

February 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULIE MCCULLOCH, reappointed December 15, 2015, for the term ending September 30, 2020, as Member of the Peninsula College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9120.

February 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

QUENTIN POWERS, reappointed February 6, 2015, for the term ending September 30, 2019, as Member of the Edmonds Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9121.

February 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHIL ROCKEFELLER, reappointed August 4, 2015, for the term ending July 15, 2019, as Member of the Salmon Recovery Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9122.

February 3, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE L. LACHNEY, reappointed November 25, 2014, for the term ending September 30, 2019, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9123.

February 4, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHIV BATRA, appointed January 12, 2016, for the term ending June 30, 2019, as Member of the Transportation Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9124.

February 10, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TERRI J. STEWART, appointed June 8, 2015, for the term ending August 2, 2017, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9125.

February 12, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK E. BRENNAN, appointed September 27, 2013, for the term ending September 8, 2018, as Member of the Public Employment Relations Commission.

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Commerce, Labor & Sports as
Senate Gubernatorial Appointment No. 9126.

February 12, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JOHN MATTHEWS, appointed May 13, 2015, for the term
ending October 1, 2018, as Member of the Small Business Export
Finance Assistance Center Board of Directors.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade &
Economic Development as Senate Gubernatorial Appointment
No. 9127.

February 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CHERYL C. ADAMS, reappointed January 28, 2016, for the
term ending January 19, 2020, as Member of the Pharmacy
Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate
Gubernatorial Appointment No. 9128.

February 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JUDY GUENTHER, appointed May 5, 2015, for the term
ending January 19, 2019, as Member of the Pharmacy Quality
Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate
Gubernatorial Appointment No. 9129.

February 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JERRIE L. ALLARD, appointed January 28, 2016, for the
term ending January 19, 2020, as Member of the Pharmacy
Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate
Gubernatorial Appointment No. 9130.

February 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DON BONKER, reappointed June 15, 2015, for the term
ending June 12, 2019, as Member of the Columbia River Gorge
Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as
Senate Gubernatorial Appointment No. 9131.

February 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

TERI L. FERREIRA, appointed January 28, 2016, for the
term ending January 19, 2020, as Member of the Pharmacy
Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate
Gubernatorial Appointment No. 9132.

February 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JOANNE R. HARRELL, reappointed January 5, 2016, for the
term ending September 30, 2021, as Member of the University of
Washington Board of Regents.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9133.

February 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

KENNETH W. KENYON JR., appointed January 28, 2016,
for the term ending January 19, 2017, as Member of the Pharmacy
Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate
Gubernatorial Appointment No. 9134.

February 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

TIM G. WETTACK, reappointed September 18, 2015, for the
term ending August 2, 2018, as Member of the Sentencing
Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate
Gubernatorial Appointment No. 9135.

February 23, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

TERESA BERNTSEN, appointed February 3, 2016, for the
term ending January 1, 2075, as a Director of the Office of
Minority and Women's Business Enterprises - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as
Senate Gubernatorial Appointment No. 9136.

February 23, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ELEANOR K. KIRTLEY, appointed January 28, 2016, for
the term ending December 26, 2018, as Member of the Board of
Pilotage Commissioners.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate
Gubernatorial Appointment No. 9137.

February 24, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

HAROLD W. WITHROW, appointed February 24, 2016,
for the term ending September 30, 2020, as Member of the Clover
Park Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9138.

March 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ALLIE M. JOINER, reappointed June 23, 2015, for the term
ending July 1, 2020, as Member of the Center for Childhood
Deafness and Hearing Loss Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education
as Senate Gubernatorial Appointment No. 9139.

March 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

SEPI SOLEIMANPOUR, reappointed January 28, 2016, for
the term ending January 19, 2020, as Member of the Pharmacy
Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate
Gubernatorial Appointment No. 9140.

March 3, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

LARRY BROWN, reappointed May 2, 2014, for the term
ending April 3, 2018, as Member of the State Board for
Community and Technical Colleges.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9141.

March 8, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DEBRA J. ENTENMAN, appointed June 5, 2015, for the
term ending September 30, 2019, as Member of the Renton
Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9142.

March 8, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

SHARONNE A. NAVAS, appointed March 7, 2016, for the
term ending September 30, 2017, as Member of the Green River
College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9143.

March 9, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

MARIBEL VILCHEZ, appointed March 10, 2016, for the
term ending June 30, 2019, as Member of the Professional
Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education
as Senate Gubernatorial Appointment No. 9144.

March 10, 2016

FIFTH DAY, JANUARY 13, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOUG MAH, appointed March 10, 2016, for the term ending September 30, 2020, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9145.

March 11, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILLIP L. BARRETT, reappointed October 15, 2014, for the term ending September 30, 2019, as Member of the Shoreline Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9146.

March 11, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE E. RUSHFORD, appointed January 6, 2015, for the term ending January 15, 2021, as Member of the Liquor and Cannabis Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9147.

March 11, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH J. THEW, reappointed July 11, 2014, for the term ending June 30, 2018, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9148.

March 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOEL BENOLIEL, appointed January 5, 2016, for the term ending September 30, 2021, as Member of the University of Washington Board of Regents.

Sincerely,

2017 REGULAR SESSION

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9149.

March 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAYNE BLADOW, appointed August 11, 2015, for the term ending September 30, 2019, as Member of the Bates Technical College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9150.

March 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLAUDIA KAUFFMAN, reappointed September 30, 2015, for the term ending September 30, 2020, as Member of the Green River College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9151.

March 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARRELL S. MITSUNAGA, reappointed December 15, 2015, for the term ending September 30, 2020, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9152.

March 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANGELA G. ROARTY, reappointed December 15, 2015, for the term ending September 30, 2020, as Member of the Pierce College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9153.

April 14, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONALD W. MAYER, reappointed April 13, 2016, for the term ending December 26, 2019, as Member of the Board of Pilotage Commissioners.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9154.

April 27, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GRETCHEN ADAMS, appointed October 31, 2013, for the term ending September 30, 2018, as Member of the Tacoma Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9155.

April 27, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAUREEN P. WEST, appointed October 21, 2015, for the term ending September 30, 2021, as Member of the Western Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9156.

April 28, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLARA R. PELLHAM, reappointed September 28, 2015, for the term ending September 30, 2020, as Member of the Shoreline Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9157.

May 18, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIN L. BLACK, appointed June 3, 2015, for the term ending September 30, 2020, as Member of the Central Washington University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9158.

May 18, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VALORIA A. LOVELAND, reappointed July 31, 2015, for the term ending August 2, 2021, as Member of the Lottery Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9159.

May 18, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAY J. MANNING, appointed March 10, 2014, for the term ending June 25, 2017, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9160.

May 24, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KELLY L. FOX, reappointed November 24, 2015, for the term ending December 31, 2018, as Member of the State Investment Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9161.

May 24, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MATTHEW P. RONAYNE, appointed May 5, 2015, for the term ending January 20, 2019, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9162.

May 26, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES S. WIGFALL, reappointed February 22, 2016, for the term ending September 30, 2021, as Member of the The Evergreen State College Board of Trustees.

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9163.

I have the honor to submit the following appointment, subject
 to your confirmation.
 MARIANNE ALBAY, appointed July 1, 2016, for the term
 ending June 30, 2017, as Member of the Bellevue College Board
 of Trustees.

June 1, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9168.

Ladies and Gentlemen:
 I have the honor to submit the following reappointment,
 subject to your confirmation.
 JAY A. REICH, reappointed June 3, 2016, for the term
 ending April 3, 2020, as Member of the State Board for
 Community and Technical Colleges.

July 5, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON
 Ladies and Gentlemen:

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9164.

I have the honor to submit the following appointment, subject
 to your confirmation.
 LIA F. ANDREWS, appointed July 1, 2016, for the term
 ending June 30, 2017, as Member of the Edmonds Community
 College Board of Trustees.

June 1, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9169.

Ladies and Gentlemen:
 I have the honor to submit the following appointment, subject
 to your confirmation.
 FREDERICK P. WHANG, appointed June 1, 2016, for the
 term ending April 3, 2020, as Member of the State Board for
 Community and Technical Colleges.

July 5, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON
 Ladies and Gentlemen:

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9165.

I have the honor to submit the following reappointment,
 subject to your confirmation.
 KAY M. BROWN, reappointed July 1, 2016, for the term
 ending June 30, 2022, as Member of the Pollution
 Control/Shorelines Hearings Board.

June 16, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Energy, Environment &
 Telecommunications as Senate Gubernatorial Appointment No.
 9170.

Ladies and Gentlemen:
 I have the honor to submit the following reappointment,
 subject to your confirmation.
 ROY F. HEYNDERICKX, reappointed March 28, 2016, for
 the term ending March 26, 2020, as Member of the Higher
 Education Facilities Authority.

July 5, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON
 Ladies and Gentlemen:

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9166.

I have the honor to submit the following appointment, subject
 to your confirmation.
 TIMOTHY BURT, appointed July 1, 2016, for the term
 ending September 30, 2020, as Member of the Walla Walla
 Community College Board of Trustees.

June 16, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Higher Education as Senate
 Gubernatorial Appointment No. 9171.

Ladies and Gentlemen:
 I have the honor to submit the following reappointment,
 subject to your confirmation.
 JANET WAINWRIGHT, reappointed June 15, 2016, for the
 term ending June 12, 2020, as Member of the Columbia River
 Gorge Commission.

July 5, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON
 Ladies and Gentlemen:

Sincerely,
 JAY INSLEE, Governor
 Referred to Committee on Natural Resources & Parks as
 Senate Gubernatorial Appointment No. 9167.

I have the honor to submit the following reappointment,
 subject to your confirmation.
 JEFFREY A. CHARBONNEAU, reappointed July 1, 2016,
 for the term ending June 30, 2020, as Member of the Washington
 Student Achievement Council.

July 5, 2016
 TO THE HONORABLE, THE SENATE OF THE STATE OF
 WASHINGTON

Sincerely,
 JAY INSLEE, Governor

Ladies and Gentlemen:

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9172.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

IRENE GONZALES, reappointed April 25, 2016, for the
term ending September 30, 2021, as Member of the The
Evergreen State College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9173.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

RHIANNA HRUSKA, appointed July 1, 2016, for the term
ending June 30, 2017, as Member of the The Evergreen State
College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9174.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JEFFREY G. JOHNSON, reappointed July 11, 2014, for the
term ending June 30, 2018, as Member of the Workforce Training
and Education Coordinating Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9175.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JOSEPH A. KNIGHT, appointed July 1, 2016, for the term
ending June 30, 2017, as Member of the Central Washington
University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9176.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

KAREN T. LEE, reappointed July 1, 2016, for the term
ending June 30, 2020, as Member of the Washington Student
Achievement Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9177.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ARIEL N. MCMILLAN, appointed July 1, 2016, for the
term ending June 30, 2017, as Member of the Eastern Washington
University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9178.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JESSICA T. MURILLO-ROSALES, appointed July 1, 2016,
for the term ending June 30, 2017, as Member of the Washington
Student Achievement Council.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9179.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ABIGAIL RAMOS, appointed July 1, 2016, for the term
ending June 30, 2017, as Member of the Western Washington
University Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9180.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

TANA WOOD, appointed June 27, 2016, for the term ending
April 15, 2021, as Member of the Indeterminate Sentence Review
Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate
Gubernatorial Appointment No. 9181.

July 5, 2016

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AUSTIN M. WRIGHT-PETTIBONE, appointed July 1, 2016, for the term ending June 30, 2017, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9182.

July 5, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBORAH C. YOUNG, reappointed July 1, 2016, for the term ending June 30, 2022, as Member of the Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9183.

July 11, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL S. SHIOSAKI, appointed May 2, 2016, for the term ending December 31, 2017, as Member of the Recreation and Conservation Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9184.

July 14, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEBORAH B. JENSEN, appointed July 13, 2016, for the term ending June 25, 2019, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9185.

July 19, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NAREK DANIYELYAN, appointed July 1, 2016, for the term ending June 30, 2017, as Member, Board of Regents, Washington State University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9186.

August 8, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILIP ANDERSON, appointed July 28, 2016, for the term ending June 30, 2019, as Member of the Pacific States Marine Fisheries Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9187.

August 9, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ARIELE P. BELO, reappointed August 9, 2016, for the term ending July 1, 2021, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9188.

August 9, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHELLE FARRELL, reappointed August 9, 2016, for the term ending July 1, 2021, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9189.

August 23, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TRACY GUERIN, appointed September 1, 2016, for the term ending January 1, 2075, as a Director of the Department of Retirement Systems - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9190.

August 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JENNIFER R. ALBRIGHT, reappointed August 26, 2016, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9191.

August 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KERI J. CLARK, appointed August 9, 2016, for the term ending July 1, 2021, as Member of the Washington State School for the Blind Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9192.

August 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER MILLAR, appointed August 9, 2016, for the term ending January 1, 2025, as Secretary of the Department of Transportation - Agency Head.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9193.

August 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARISSA WINMILL, appointed June 1, 2016, for the term ending September 30, 2017, as Member of the Professional Educator Standards Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9194.

September 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FREDERICK W. FINN, reappointed August 9, 2016, for the term ending August 2, 2022, as Member of the Lottery Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9195.

September 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLOTTE A. PARSLEY, reappointed August 9, 2016, for the term ending July 1, 2021, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9196.

September 15, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STANLEY J. RUMBAUGH, reappointed August 26, 2016, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9197.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRETT BLANKENSHIP, appointed September 8, 2016, for the term ending September 30, 2021, as Member, Board of Regents, Washington State University.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9198.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFREY F. CALLENDER, reappointed September 19, 2016, for the term ending September 30, 2021, as Member of the Bellingham Technical College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9199.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LISA H. CHIN, reappointed September 19, 2016, for the term ending September 30, 2021, as Member of the Bellevue College Board of Trustees.

Sincerely,

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9200.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

BILL GORDON, reappointed September 19, 2016, for the
term ending September 30, 2021, as Member of the Columbia
Basin College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9201.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JONATHAN M. LANE, reappointed September 20, 2016, for
the term ending September 30, 2021, as Member of the Big Bend
Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9202.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

GUY R. NORMAN, appointed September 12, 2016, for the
term ending January 15, 2017, as Member of the Northwest
Power and Conservation Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment &
Telecommunications as Senate Gubernatorial Appointment No.
9203.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ROYCE E. POLLARD, reappointed September 19, 2016, for
the term ending September 30, 2021, as Member of the Clark
College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9204.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

STEVE STRACHAN, reappointed September 19, 2016, for
the term ending September 25, 2020, as Member of the Clemency
and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate
Gubernatorial Appointment No. 9205.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

EVELYN P. YENSON, reappointed September 19, 2016, for
the term ending September 25, 2020, as Member of the Clemency
and Pardons Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate
Gubernatorial Appointment No. 9206.

September 21, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CARL J. ZAPORA, reappointed September 20, 2016, for the
term ending September 30, 2021, as Member of the Edmonds
Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9207.

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

MICHAEL R. DELLER, reappointed September 22, 2016,
for the term ending September 30, 2021, as Member of the Everett
Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9208.

September 22, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

FREDERICK MENDOZA, reappointed September 21, 2016,
for the term ending September 30, 2021, as Member of the
Highline College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate
Gubernatorial Appointment No. 9209.

Sincerely,

JAY INSLEE, Governor

September 22, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

SUSAN A. PALMER, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Renton Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9210.

September 22, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

FAALUAINA S. PRITCHARD, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Clover Park Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9211.

September 22, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

AMADEO T. TIAM, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Pierce College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9212.

September 22, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JANICE H. WIGEN, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Community Colleges of Spokane Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9213.

September 29, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

PATRICK BALDOZ, appointed September 29, 2016, for the term ending September 30, 2021, as Member of the Yakima Valley Community College Board of Trustees.

Sincerely,
JAY INSLEE, Governor
Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9214.

September 30, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JEFFERSON S. DAVIS, appointed September 30, 2016, for the term ending September 30, 2019, as Member of the South Puget Sound Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9215.

October 3, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

JACELYN M. BOSCHOK, appointed October 3, 2016, for the term ending September 30, 2021, as Member of the Green River College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9216.

October 3, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

KAREN T. LEE, reappointed October 1, 2016, for the term ending September 30, 2022, as Member of the Western Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9217.

October 4, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CHRISTINA BLOCKER, appointed October 4, 2016, for the term ending September 30, 2021, as Member of the Bates Technical College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9218.

October 5, 2016
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

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

HEATHER L. MANSY, appointed October 3, 2016, for the term ending September 30, 2021, as Member of the Lower Columbia College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9219.

October 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFREY BRECKEL, appointed October 31, 2016, for the term ending December 15, 2017, as Member of the Salmon Recovery Funding Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9220.

October 31, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN D. SAVEN, appointed October 31, 2016, for the term ending June 30, 2020, as Member of the Energy Northwest Executive Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9221.

November 1, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUSSELL D. HAUGE, appointed November 1, 2016, for the term ending August 2, 2019, as a Chair of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9222.

November 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT L. NELLAMS, appointed November 1, 2016, for the term ending September 30, 2021, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9223.

November 29, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK O. BROWN, reappointed November 29, 2016, for the term ending December 31, 2022, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9224.

November 29, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN S. MILNER, reappointed November 29, 2016, for the term ending December 31, 2022, as Member of the Parks and Recreation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9225.

December 2, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM E. DEHLER, appointed December 2, 2016, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9226.

December 7, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LOIS BERNSTEIN, appointed December 7, 2016, for the term ending September 30, 2021, as Member of the Tacoma Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9227.

December 7, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARILYN GLENN SAYAN, reappointed December 7, 2016, for the term ending September 8, 2021, as Member of the Public Employment Relations Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9228.

December 19, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MONA H. BAILEY, reappointed December 19, 2016, for the term ending January 12, 2021, as Member of the State Board of Education.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9229.

December 28, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL R. DELLER, reappointed December 28, 2016, for the term ending December 31, 2019, as Member of the Recreation and Conservation Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9230.

December 28, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EVERETT MACOMBER, reappointed December 21, 2016, for the term ending January 17, 2023, as Member of the Horse Racing Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9231.

January 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DANICA READY, appointed January 5, 2017, for the term ending December 31, 2019, as Member of the Recreation and Conservation Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9232.

January 6, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JACK G. JOHNSON, reappointed January 6, 2017, for the term ending December 31, 2021, as Member of the Public Disclosure Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on State Government as Senate Gubernatorial Appointment No. 9233.

January 9, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KATHRYN GARDOW, appointed January 9, 2017, for the term ending December 31, 2019, as Member of the Recreation and Conservation Funding Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9234.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 12, 2017

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

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

HOUSE CONCURRENT RESOLUTION No. 4401
SENATE CONCURRENT RESOLUTION No. 8400.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5117 by Senators Rolfes, Bailey, Angel, Conway and Zeiger

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

AN ACT Relating to transitioning military student participation in extracurricular activities; and amending RCW 28A.225.280 and 28A.600.200.

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

SB 5118 by Senators Rolfes, Bailey, Darneille, Billig, Keiser, Kuderer and Chase

AN ACT Relating to increasing the personal needs allowance for persons receiving state-financed care; adding a new section to chapter 74.09 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SB 5119 by Senators Takko, Dinsel, Sheldon, Angel, Chase, Palumbo and Wellman

AN ACT Relating to water-sewer districts; amending RCW 57.08.016 and 70.95A.020; adding a new section to chapter 57.20 RCW; and adding a new section to chapter 57.08 RCW.

Referred to Committee on Local Government.

SB 5120 by Senators Carlyle, Miloscia, Hunt, Dinsel, Rolfes, Cleveland, Keiser, Kuderer and Chase

AN ACT Relating to employment after public service in state government; amending RCW 42.52.080 and 42.52.900; adding a new section to chapter 42.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on State Government.

SB 5121 by Senators Takko, Rivers and Palumbo

AN ACT Relating to fire protection district tax levies; and amending RCW 52.16.160.

Referred to Committee on Local Government.

SB 5122 by Senators Takko and Rivers

AN ACT Relating to fire commissioner compensation; and amending RCW 52.14.010.

Referred to Committee on Local Government.

SB 5123 by Senators Warnick and Chase

AN ACT Relating to exempting short-line railroads that haul nonfuel oils from oil spill contingency planning requirements; and amending RCW 90.56.210.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5124 by Senators Rivers, Cleveland, Keiser and Kuderer

AN ACT Relating to nonpublic personal health information; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Health Care.

SB 5125 by Senators Braun, Conway, Rossi and Wilson

AN ACT Relating to defining independent contractor relationships in the context of real estate licensing; and amending RCW 18.85.011.

Referred to Committee on Commerce, Labor & Sports.

SB 5126 by Senators Hunt, Palumbo, Miloscia, Kuderer and Billig

AN ACT Relating to uniform ballot design; amending RCW 29A.36.111; and adding a new section to chapter 29A.36 RCW.

Referred to Committee on State Government.

SB 5127 by Senators Braun, Ranker and Hunt

AN ACT Relating to establishing a carbon pollution tax and investment program to reduce greenhouse gas emissions, facilitate the transition to a clean energy economy, and invest in K-12 education and other vital public services; amending RCW 82.32.045 and 82.04.4451; adding a new chapter to Title 82 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5128 by Senators Takko, Rivers and Chase

AN ACT Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act; and amending RCW 19.285.030 and 19.285.080.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5129 by Senators Hunt, Fain, Zeiger, Mullet and Palumbo

AN ACT Relating to charter school students participating in interschool athletics and extracurricular activities; and amending RCW 28A.710.300.

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

SB 5130 by Senators Rivers, Conway and Chase

AN ACT Relating to increasing marijuana license fees and adding a temporary additional fee on marijuana licenses issued by the Washington state liquor and cannabis board; amending RCW 69.50.325 and 69.50.372; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5131 by Senators Rivers and Conway

AN ACT Relating to marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, processor wholesale events, and jurisdictional requirements; amending RCW 69.50.325, 69.50.331, 69.50.372, and 66.08.100; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5132 by Senators Rivers, Conway, Keiser and Chase

AN ACT Relating to liquor enforcement officers' powers; and amending RCW 66.44.010.

Referred to Committee on Law & Justice.

SB 5133 by Senator Takko

AN ACT Relating to county boards of equalization; and amending RCW 84.40.320 and 84.48.010.

Referred to Committee on Local Government.

SB 5134 by Senators Hasegawa and Keiser

AN ACT Relating to providing notice before certain enforcement actions taken by a homeowners' or condominium association; and amending RCW 64.38.020 and 64.34.304.

Referred to Committee on Financial Institutions & Insurance.

SB 5135 by Senators Rivers, Rolfes, Zeiger, Walsh, Angel, Keiser, Mullet, Cleveland, Hunt, Bailey, King, Warnick, Brown, Fain, Ranker, Van De Wege, Conway and Wellman

AN ACT Relating to modifying the Washington main street program by increasing the total amount of tax credits allowed under the program and making administrative changes to the program; amending RCW 82.73.020 and 82.73.030; adding a new section to chapter 82.73 RCW; creating a new section; and providing a contingent expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5136 by Senators Chase, Sheldon, Conway and Hasegawa

AN ACT Relating to electronic product recycling; amending RCW 70.95N.010, 70.95N.290, 70.95N.280, 70.95N.250, and 70.95N.060; and reenacting and amending RCW 70.95N.140.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5137 by Senators Warnick, Rolfes, Wellman and Chase

AN ACT Relating to limiting oil spill contingency planning requirements to those railroads that haul oils used as fuel; amending RCW 90.56.210; and reenacting and amending RCW 90.56.010.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5138 by Senators Palumbo, Kuderer, Fain, Billig and Rossi

AN ACT Relating to metropolitan park districts; and amending RCW 35.61.020, 35.61.100, 35.61.120, 35.61.210, and 35.61.290.

Referred to Committee on Local Government.

SB 5139 by Senators Rolfes, Sheldon, McCoy, Takko, Chase, Cleveland, Hasegawa, Van De Wege and Wellman

AN ACT Relating to ensuring economic development by authorizing public utility districts to provide retail telecommunications services; amending RCW 54.16.005 and 54.16.330; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5140 by Senators Cleveland, Keiser, Frockt, Ranker, Conway, Nelson, Takko, Darneille, Hunt, Palumbo, Chase, Saldaña, Liias, Rolfes, McCoy, Kuderer, Billig, Wellman, Mullet, Carlyle, Hasegawa and Pedersen

AN ACT Relating to enacting the equal pay opportunity act by amending and enhancing enforcement of the equal pay act and protecting worker communications about wages and employment opportunities; amending RCW 49.12.175; recodifying RCW 49.12.175; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5141 by Senators Palumbo and Wilson

AN ACT Relating to regulation of programs of yoga practice or instruction as private vocational schools; and amending RCW 28C.10.030.

Referred to Committee on Higher Education.

SB 5142 by Senators Kuderer, Rolfes, Palumbo, Billig, Pedersen, Mullet, McCoy, Keiser and Wellman

AN ACT Relating to educational interpreters; amending RCW 28A.410.271; creating a new section; and declaring an emergency.

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

SB 5143 by Senators Zeiger, Rolfes and Darneille

AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.049; amending 2016 c 217 s 1 (uncodified); creating a new section; and providing an expiration date.

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

SB 5144 by Senators Angel, Mullet and Hobbs

AN ACT Relating to the Washington state credit union act; amending RCW 31.12.055, 31.12.065, 31.12.195, 31.12.246, 31.12.267, 31.12.326, 31.12.335, 31.12.386, 31.12.404, and 31.12.413; reenacting and amending RCW 31.12.005; and reenacting RCW 31.12.436.

Referred to Committee on Financial Institutions & Insurance.

SB 5145 by Senators Liias and Walsh

AN ACT Relating to equalizing differences in the distillery and winery industries by authorizing certain sales of spirits carrying a private label exclusive to a restaurant or private club that is a licensed spirits retailer; and amending RCW 66.28.310, 66.24.145, and 66.24.630.

Referred to Committee on Commerce, Labor & Sports.

SB 5146 by Senators Liias, King and Hobbs

AN ACT Relating to job order contracts and procedure; amending RCW 39.10.420; and reenacting and amending RCW 43.131.408.

Referred to Committee on Transportation.

SB 5147 by Senators Hobbs and King

FIFTH DAY, JANUARY 13, 2017

2017 REGULAR SESSION

AN ACT Relating to exemptions from certain maximum vehicle length limitations; and amending RCW 46.44.034.

Referred to Committee on Transportation.

SB 5148 by Senators Baumgartner, Ranker, Padden, Conway, Zeiger, Chase, Honeyford, Palumbo, Takko, Warnick and Billig

AN ACT Relating to removing the expiration date of the business and occupation tax deduction for cooperative finance organizations; amending RCW 82.04.43394; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5149 by Senators Fain, Hobbs, Braun, Palumbo, Baumgartner, Warnick, Walsh, Miloscia, Zeiger, Rivers, Darneille and Wellman

AN ACT Relating to paid family leave; amending RCW 49.78.010, 49.78.020, 49.78.090, 49.78.220, 49.78.230, 49.78.250, 49.78.260, 49.78.270, 49.78.280, 49.78.290, 49.78.300, 49.78.310, 49.78.330, 49.78.340, 49.78.350, 49.78.360, 49.78.390, and 49.78.400; adding a new chapter to Title 50 RCW; recodifying RCW 49.78.010, 49.78.020, 49.78.090, 49.78.220, 49.78.230, 49.78.240, 49.78.250, 49.78.260, 49.78.270, 49.78.280, 49.78.290, 49.78.300, 49.78.310, 49.78.320, 49.78.330, 49.78.340, 49.78.350, 49.78.360, 49.78.370, 49.78.380, 49.78.390, 49.78.400, 49.78.410, 49.78.901, and 49.78.904; repealing RCW 49.78.240, 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.210, 49.86.902, and 49.86.903; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

SB 5150 by Senators Fain, Rivers, Palumbo, Darneille and Keiser

AN ACT Relating to providing a sales and use tax exemption for certain feminine hygiene products; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5151 by Senators Fain, O'Ban, Zeiger, Miloscia and Braun

AN ACT Relating to authorizing the county auditor or his or her designee to appoint committees to prepare arguments advocating voters' approval and rejection of certain measures; and amending RCW 29A.32.280.

Referred to Committee on State Government.

SB 5152 by Senators Fain, Keiser, Rivers, Becker, Palumbo and Kuderer

AN ACT Relating to pediatric transitional care centers; amending RCW 42.56.360 and 42.56.360; adding a new chapter to Title 18 RCW; providing an effective date; providing an expiration date; and prescribing penalties.

Referred to Committee on Health Care.

SB 5153 by Senators Fain, Liias, Hobbs and Zeiger

AN ACT Relating to proof of financial responsibility before the issuance of vehicle registrations; amending RCW 46.16A.130, 46.16A.110, 46.16A.040, and 46.30.040; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5154 by Senators Fain, Hobbs, Liias, Zeiger, Billig, Wilson and Kuderer

AN ACT Relating to driver's license formats for persons approaching twenty-one years of age; and amending RCW 46.20.105.

Referred to Committee on Transportation.

SB 5155 by Senators Billig, Saldaña, Liias, Rolfes, Frockt, Takko, Darneille, Wellman, Kuderer and Hasegawa

AN ACT Relating to suspension and expulsion of kindergarten and early elementary school students; amending RCW 28A.600.015, 28A.600.020, 28A.600.410, and 28A.600.460; and creating a new section.

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

SB 5156 by Senators Brown, Rivers, Angel, Sheldon, Takko, Fortunato and Warnick

AN ACT Relating to motorcycle helmet use; and amending RCW 46.37.530 and 46.30.020.

Referred to Committee on Transportation.

SB 5157 by Senators Angel and Mullet

AN ACT Relating to repealing an expiration date for legislation enacted in 2015 regarding pawnbroker fees and interest rates; and repealing 2015 c 294 s 2 (uncodified).

Referred to Committee on Financial Institutions & Insurance.

SB 5158 by Senators Rivers, Cleveland, Bailey and Keiser

AN ACT Relating to dental practice and solicitation by corporations; and amending RCW 18.32.675.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5132 which had been designated to the Committee on Commerce Labor & Sports and referred to the Committee on Law & Justice.

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Monday, January 16, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTH DAY, JANUARY 16, 2017

2017 REGULAR SESSION

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 16, 2017

The Senate was called to order at 12:09 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

The Sergeant at Arms Color Guard consisting of Pages Garcia Brayden and Austin Peart, presented the Colors. Reverend Steve Barber of St. Peter's United Methodist Church, Bellevue, offered the prayer. The National Anthem was performed by Ms. Kathryn Tewson member of the Seattle Symphony Chorale and Opus 7.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 12, 2017

SB 5031 Prime Sponsor, Senator Angel: Addressing licensing and enforcement provisions applicable to money transmitters and currency exchanges under the uniform money services act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Ericksen, Vice Chair; Mullet, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

Caseload Forecast Council - "Racial and Ethnic Impact Statements" in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 27, 2016;

Department of Commerce - "Report on Reentry from Confinement" pursuant to 43.380.050 RCW, report date January 11, 2017;

Department of Commerce - "2017 Biennial Energy Report and State Energy Strategy Update" pursuant to 43.21F.045 RCW, report date December 31, 2016;

Department of Ecology - "Status of Developing Model Remedies" pursuant to 70.105D.030 RCW, report date December 1, 2016;

Department of Labor and Industries - "Elevator Program Performance Study" pursuant to 70.87.020 RCW, report date December 31, 2016;

Department of Labor and Industries - "Underground Economy Benchmark Report" pursuant to 18.27.800 RCW, report date December 1, 2016;

Department of Labor and Industries - "Structured Settlement Program" pursuant to 51.04.069 RCW, report date July 5, 2016;

Department of Labor and Industries - "Employment Standards Activity" pursuant to 49.12.180 RCW, report date December 1, 2016;

Department of Licensing - "Special License Plate Annual Report" pursuant to 46.18.060 RCW, report date January 1, 2017;

Office of Program Research - "Joint Legislative Task Force on Sexual Assault Forensic Examination Best Practices" in accordance with Substitute House Bill No. 1068 pursuant to 70.125.090 RCW, report date December 31, 2016;

Department of Transportation - "I-405 Express Toll Lanes Update" in accordance with Engrossed Substitute House Bill No. 2524, report date January 6, 2017;

Department of Transportation - "Practical Design Savings, Semiannual Report" pursuant to 47.01.480 RCW, report date January 1, 2017;

Department of Transportation - "Transit Mobility 2016 Report" pursuant to 47.01.330 RCW, report date December 22, 2016;

Department of Transportation, Ferries Division - "Diesel Fuel Price Hedging 2016 Report" pursuant to 47.60.830 RCW, report date December 1, 2016.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5159 by Senators Baumgartner, O'Ban and Conway

AN ACT Relating to community safety at eastern and western state hospitals; adding new sections to chapter 72.23 RCW; and creating a new section.

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

SB 5160 by Senators Rivers, Cleveland, Keiser and O'Ban

AN ACT Relating to prescription drug insurance continuity of care; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

EIGHTH DAY, JANUARY 16, 2017

2017 REGULAR SESSION

SB 5161 by Senators Keiser, Wilson and Takko

AN ACT Relating to theater licenses; and amending RCW 66.24.655.

Referred to Committee on Commerce, Labor & Sports.

SB 5162 by Senators McCoy, Sheldon, Rolfes and Takko

AN ACT Relating to creating the wastewater treatment plant operator certification account; adding a new section to chapter 70.95B RCW; and repealing RCW 70.95B.150.

Referred to Committee on Ways & Means.

SB 5163 by Senators Keiser, Frockt, Conway, Liias and Darneille

AN ACT Relating to unknown changes to the federal affordable care act and the four-year balanced budget requirement; amending RCW 43.88.055; and creating a new section.

Referred to Committee on Ways & Means.

SB 5164 by Senators Keiser, Fain and Rivers

AN ACT Relating to authorizing grocery store license endorsements allowing beer and wine tastings at certain grocery stores that specialize in the sale of meat, poultry, seafood, or cheese; and amending RCW 66.24.363.

Referred to Committee on Commerce, Labor & Sports.

SB 5165 by Senator Ericksen

AN ACT Relating to snack bar licenses; and amending RCW 66.24.350.

Referred to Committee on Commerce, Labor & Sports.

SB 5166 by Senator Ericksen

AN ACT Relating to a sales tax exemption provided to state and local governments, public school districts, and public charter schools on construction when the funds were obtained from indebtedness; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5167 by Senator Ericksen

AN ACT Relating to prohibiting the use of mandatory project labor agreements by regional transit authorities; adding a new section to chapter 39.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5168 by Senator Ericksen

AN ACT Relating to prohibiting the use of mandatory project labor agreements; adding a new section to chapter 39.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on State Government.

SB 5169 by Senator Ericksen

AN ACT Relating to fantasy sports contests; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5170 by Senator Ericksen

AN ACT Relating to independent remedial actions under the model toxics control act; and amending RCW 70.105D.090, 70.105D.030, 43.21C.036, 70.94.335, 70.95.270, 70.105.116, 77.55.061, 90.48.039, and 90.58.355.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5171 by Senator Ericksen

AN ACT Relating to certain uses of state-owned aquatic lands; amending RCW 79.105.210 and 79.110.240; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 5172 by Senator Ericksen

AN ACT Relating to department of ecology's reporting requirements on greenhouse gas emissions; and repealing RCW 70.235.040.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5173 by Senators Chase, Miloscia, Hunt and Hobbs

AN ACT Relating to loss prevention reviews by state agencies; and amending RCW 43.19.003, 43.19.782, and 43.19.783.

Referred to Committee on State Government.

SB 5174 by Senators Angel, Baumgartner, Honeyford and Padden

AN ACT Relating to amending the consumer protection act to prohibit labor organizations from engaging in unfair or deceptive acts or practices; amending RCW 19.86.070; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5175 by Senators Padden and Pedersen

AN ACT Relating to modifying the process for prevailing parties to recover judgments in small claims court; amending RCW 12.40.020, 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, and 43.79.505; adding a new section to chapter 12.40 RCW; and repealing RCW 12.40.110.

Referred to Committee on Law & Justice.

SB 5176 by Senators Hasegawa and Chase

AN ACT Relating to creating the Washington state preservation of liberty act condemning the unlawful detention of United States citizens and lawful resident aliens under the national defense authorization act; adding a new section to chapter 42.20 RCW; adding a new section to chapter 38.40 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5177 by Senator Bailey

AN ACT Relating to requiring long-term care workers to be trained to recognize hearing loss; and amending RCW 74.39A.074.

Referred to Committee on Health Care.

SB 5178 by Senator Bailey

AN ACT Relating to requiring the department of health to develop a hearing loss education program for health care professionals; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 5179 by Senator Bailey

AN ACT Relating to requiring coverage for hearing instruments under public employee and medicaid programs; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

SB 5180 by Senators Bailey and Walsh

AN ACT Relating to the legislative advisory committee on aging; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

SB 5181 by Senators Bailey and Walsh

AN ACT Relating to notifying residents of long-term care facilities that they may install and conduct electronic monitoring in their rooms; and amending RCW 43.190.060.

Referred to Committee on Health Care.

SB 5182 by Senators Fain, Frockt, Miloscia, Liias, Walsh, Cleveland, Bailey, Chase, Zeiger, Rolfes and Keiser

AN ACT Relating to providing local governments with options to preserve affordable housing in their communities; and adding a new chapter to Title 84 RCW.

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

SB 5183 by Senators Rolfes, Rivers, Warnick and Billig

AN ACT Relating to career and technical education funding; amending RCW 28A.150.260; reenacting and amending RCW 28A.150.260; creating a new section; providing an effective date; and declaring an emergency.

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

SB 5184 by Senators Padden, O'Ban, Fain, Pedersen, Darneille and Frockt

AN ACT Relating to patronizing a prostitute; amending RCW 9A.88.110; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5185 by Senators Wilson and Mullet

AN ACT Relating to immunity from liability for professional or trade associations providing emergency response volunteers; and amending RCW 38.52.180.

Referred to Committee on State Government.

SB 5186 by Senator Padden

AN ACT Relating to the collection of blood samples for forensic testing; amending RCW 18.130.410, 46.61.506, and 46.61.508; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Law & Justice.

SB 5187 by Senators Angel, Takko and Warnick

AN ACT Relating to modernizing county auditor statutes; amending RCW 36.32.210, 36.72.075, 52.26.070, 68.50.040, and 70.94.120; and repealing RCW 36.32.310.

Referred to Committee on Local Government.

SB 5188 by Senators Angel, Takko and Warnick

AN ACT Relating to removal of land from the current use property tax classification due to certain natural disasters; amending RCW 84.33.145; and reenacting and amending RCW 84.34.108.

Referred to Committee on Local Government.

SB 5189 by Senators Warnick, Takko and Angel

AN ACT Relating to eliminating the collection of anticipated taxes and assessments; amending RCW 84.56.345 and 84.40.042; and repealing RCW 58.08.040.

Referred to Committee on Local Government.

SB 5190 by Senators Conway, King, Keiser and Braun

AN ACT Relating to the bona fide charitable or nonprofit organization member requirement; and amending RCW 9.46.0209.

Referred to Committee on Commerce, Labor & Sports.

SB 5191 by Senators Frockt, Walsh, Miloscia, Conway, Keiser, Becker, Rivers and Zeiger

AN ACT Relating to enactment of the physical therapy licensure compact; amending RCW 18.74.050, 18.74.090, 18.74.150, and 43.70.320; adding new sections to chapter 18.74 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5192 by Senators Kuderer, Billig, Cleveland, Palumbo and Hunt

AN ACT Relating to extending the time period for voter registration; amending RCW 29A.08.140, 29A.08.110, 29A.08.410, and 29A.40.160; and providing a contingent effective date.

Referred to Committee on State Government.

SB 5193 by Senators Fain, Takko, Rivers and Liias

AN ACT Relating to the taxing authority of public facilities districts; and amending RCW 82.14.390 and 82.14.485.

Referred to Committee on Ways & Means.

SB 5194 by Senators King, Conway and Wilson

AN ACT Relating to authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption; amending RCW 66.24.360, 66.24.630, and 66.24.363; reenacting and amending RCW 66.24.371; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5195 by Senators Hunt and King

AN ACT Relating to signed written authorizations for special parking privileges; and amending RCW 46.19.010.

Referred to Committee on Transportation.

SB 5196 by Senators Warnick, Hobbs, Takko, King, Chase and Honeyford

AN ACT Relating to including certain cattle feedlots within the statutory exemption for odor or fugitive dust caused by agricultural activity; and amending RCW 70.94.640.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5197 by Senators Becker, Rivers, Cleveland, Brown and Bailey

AN ACT Relating to requiring additional security review of the all payer claims database; and amending RCW 43.371.020.

Referred to Committee on Health Care.

SB 5198 by Senators Becker, Warnick, Fain, Bailey and Brown

AN ACT Relating to fire suppression methodologies; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 5199 by Senators Becker, Warnick, Fain, Bailey and Brown

AN ACT Relating to fire suppression volunteers; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5200 by Senators Becker, Warnick, Fain, Bailey and Brown

AN ACT Relating to allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass; and amending RCW 79A.80.020.

Referred to Committee on Natural Resources & Parks.

SB 5201 by Senator O'Ban

AN ACT Relating to individuals receiving both employment and community access services; and amending RCW 71A.12.290.

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

SB 5202 by Senators Baumgartner, Billig, Hunt, Liias, Sheldon, Rossi, Erickson and Honeyford

AN ACT Relating to authorizing nationally recognized college assessments for high school assessment purposes; amending RCW 28A.305.130, 28A.655.061, and 28A.655.070; and creating a new section.

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

SB 5203 by Senators Wilson, Hobbs, Pedersen, Wellman and Palumbo

AN ACT Relating to allowing youth courts to have jurisdiction over transit infractions; and amending RCW 3.72.010.

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

SB 5204 by Senator Fain

AN ACT Relating to modifying a property tax exemption for industrial and manufacturing industries in targeted areas; and amending RCW 84.25.010, 84.25.020, 84.25.030, 84.25.040, 84.25.050, 84.25.060, 84.25.070, 84.25.080, 84.25.090, 84.25.100, 84.25.110, 84.25.120, and 84.25.130.

Referred to Committee on Ways & Means.

SB 5205 by Senators Fain, Palumbo and Zeiger

AN ACT Relating to the excise taxation of martial arts; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5183 which had been designated to the Committee on Higher Education and was referred to the Committee on Early Learning & K-12 Education.

MOTION

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

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION
8604

By Senator Fain

WHEREAS, Today, the third Monday in January, we remember and honor the life and legacy of Dr. Martin Luther King Jr., who would become a beacon of hope for equality in our nation; and

WHEREAS, Dr. King used his gift of oratory to awaken America to the realities of life for African Americans and to make life better for all by encouraging change through nonviolent means; and

WHEREAS, Dr. King's steadfast faith encouraged others, as exemplified in his famous "I Have a Dream" speech delivered 54 years ago this coming August 28th, in which he said, "Now is the time to make justice a reality for all of God's children"; and

WHEREAS, Dr. King's unwavering support for the principles of racial justice and social equality helped change America; and

WHEREAS, In his life, Dr. King called on others to make a personal commitment to serve humanity by helping the less fortunate, uniting as a global family, and acting with kindness and compassion; and

WHEREAS, Service is a powerful way to commemorate the words and deeds of Dr. King and to translate our reverence for his life and teachings into action to make our nation better; and

WHEREAS, Dr. King believed that a person's worth should not be measured by his or her color, culture, or class, but rather by his or her commitment to making life better for all through service rendered to each other;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the people of the State of Washington, and in recognition of the courageous leadership and legacy of hope demonstrated by Dr. Martin Luther King Jr., honor his memory by urging all citizens of our state to continue the legacy of Dr. King by treating all people as equal.

Senators Saldaña, Ranker, McCoy, Hasegawa and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

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

MOTION

Senator Sheldon moved adoption of the following resolution:

SENATE RESOLUTION 8601

By Senator Sheldon

WHEREAS, The Miss and Mr. Mason Area Pageant has been serving Mason County one mission at a time for four years; and

WHEREAS, The pageant royalty, who range in age from newborn to young adult, compete in this "natural pageant" for the privilege of doing a year's worth of community service during which they and their families invest their time and resources into helping people in Mason County through community service projects; and

WHEREAS, Pageant participants have made a lasting impact in Mason County by raising money and walking in the Relay for Life, collecting food for Saint's Pantry, collecting coats for a domestic violence shelter, making Capes of Courage for foster children, and much more; and

WHEREAS, Royalty and ambassadors of the Miss and Mr. Mason Area Pageant have spent hours writing Christmas cards to

veterans in hospitals and nursing homes, for the Christmas Cards for Heroes campaign run by the Red Cross and for the United Service Organizations; and

WHEREAS, Pageant royalty gather backpacks for school food programs that support children who do not have enough food for the weekends; and

WHEREAS, The love and support of community displayed by the pageant royalty has inspired their families and other community members to participate in community service activities throughout the county; and

WHEREAS, The Miss and Mr. Mason Area Pageant continues to provide support to the people of Mason County; and

WHEREAS, The service of pageant royalty and ambassadors has made Mason County a wonderful place to live, work, and raise a family; and

WHEREAS, Through the leadership of their director, Carey Sanchez, the 2016 Miss and Mr. Mason Area Pageant Royalty has made a lasting impact on the lives of Mason County community members in need; and

WHEREAS, The pageant will continue to be a symbol of hope and community togetherness by its resilient staff and volunteers who make the pageant possible each year;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its gratitude and appreciation to the devoted members of the Miss and Mr. Mason Area Pageant and their dedicated families; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong community awareness to the vitality and well-being of this great state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Carey Sanchez, the 2016 Miss and Mr. Mason Area Pageant Royalty, and the 2015 Miss and Mr. Mason Area Pageant Royalty Ambassadors.

Senator Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8601.

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

MOTION

At 12:47 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock p.m. Tuesday, January 17, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, January 17, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5206 by Senators Chase, Hunt, Conway, Hasegawa and Keiser

AN ACT Relating to providing for career and technical education opportunities for elementary school students; amending RCW 28A.230.130, 28A.700.005, 28A.700.010, 28A.700.020, and 28A.700.050; adding a new section to chapter 28A.188 RCW; and making an appropriation.

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

SB 5207 by Senators Kuderer, Miloscia, Frockt, Zeiger, Hobbs and Keiser

AN ACT Relating to the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers; and amending RCW 42.56.250.

Referred to Committee on State Government.

SB 5208 by Senators Warnick, Takko, Dansel, Brown, Wellman, Hawkins and Schoesler

AN ACT Relating to creating the Washington rural jobs act; adding a new chapter to Title 82 RCW; and providing a contingent expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5209 by Senators O'Ban, Conway, Zeiger and Fortunato

AN ACT Relating to certain gold star license plate qualified applicants and recipients; and amending RCW 46.18.245.

Referred to Committee on Transportation.

SB 5210 by Senators Lias and Fain

AN ACT Relating to establishing a student loan bill of rights; amending RCW 43.320.110, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.145, 31.04.165, 31.04.277, and 31.04.310; reenacting and amending RCW 31.04.015;

adding new sections to chapter 28B.77 RCW; adding new sections to chapter 31.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Higher Education.

SB 5211 by Senator Wilson

AN ACT Relating to adjudicative proceedings involving a state agency; and amending RCW 34.05.461, 34.12.060, and 34.05.455.

Referred to Committee on Law & Justice.

SB 5212 by Senator Wilson

AN ACT Relating to clarifying the scope of land use control ordinances for purposes of vesting; and amending RCW 19.27.095 and 58.17.033.

Referred to Committee on Local Government.

SB 5213 by Senators Wilson and Zeiger

AN ACT Relating to the award of fees for limited license legal technicians in certain domestic violence cases; and amending RCW 26.50.060.

Referred to Committee on Law & Justice.

SB 5214 by Senators Wilson and Zeiger

AN ACT Relating to adding responsibilities to the duties of the joint administrative rules review committee; amending RCW 34.05.630 and 34.05.655; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

SB 5215 by Senators Conway and O'Ban

AN ACT Relating to encouraging the annexation of unincorporated urban growth areas; and amending RCW 82.14.415, 35.13.182, 35.13.1821, and 35.13.470.

Referred to Committee on Local Government.

SB 5216 by Senator O'Ban

AN ACT Relating to an elective firearms safety and hunter education course for high school students; amending RCW 77.32.155; and adding a new section to chapter 28A.230 RCW.

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

SB 5217 by Senators Zeiger, Rolfes, Fain and Billig

AN ACT Relating to changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes; amending RCW 28A.660.020 and 28A.660.035; and repealing RCW 28A.660.040.

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

SB 5218 by Senator Zeiger

AN ACT Relating to requiring notification to law enforcement of persons with an arrest warrant who are on public agency property; and adding a new section to chapter 10.31 RCW.

Referred to Committee on Law & Justice.

SB 5219 by Senators Billig, Palumbo, Mullet, Carlyle, Pedersen, Darneille, Hasegawa, Conway, Rolfes and Frockt
AN ACT Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2017; amending RCW 42.17A.235 and 42.17A.240; reenacting and amending RCW 42.17A.005; adding new sections to chapter 42.17A RCW; and creating new sections.

Referred to Committee on State Government.

SB 5220 by Senators Warnick, Angel, Rivers and Chase
AN ACT Relating to the excise taxation of martial arts; amending RCW 82.04.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5221 by Senator Fain
AN ACT Relating to the interstate medical licensure compact; amending RCW 43.70.250; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health Care.

SB 5222 by Senators Hasegawa, Baumgartner, Takko, O'Ban, Conway, Zeiger, Bailey and King
AN ACT Relating to requiring prime contractors to bond the subcontractor's portion of retainage upon request; and amending RCW 60.28.011.

Referred to Committee on Commerce, Labor & Sports.

SB 5223 by Senators Miloscia, O'Ban and Becker
AN ACT Relating to safe injection sites in Washington state; amending RCW 70.05.010, 70.05.060, 70.05.070, and 70.05.130; adding new sections to chapter 70.05 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Health Care.

SB 5224 by Senators Frockt, Rivers, McCoy and Hasegawa
AN ACT Relating to increasing access to oral health care; amending RCW 18.32.030, 18.32.0351, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, and 69.41.030; reenacting and amending RCW 18.120.020 and 69.41.010; adding a new section to chapter 43.70 RCW; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

SB 5225 by Senators Keiser, Miloscia and Saldaña
AN ACT Relating to directing the completion of a study of certain environmental impacts, including ultrafine particulate emissions, associated with aircraft traffic in areas impacted by airport operations; adding a new section to chapter 70.94 RCW; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SJR 8203 by Senators Miloscia, O'Ban, Bailey and Becker
Amending the Constitution to allow public schools that are not free from sectarian control.

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

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5222 which had been designated to the Committee on State Government and was referred to the Committee on Commerce, Labor & Sports.

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 18, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 18, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 17, 2017
SGA 9022 RANDY J ROBINSON, appointed on July 8, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

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

January 17, 2017
SGA 9024 GABE P SPENCER, appointed on July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

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

January 17, 2017
SGA 9028 PAMELA J TIETZ, appointed on July 1, 2013, for the term ending June 30, 2017, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

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

January 17, 2017
SGA 9078 ELIZABETH L BAUM, reappointed on June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

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

January 17, 2017
SGA 9086 KEN A LARSEN, appointed on July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

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

January 17, 2017
SGA 9087 WENDY L LAWRENCE, appointed on July 7, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

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

January 17, 2017
SGA 9092 STEVEN M MOSS, reappointed on June 23, 2015, for the term ending June 30, 2019, as Member of the Housing Finance Commission. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain and Kuderer.

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

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all appointees listed on the Gubernatorial Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 17, 2017

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8400,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5226 by Senators Zeiger, Rolfes, Braun, Rivers and Hunt
AN ACT Relating to school district liability for criminal acts committed by their students; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Law & Justice.

SB 5227 by Senators King and Hobbs
AN ACT Relating to requiring drivers to stop for approaching other on-track equipment at railroad grade crossings; and amending RCW 46.61.340, 46.61.350, 46.61.355, 36.86.100, 46.25.090, and 47.32.140.

Referred to Committee on Transportation.

SB 5228 by Senators Honeyford, Rivers, Fortunato, Becker, Bailey, Ericksen, Warnick and Pearson
AN ACT Relating to the definition of hydraulic project in relation to the hydraulic project approval permits; and reenacting and amending RCW 77.55.011.

Referred to Committee on Natural Resources & Parks.

SB 5229 by Senators Honeyford, Keiser, King and Conway
AN ACT Relating to authorizing theaters with more than four screens to obtain a license to sell beer and wine; and amending RCW 66.24.650.

Referred to Committee on Commerce, Labor & Sports.

SB 5230 by Senators Wilson, Palumbo, Braun, Mullet, Baumgartner, Takko, Brown, Keiser, King, Miloscia, Chase, Walsh, Warnick and Hobbs
AN ACT Relating to the licensing and regulatory requirements of small business owners; creating new sections; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5231 by Senators Keiser, Kuderer and Conway
AN ACT Relating to notice of charity care availability at time of billing and collection; amending RCW 70.170.060; and providing an effective date.

Referred to Committee on Health Care.

SB 5232 by Senators Brown, Palumbo, Walsh, Dangel, Takko and Chase

AN ACT Relating to allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act; and amending RCW 19.285.030 and 19.285.040.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5233 by Senators Mullet, Palumbo, Rivers and Wilson
AN ACT Relating to the employee status of language translators and interpreters; amending RCW 51.12.020; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5234 by Senators Mullet, Palumbo, Rivers, Lias and Wilson
AN ACT Relating to a systemwide credit policy regarding AP exams; and adding a new section to chapter 28B.77 RCW.

Referred to Committee on Higher Education.

SB 5235 by Senator Takko
AN ACT Relating to withdrawing territory from a cemetery district; and adding a new section to chapter 68.54 RCW.

Referred to Committee on Local Government.

SB 5236 by Senators Zeiger, Fain, Rolfes, Warnick, Rivers and Lias
AN ACT Relating to the creation of a civic learning public-private partnership; adding a new chapter to Title 28A RCW; and making an appropriation.

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

SB 5237 by Senators Bailey, Wilson, Chase, Rivers, Keiser, Rolfes and Zeiger
AN ACT Relating to updating workforce investment act references and making no substantive changes; amending RCW 28B.50.281, 28C.18.010, 28C.18.060, 28C.18.150, 28C.18.164, 50.20.250, 50.22.150, 50.62.030, and 74.15.020; and reenacting and amending RCW 28C.04.410 and 50.22.155.

Referred to Committee on Higher Education.

SB 5238 by Senators Warnick, Becker, Wellman, Rolfes and Zeiger
AN ACT Relating to requiring that cursive writing be taught in common schools; amending RCW 28A.230.020; and adding a new section to chapter 28A.230 RCW.

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

SB 5239 by Senators Warnick, Takko, Ericksen and Becker

TENTH DAY, JANUARY 18, 2017

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AN ACT Relating to ensuring that water is available to support development; amending RCW 19.27.097, 36.70A.070, and 58.17.110; adding a new section to chapter 90.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5240 by Senators Mullet, Zeiger, Rivers, Angel, Takko, Hasegawa and Warnick

AN ACT Relating to gradually increasing the local government share of excess liquor revenues; amending RCW 66.08.190; and creating a new section.

Referred to Committee on Ways & Means.

SB 5241 by Senators Carlyle, O'Ban and Darneille

AN ACT Relating to the educational success of youth in foster care; and amending RCW 28A.320.192.

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

SB 5242 by Senators Fain and Mullet

AN ACT Relating to permissible activities by insurers or insurance producers with customers and potential customers; and amending RCW 48.30.140 and 48.30.150.

Referred to Committee on Financial Institutions & Insurance.

SB 5243 by Senators Dansel, Walsh, Hunt and Takko

AN ACT Relating to authorizing certain public facilities districts to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area with voter approval; and amending RCW 35.57.020.

Referred to Committee on Local Government.

SB 5244 by Senators O'Ban, Hobbs, Takko and Wilson

AN ACT Relating to the means of communication between a buyer or lessee and an auto dealer during the "bushing" period; and amending RCW 46.70.180.

Referred to Committee on Transportation.

SB 5245 by Senators Hobbs and Bailey

AN ACT Relating to defining veteran for the purpose of receiving certain benefits; and amending RCW 41.04.007.

Referred to Committee on State Government.

SB 5246 by Senators Zeiger, Billig, Fain and Mullet

AN ACT Relating to the department of early learning's access to records and personal information for purposes of determining character and suitability of child care workers and individuals who have unsupervised access to children in child care settings; amending RCW 13.50.100, 26.44.100, 43.215.200, and 74.04.060; and reenacting and amending RCW 43.43.832 and 43.215.215.

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

SB 5247 by Senators Zeiger, Mullet, Fain and Billig

AN ACT Relating to updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements; and amending RCW 43.215.090 and 43.215.130.

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

SB 5248 by Senators Rivers, Cleveland, Becker and Carlyle

AN ACT Relating to persons to whom the department of health may provide prescription monitoring program data; and amending RCW 70.225.040.

Referred to Committee on Health Care.

SB 5249 by Senators Keiser, Conway, Saldaña and Hasegawa

AN ACT Relating to damages for wage theft; amending RCW 49.52.070; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5250 by Senators Keiser, Rivers and Hasegawa

AN ACT Relating to amendments to bylaws of a condominium association; and amending RCW 64.34.324.

Referred to Committee on Financial Institutions & Insurance.

SB 5251 by Senators Takko, Warnick, Rolfes, McCoy and Zeiger

AN ACT Relating to tourism marketing; reenacting and amending RCW 43.79A.040; adding a new section to chapter 82.08 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5252 by Senator Angel

AN ACT Relating to measuring the effectiveness of document recording fee surcharge funds that support homeless programs; amending RCW 43.185C.040; and creating a new section.

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

SB 5253 by Senators Cleveland, Rivers, Kuderer, Keiser and Conway

AN ACT Relating to the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.160.

Referred to Committee on Health Care.

SB 5254 by Senators Fain, Palumbo, Zeiger, Angel, Hobbs and Mullet

AN ACT Relating to ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs; amending RCW 36.70A.115, 36.70A.215, 36.70A.070, 47.80.023, 36.70A.210, 43.62.035, 36.70A.110, 36.22.179, 82.46.037, 43.185C.030, 43.185C.040, 43.185C.160, 36.22.178, 36.22.1791, 43.185C.240, 43.21C.440, and 43.21C.229;

adding a new section to chapter 43.185C RCW; adding a new chapter to Title 84 RCW; and creating new sections.

Referred to Committee on Local Government.

SB 5255 by Senator Padden

AN ACT Relating to seizure and forfeiture reporting; and amending RCW 69.50.505.

Referred to Committee on Law & Justice.

SB 5256 by Senators Fain, Pedersen, Zeiger, Palumbo, Miloscia, Frockt and Darneille

AN ACT Relating to sexual assault protection orders; and amending RCW 7.90.120 and 7.90.121.

Referred to Committee on Law & Justice.

SB 5257 by Senators Kuderer, Palumbo and Billig

AN ACT Relating to including referred and diverted youth in establishing community juvenile accountability program guidelines; and amending RCW 13.40.510.

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

SB 5258 by Senators Zeiger, Fain, Mullet and Rolfes

AN ACT Relating to creating the Washington academic, innovation, and mentoring program; adding a new section to chapter 43.330 RCW; and creating a new section.

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

SB 5259 by Senators Rivers, Cleveland, Darneille and Fain

AN ACT Relating to changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health; amending RCW 43.20A.025, 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, 43.20A.897, 74.04.015, 71.05.026, 71.05.026, 71.05.027, 71.05.040, 71.05.100, 71.05.203, 71.05.203, 71.05.214, 71.05.214, 71.05.215, 71.05.240, 71.05.285, 71.05.320, 71.05.320, 71.05.325, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 71.05.340, 71.05.350, 71.05.380, 71.05.435, 71.05.435, 71.05.510, 71.05.520, 71.05.525, 71.05.560, 71.05.560, 71.05.590, 71.05.590, 71.05.590, 71.05.620, 71.05.620, 71.05.720, 71.05.732, 71.05.740, 71.05.745, 71.05.745, 71.05.750, 71.05.750, 71.05.755, 71.05.760, 71.05.801, 71.05.940, 71.24.015, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.045, 71.24.061, 71.24.100, 71.24.155, 71.24.160, 71.24.215, 71.24.220, 71.24.240, 71.24.300, 71.24.310, 71.24.320, 71.24.330, 71.24.330, 71.24.340, 71.24.350, 71.24.360, 71.24.370, 71.24.380, 71.24.385, 71.24.400, 71.24.405, 71.24.415, 71.24.420, 71.24.430, 71.24.455, 71.24.460, 71.24.470, 71.24.480, 71.24.490, 71.24.500, 71.24.515, 71.24.520, 71.24.525, 71.24.530, 71.24.535, 71.24.540, 71.24.545, 71.24.555, 71.24.565, 71.24.580, 71.24.590, 71.24.595, 71.24.605, 71.24.610, 71.24.615, 71.24.620, 71.24.625, 71.24.630, 71.24.640, 71.24.645, 71.24.650, 71.24.805, 71.24.810, 71.24.850, 71.24.860, 71.24.902, 71.34.010, 71.34.300, 71.34.365, 71.34.375, 71.34.375, 71.34.380, 71.34.385, 71.34.385, 71.34.390, 71.34.395, 71.34.400,

71.34.400, 71.34.405, 71.34.420, 71.34.420, 71.34.600, 71.34.600, 71.34.610, 71.34.630, 71.34.630, 71.34.640, 71.34.720, 71.34.720, 71.34.760, 71.34.760, 71.34.780, 71.34.780, 71.34.780, 71.34.790, 71.36.025, 71.36.040, 71.36.060, 70.96A.011, 70.96A.020, 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.148, 70.96A.160, 70.96A.180, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.260, 70.96A.265, 70.96A.915, 70.96B.010, 70.96B.020, 70.96B.030, 70.96B.045, 70.96B.050, 70.96B.070, 70.96B.090, 70.96B.140, 41.05.015, 41.05.021, 41.05A.005, 74.09.050, 74.09.055, 74.09.080, 74.09.120, 74.09.160, 74.09.210, 74.09.220, 74.09.230, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.315, 74.09.325, 74.09.522, 74.09.530, 74.09.540, 74.09.730, 74.09.780, 74.09A.030, 74.64.010, 74.66.010, 70.02.010, 70.02.230, 70.02.240, 70.02.250, 70.02.260, 70.02.340, 70.02.350, 43.70.080, 43.59.030, 48.21.180, 48.44.240, 48.46.350, 69.50.540, 2.30.020, 2.30.030, 9.41.300, 9.94A.703, 10.05.040, 10.05.050, 18.205.080, 18.88A.020, 46.61.5056, 72.09.350, 72.09.370, 72.09.370, 72.09.380, 72.09.381, 72.09.585, and 74.34.020; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.215, 71.05.240, 71.05.320, 71.05.425, 71.05.445, 71.24.025, 71.24.025, 71.24.600, 71.34.020, 71.34.020, 71.34.720, 71.36.010, 70.02.010, 70.02.230, 42.56.270, and 46.61.5055; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 71.34 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 74.09 RCW; creating new sections; recodifying RCW 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, and 43.20A.897; decodifying RCW 71.24.065; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health Care.

SB 5260 by Senator Warnick

AN ACT Relating to the continuation of tax preferences supporting the solar silicon manufacturing industry; amending RCW 82.04.294 and 82.08.9651; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5261 by Senator Warnick

AN ACT Relating to irrigation district authority; and amending RCW 87.03.015, 87.03.0155, and 87.03.115.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5262 by Senators King and Hobbs

AN ACT Relating to the weight limitation for certain vessels exempt from the pilotage act; and amending RCW 88.16.070.

Referred to Committee on Transportation.

SB 5263 by Senator Warnick

AN ACT Relating to procurement of seeds by state agencies; and adding a new section to chapter 39.26 RCW.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

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SB 5264 by Senators Rivers and Conway

AN ACT Relating to virtual currency; reenacting and amending RCW 69.50.101; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5265 by Senators Rivers, Wellman, Warnick, Hobbs, McCoy, Mullet, Takko, Keiser, Ranker and Chase

AN ACT Relating to authorization for projects and appropriating funds recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5266 by Senators O'Ban, Pedersen, Angel and Darneille

AN ACT Relating to theft of rental property; amending RCW 9A.56.096; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5267 by Senators Hunt, Mullet, Chase, Darneille, Ranker, Wellman, McCoy, Nelson, Liias, Billig, Palumbo, Keiser, Saldaña, Kuderer, Conway, Rolfes, Carlyle, Cleveland, Hasegawa, Hobbs, Pedersen and Takko

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 53.12.010, 54.12.010, and 29A.76.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government.

SB 5268 by Senators Takko, Chase, Warnick, Schoesler, King, Sheldon, Saldaña, Cleveland, Pearson, Honeyford and Hawkins

AN ACT Relating to notice to the licensee before a concealed pistol license expires; and amending RCW 9.41.070.

Referred to Committee on Law & Justice.

SB 5269 by Senators Warnick, Honeyford and Takko

AN ACT Relating to WAC 173-563-020(4) and 173-531A-060 regarding the processing of applications for Columbia river water right permits to clarify legislative intent to ensure that the rules can be implemented as written; and amending RCW 90.90.020.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5270 by Senators Hawkins and Takko

AN ACT Relating to expiration dates affecting the department of natural resources' contract harvesting

program; amending 2013 c 255 s 1 and 2009 c 418 s 7 (uncodified); repealing 2010 c 126 s 12; and repealing 2013 c 255 ss 2 and 3 and 2010 c 126 ss 15 and 16 (uncodified).

Referred to Committee on Natural Resources & Parks.

SB 5271 by Senators Hobbs and King

AN ACT Relating to aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing; amending RCW 46.04.199, 46.12.530, 46.16A.040, 46.16A.190, 46.17.230, 46.17.330, 46.20.205, 46.52.120, 46.68.035, and 88.02.375; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Transportation.

SB 5272 by Senators Saldaña, Hasegawa, Ranker, Chase, Hunt, Darneille, Wellman, Keiser, Cleveland and Takko

AN ACT Relating to vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor; amending RCW 9.96.070; and reenacting and amending RCW 9.96.060.

Referred to Committee on Law & Justice.

SB 5273 by Senator Fain

AN ACT Relating to electronic filing of court documents; adding a new section to chapter 2.04 RCW; creating a new section; and making an appropriation.

Referred to Committee on Law & Justice.

SCR 8401 by Senators Bailey, Rolfes, Hasegawa, Chase, Rivers, Zeiger and Keiser

Approving the 2016 state comprehensive plan for workforce training and education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5228 which had been designated to the Committee on Agriculture, Water, Trade & Economic Development and was referred to the Committee on Natural Resources & Parks and Senate Bill No. 5265 which had been designated to the Committee on State Government and referred to the Committee on Ways & Means.

MOTION

At 10:07 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock p.m. Thursday, January 19, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 19, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 2017

SB 5114 Prime Sponsor, Senator Braun: Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member; Becker; Billig; Carlyle; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

January 18, 2017

SB 5162 Prime Sponsor, Senator McCoy: Creating the wastewater treatment plant operator certification account. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on

the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5274 by Senators Conway, Bailey, Schoesler and Hobbs
AN ACT Relating to defining salary for purposes of the Washington state patrol retirement system; and amending RCW 43.43.120.

Referred to Committee on Ways & Means.

SB 5275 by Senators Conway, Bailey, Schoesler and Hobbs
AN ACT Relating to transferring public employees' retirement system service credit to the public safety employees' retirement system due to differing definitions of full-time; adding a new section to chapter 41.37 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5276 by Senators Bailey, Conway, Schoesler and Hobbs
AN ACT Relating to allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation; amending RCW 41.40.023, 41.35.030, and 41.32.032; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.35 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.50 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5277 by Senators Padden, Pedersen and Darneille
AN ACT Relating to disqualification of judges; and amending RCW 4.12.040 and 4.12.050.

Referred to Committee on Law & Justice.

SB 5278 by Senators Padden and Pedersen
AN ACT Relating to the authority of the public safety review panel; amending RCW 10.77.020, 10.77.110, 10.77.120, 10.77.140, 10.77.145, 10.77.150, 10.77.155, 10.77.160, 10.77.163, 10.77.180, 10.77.190, 10.77.195, 10.77.200, 10.77.230, and 10.77.270; and creating new sections.

Referred to Committee on Law & Justice.

SB 5279 by Senators Warnick and Keiser
AN ACT Relating to allowing sales of growlers of wine; and amending RCW 66.28.360.

Referred to Committee on Commerce, Labor & Sports.

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SB 5280 by Senators Honeyford, Rivers, Becker, Sheldon, Brown, Angel, Miloscia, Warnick, Padden and Bailey
AN ACT Relating to making crimes and threats against persons because of their occupation as a law enforcement officer a hate crime; amending RCW 9A.36.078, 9A.36.080, 9A.46.060, 9A.36.031, and 36.28A.030; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5281 by Senators Angel, Fortunato, Takko, Fain, Sheldon and Hobbs
AN ACT Relating to state board of health rules regarding on-site sewage systems; and amending RCW 43.20.050.

Referred to Committee on Local Government.

SB 5282 by Senator Baumgartner
AN ACT Relating to authorizing local governments to prohibit the operation of licensed marijuana retail businesses within alcohol impact areas; and amending RCW 69.50.331.

Referred to Committee on Commerce, Labor & Sports.

SB 5283 by Senators Warnick, Mullet, Rivers and Rolfes
AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.

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

SB 5284 by Senators Carlyle and Rivers
AN ACT Relating to the oversight and regulation of marijuana; amending RCW 69.50.325, 69.50.331, 69.50.339, 69.50.348, 69.50.351, 69.50.357, 69.50.363, 69.50.366, 69.50.369, 69.50.372, 69.50.500, 69.50.580, 66.08.100, and 9.94A.832; adding a new section to chapter 69.50 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5285 by Senators Wilson and Palumbo
AN ACT Relating to conducting a workforce study of employment opportunities in the agriculture, environment, and natural resources economic sectors intended to provide educators with the information needed for informing students about employment opportunities in the studied fields; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 5286 by Senators Angel, Hobbs, Fain and Takko
AN ACT Relating to prohibiting regulation of the amount of rent for commercial properties; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5287 by Senators Darneille, Saldaña, Pedersen and Hasegawa

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5288 by Senators Hunt and Liias
AN ACT Relating to authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters; amending RCW 82.14.045; and providing an effective date.

Referred to Committee on Transportation.

SB 5289 by Senators Rivers, Liias, Miloscia and Carlyle
AN ACT Relating to updating the distracted driving infraction; adding a new section to chapter 46.61 RCW; repealing RCW 46.61.667 and 46.61.668; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5290 by Senators Hobbs, Takko, Palumbo and Chase
AN ACT Relating to the administration of marijuana to students for medical purposes; amending RCW 69.51A.060; adding a new section to chapter 28A.210 RCW; and adding a new section to chapter 69.51A RCW.

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

SB 5291 by Senators Pearson, McCoy, Warnick, Chase, Hobbs, Fain, Hasegawa, Palumbo, Wellman and Hunt
AN ACT Relating to creating a pilot project to provide middle and junior high school students strategic and intentional academic support beyond the traditional school day to promote accountability and responsibility and to ensure high school readiness; adding new sections to chapter 43.330 RCW; creating new sections; making appropriations; and providing an expiration date.

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

SB 5292 by Senator Ranker
AN ACT Relating to government efficiency by eliminating, revising or decodifying obsolete or inactive statutory provisions that concern the office of financial management; amending RCW 4.84.360, 38.40.030, 43.03.049, 43.08.015, and 43.320.090; decodifying RCW 43.41.901, 43.41.940, and 43.41.950; and repealing RCW 28B.15.101, 43.41.220, 43.41.230, 43.41.240, 43.41.250, and 43.41.905.

Referred to Committee on State Government.

SB 5293 by Senator Darneille
AN ACT Relating to court-based and school-based efforts to promote attendance and reduce truancy; amending RCW 28A.225.020, 28A.225.025, 28A.225.026, and 28A.225.090; and repealing RCW 28A.225.115.

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

SB 5294 by Senators Padden and O'Ban

AN ACT Relating to addressing the department of corrections early release error; amending RCW 72.09.010, 43.06.010, 42.40.040, and 42.40.110; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5295 by Senators Braun and Ranker

AN ACT Relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child; amending RCW 41.04.650, 41.04.655, 41.04.660, and 41.04.665; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 5296 by Senators Braun and Ranker

AN ACT Relating to removing the requirement that an employee must work at least six months before taking vacation leave; amending RCW 43.01.040 and 43.01.044; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 5297 by Senators Ranker and Rolfes

AN ACT Relating to educational employees' compensation; and amending RCW 28A.150.410, 28A.400.200, and 28A.400.205.

Referred to Committee on Ways & Means.

SB 5298 by Senator Ranker

AN ACT Relating to lowering the levy authority and local effort assistance; amending RCW 28A.500.020 and 28A.500.020; reenacting and amending RCW 84.52.0531, 84.52.0531, 28A.500.030, and 28A.500.030; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5299 by Senators Keiser, Darneille and Chase

AN ACT Relating to promoting healthy outcomes for pregnant women and infants; amending RCW 74.09.480; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5300 by Senators Zeiger, Wellman, Fain, Billig, Walsh and Nelson

AN ACT Relating to authorizing specified local governments, including federally recognized Indian tribes, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission; adding new sections to chapter 43.46 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5301 by Senators Miloscia and Hunt

AN ACT Relating to the inclusion of repeat and willful violations of chapters 49.46, 49.48, and 49.52 RCW to the state's responsible bidder criteria; amending RCW 39.04.350 and 39.26.160; and creating a new section.

Referred to Committee on State Government.

SB 5302 by Senators Van De Wege and King

AN ACT Relating to establishing pilot projects for destination steelhead fisheries on the Olympic Peninsula and Klickitat river; amending RCW 77.65.500; adding a new chapter to Title 77 RCW; and providing expiration dates.

Referred to Committee on Natural Resources & Parks.

SB 5303 by Senators Honeyford, Rolfes, Chase, Hawkins and Warnick

AN ACT Relating to aquatic invasive species management; amending RCW 43.43.400, 77.120.110, 82.16.020, 77.120.070, 77.135.160, 77.120.010, 77.135.110, and 77.135.120; reenacting and amending RCW 88.02.640, 88.02.640, 77.15.160, and 77.135.010; adding new sections to chapter 77.135 RCW; adding new sections to chapter 77.120 RCW; creating a new section; repealing RCW 77.12.879; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SB 5304 by Senators Braun, Wilson, Baumgartner and King

AN ACT Relating to review and adoption of electrical rules; and amending RCW 19.28.031.

Referred to Committee on Commerce, Labor & Sports.

SB 5305 by Senator O'Ban

AN ACT Relating to supporting access to state recreation lands by disabled veterans; and amending RCW 79A.80.080 and 79A.05.065.

Referred to Committee on Natural Resources & Parks.

SB 5306 by Senators Rolfes and Takko

AN ACT Relating to secondary commercial fish receivers; and amending RCW 77.15.568.

Referred to Committee on Natural Resources & Parks.

SB 5307 by Senator Darneille

AN ACT Relating to creating alternatives to total confinement for certain qualifying offenders with minor children; and amending RCW 9.94A.030, 9.94A.655, and 9.94A.6551.

Referred to Committee on Law & Justice.

SB 5308 by Senators Palumbo, Fain, Hunt, Billig, McCoy, Ranker, Liias and Saldaña

AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Law & Justice.

SB 5309 by Senator Hunt

ELEVENTH DAY, JANUARY 19, 2017

2017 REGULAR SESSION

AN ACT Relating to adding new counties to a regional transit authority; and amending RCW 81.112.050.

Referred to Committee on Transportation.

SB 5310 by Senators Hunt and Baumgartner

AN ACT Relating to retired teachers working as coaches; amending RCW 41.32.068; repealing 2016 c 233 s 19 (uncodified); and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5311 by Senators Hunt and Miloscia

AN ACT Relating to state reimbursement of election costs; and amending RCW 29A.04.420.

Referred to Committee on State Government.

SB 5312 by Senators Baumgartner and Saldaña

AN ACT Relating to prohibiting certain employers from including any question on an application about an applicant's criminal record, inquiring either orally or in writing about an applicant's criminal records, or obtaining information from a criminal background check, until after the employer initially determines that the applicant is otherwise qualified; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5313 by Senators Fain and Billig

AN ACT Relating to the funding of civics education and campaign compliance; amending RCW 82.04.4282; and adding a new section to chapter 82.32 RCW.

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

SB 5314 by Senators Wilson, Sheldon, Rivers, Becker, Miloscia and Warnick

AN ACT Relating to county treasurer administrative efficiencies; amending RCW 84.56.020, 84.56.050, and 82.45.090; and repealing 2014 c 13 s 3 (uncodified).

Referred to Committee on Local Government.

SB 5315 by Senators King, Baumgartner, Hawkins, Hobbs, Fortunato and Pearson

AN ACT Relating to home site leases on lands managed by the department of natural resources; amending RCW 79.17.200; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SJM 8003 by Senators Rivers, Takko, Fortunato, Palumbo, Wilson, Angel, Walsh, Miloscia, O'Ban, Brown, Warnick, Honeyford, Rossi and Hobbs

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and terms of office for federal officials and for members of Congress.

Referred to Committee on State Government.

SJM 8004 by Senators Sheldon, Honeyford, Padden, Rossi, Baumgartner, Brown, Rivers, Schoesler, Becker, Hawkins, Braun and Warnick

Requesting that certain federal officials prevent the breaching of any dam in the Columbia River system.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Joint Memorial No. 8003 which had been designated to the Committee on Law & Justice and referred to the Committee on State Government.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Jennifer Gregerson, Mayor of Mukilteo, who was present in the wings.

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, January 20, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWELFTH DAY, JANUARY 20, 2017

2017 REGULAR SESSION

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 20, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

Office of the State Actuary – “*OSA Performance Report 2017*” pursuant to 44.44 RCW, report date January 3, 2017;

Department of Commerce – “*Regulatory Streamlining – Manufacturing*” in accordance with House Bill No. 1818, report date December 1, 2016;

Department of Ecology – “*Better Brakes Law: A national model for improving water quality*” pursuant to 70.285.050 RCW, report date December 1, 2016;

Department of Labor and Industries – “*Comprehensive Catastrophic Care Management Project*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 1, 2016;

Department of Labor and Industries, Insurance Services Division – “*Implementation of Recommendations of Joint Legislative Audit and Review Committee*” in accordance with Engrossed House Bill No. 2123, report date April 22, 2016;

Department of Labor and Industries, Insurance Services Division – “*Update on Implementation of Recommendation of Joint Legislative Audit and Review Committee*” in accordance with Engrossed House Bill No. 2123, report date October 19, 2016;

Department of Labor and Industries – “*Medical Management Best Practices, 2016 Annual Report*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 1, 2016;

Department of Labor and Industries – “*Reducing Long-Term Disability through Use of Medical Best Practices*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 1, 2016;

Department of Social & Health Services - “*Individual Provider Overtime Quarterly Expenditures*” in accordance with Engrossed Second Substitute House Bill No. 1725, report date December 1, 2016;

Student Achievement Council – “*Southeast King County Needs Assessment and Operating Plan*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 30, 2016;

Department of Transportation – “*SR 16 Tacoma Narrows Bridge, Public-Private Partnership Review*” in accordance with Second Engrossed Substitute House Bill No. 1299, report date January 16, 2017;

Department of Transportation - “*SR 169 Safety Study: Maple Valley to Renton*” in accordance with Engrossed Substitute House Bill No. 2524, report date December 1, 2016.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5316 by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown and Zeiger

AN ACT Relating to the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington; amending RCW 43.320.017, 70.95.532, 80.01.080, 48.18A.035, 48.25.140, 48.29.015, 21.20.880, 43.70.900, 29A.04.510, 35A.39.010, 44.05.080, 47.06.110, 82.42.090, and 82.80.070; adding a new section to chapter 42.30 RCW; recodifying RCW 42.32.030; decodifying RCW 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.016, 43.320.901, 15.15.900, 50.06.010, 50.13.010, 50.13.910, 50.38.900, 50.38.902, 50.60.902, 50.65.905, 50.70.902, 28A.315.075, 29A.04.903, 29A.04.905, 42.56.901, 42.56.902, 42.56.903, 71A.10.805, 10.77.900, 10.77.920, 10.77.930, 71.05.910, 71.05.920, 71.05.930, 71.24.900, 71.34.901, 5.45.920, 43.41.035, 43.41.940, 43.41.950, 43.41.981, and 43.88.910; and repealing RCW 66.08.230, 66.08.250, 66.12.020, 28A.305.900, 28A.305.901, 28A.630.005, 70.94.505, 70.95N.270, 70.104.070, 70.104.090, 80.36.901, 70.104.100, 21.20.886, 31.04.501, 48.102.190, 35.13A.0301, 70.22.005, 71A.20.190, 28B.65.010, 28B.65.020, 28B.65.030, 28B.65.040, 28B.65.050, 28B.65.060, 28B.65.070, 28B.65.080, 28B.65.110, 28B.65.900, 28B.65.905, 2.56.031, 10.77.810, 10.77.820, 71.24.055, 2.56.250, 9.04.040, 43.30.8351, 76.01.080, 76.01.090, 76.09.380, 77.12.605, 77.12.710, 79A.20.005, 79A.20.010, 79A.20.030, 79A.20.900, 43.31.088, 43.31.522, 43.31.524, 43.31.800, 43.31.805, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.833, 43.31.834, 43.31.840, 43.31.850, 47.01.141, 47.60.645, 47.78.010, 82.44.180, 82.80.040, 82.80.050, 82.80.060, 82.14.046, and 82.50.510.

Referred to Committee on State Government.

SB 5317 by Senator Angel

AN ACT Relating to a sufficient minimum balance supporting the Tacoma Narrows toll bridge; amending RCW 46.68.395 and 47.56.165; reenacting and amending RCW 43.84.092; adding a new section to chapter 47.56 RCW; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5318 by Senators Hunt, Takko, Warnick and Brown
AN ACT Relating to agriculture science education in public schools; adding new sections to chapter 28A.188 RCW; and creating a new section.

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

SB 5319 by Senators Brown and McCoy
AN ACT Relating to transferring authority for low-level radioactive waste management from the department of ecology to the department of health; amending RCW 43.200.020, 43.200.030, 43.200.070, 43.200.080, 43.200.180, 43.200.190, 43.200.200, 43.200.220, 43.200.230, 43.200.900, 70.98.085, and 70.98.098; reenacting and amending RCW 43.200.015; adding new sections to chapter 43.200 RCW; and repealing RCW 43.200.907.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5320 by Senators Padden, Warnick, Angel, Rivers, Fortunato, Miloscia, O'Ban, Wilson, Braun, Becker, Brown, Baumgartner, Bailey, Honeyford, Pearson and Zeiger

AN ACT Relating to abortion notification; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5321 by Senators Rivers, Liias, Darneille, Miloscia, Becker, Warnick and Honeyford

AN ACT Relating to parental rights and responsibilities of sexual assault perpetrators and survivors; amending RCW 26.09.191 and 26.33.170; reenacting and amending RCW 26.26.011; and adding new sections to chapter 26.26 RCW.

Referred to Committee on Law & Justice.

SB 5322 by Senators King, Frockt, Miloscia, Bailey, Conway, Hobbs and Becker

AN ACT Relating to patient safeguards in agreements between dentists and third parties that provide support services to dentists; amending RCW 18.32.020, 18.32.655, and 18.32.091; adding a new section to chapter 18.32 RCW; and creating new sections.

Referred to Committee on Health Care.

SB 5323 by Senators Rivers and Takko

AN ACT Relating to creating a voluntary marijuana production standard and certification program; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5324 by Senators Takko and Rivers

AN ACT Relating to adding authority to the department of agriculture to regulate sanitary processing of marijuana-infused edibles; amending RCW 69.07.010, 69.07.020, and 19.02.110; adding a new section to chapter 69.07 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5325 by Senators Zeiger and Conway

AN ACT Relating to clarifying the authority of a nurse working in a school setting; adding a new section to chapter 28A.210 RCW; and creating a new section.

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

SB 5326 by Senators Pearson, Walsh and Brown

AN ACT Relating to public disclosure and use of personal information of law enforcement and department of corrections employees; amending RCW 42.56.070 and 42.56.250; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5327 by Senators Angel and Padden

AN ACT Relating to court clerks; and amending RCW 2.32.050, 26.09.231, and 36.23.110.

Referred to Committee on Law & Justice.

SB 5328 by Senators Honeyford, Hobbs, Bailey, Becker, Miloscia, Angel, Brown, Sheldon, Rivers, Warnick and Rossi

AN ACT Relating to creating a community aviation revitalization board; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

SB 5329 by Senators Honeyford, Becker, Bailey, Angel, Rivers, Warnick and Rossi

AN ACT Relating to exempting the state of Washington from daylight saving time and implementing year-round Pacific Standard Time; adding a new section to chapter 1.20 RCW; creating a new section; and repealing RCW 1.20.051.

Referred to Committee on State Government.

SB 5330 by Senators Zeiger, Palumbo, Fain, Mullet, King, Hobbs, Liias, Wellman and Miloscia

AN ACT Relating to implementing public-private partnership best practices for nontoll transportation projects; amending RCW 47.29.010, 47.29.030, 47.29.060, 47.29.140, 47.29.150, 47.29.170, 47.29.180, 47.29.280, 39.10.300, and 39.08.010; reenacting and amending RCW 43.131.408; adding a new section to chapter 47.29 RCW; adding a new section to chapter 39.10 RCW; adding a new section to chapter 39.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5331 by Senators Takko and Warnick

AN ACT Relating to irrigation district administration; and amending RCW 87.03.240, 87.03.445, 87.03.565, and 87.03.820.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5332 by Senators Warnick, Takko and Sheldon

AN ACT Relating to extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses; amending RCW 82.16.0421; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5333 by Senators Miloscia, Liias, Zeiger and Pearson

AN ACT Relating to the presidential primary; amending RCW 29A.56.010, 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050, 29A.60.190, 29A.08.161, and 29A.04.206; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on State Government.

SB 5334 by Senators Zeiger, Liias, Walsh and Kuderer

AN ACT Relating to extending the time period for voter registration to no later than eleven days before the day of a primary, special election, or general election; amending RCW 29A.08.140, 29A.08.125, 29A.08.410, and 29A.08.620; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.420; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on State Government.

SB 5335 by Senators Fain, Billig, Zeiger and Walsh

AN ACT Relating to collecting voter registration sign up information for persons seventeen years of age during the period one year prior to attaining eighteen years of age including the designation of voter registration locations and voter sign up locations; amending RCW 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140, 46.20.155, and 42.56.250; adding new sections to chapter 29A.08 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on State Government.

SB 5336 by Senators Miloscia, Hunt, Zeiger and Kuderer

AN ACT Relating to criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents; amending RCW 9A.48.070, 9A.48.080, and 29A.84.540; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5337 by Senators Miloscia, Hunt, Zeiger and Kuderer

AN ACT Relating to declaration of candidacy; and amending RCW 29A.24.070 and 29A.24.091.

Referred to Committee on State Government.

SB 5338 by Senators Wilson and Takko

AN ACT Relating to registration enforcement for off-road vehicles and snowmobiles; adding a new section to chapter 46.09 RCW; adding a new section to chapter 46.10 RCW; adding a new section to chapter 46.93 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5339 by Senators O'Ban, Padden, Miloscia, King, Schoesler, Zeiger, Becker, Baumgartner, Rossi, Wilson, Sheldon, Angel, Honeyford, Braun and Warnick

AN ACT Relating to accommodating the civil rights of religious objectors to mandatory payments to labor organizations; and amending RCW 41.56.122, 41.76.045, 41.59.100, 28B.52.045, 49.39.090, 47.64.160, 41.80.100, and 49.66.010.

Referred to Committee on Commerce, Labor & Sports.

SB 5340 by Senators Keiser and Baumgartner

AN ACT Relating to class B elevator work permits; amending RCW 70.87.100; and reenacting and amending RCW 70.87.010.

Referred to Committee on Commerce, Labor & Sports.

SB 5341 by Senators King and Baumgartner

AN ACT Relating to monetary penalties imposed for infractions relating to mobile and manufactured home installation; amending RCW 43.22A.190; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5342 by Senators King, Takko, Pearson and Pedersen

AN ACT Relating to the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements; and amending RCW 7.84.100.

Referred to Committee on Natural Resources & Parks.

SB 5343 by Senators Warnick and Takko

AN ACT Relating to notice sent by and certain release of information affecting registered tow truck operators; and amending RCW 46.55.110 and 46.52.130.

Referred to Committee on Transportation.

SB 5344 by Senators Fain, Walsh, Baumgartner and Rivers

AN ACT Relating to enhancing enforcement of the equal pay act; amending RCW 49.12.175; adding a new section to chapter 49.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5345 by Senators Walsh, Kuderer, Sheldon, Takko, Miloscia, Zeiger and Honeyford

AN ACT Relating to creating Imagine special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5346 by Senators Walsh, Rolfes, Zeiger, Hobbs, Warnick, Pedersen, Nelson, Darneille, Kuderer, Hunt, Keiser, McCoy and Honeyford

AN ACT Relating to creating a legislative page scholarship program; adding new sections to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

TWELFTH DAY, JANUARY 20, 2017

2017 REGULAR SESSION

SB 5347 by Senator Walsh

AN ACT Relating to the definition of work activity for the purposes of the WorkFirst program; amending RCW 74.08A.250; and adding a new section to chapter 74.08A RCW.

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

SB 5348 by Senators Fain, Rolfes, Zeiger, Darneille and Conway

AN ACT Relating to students who receive special education services who earn certificates of individual achievement; and amending RCW 28A.155.170.

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

SB 5349 by Senators Cleveland, Billig, Rivers, Conway, Keiser, Saldaña and Hasegawa

AN ACT Relating to elder justice centers; adding a new section to chapter 74.34 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5350 by Senators Fortunato, Padden, O'Ban, Braun, Angel, Schoesler and Brown

AN ACT Relating to deadlines for final determinations and dispositions in agency adjudicative proceedings; and amending RCW 34.05.413, 34.05.534, 34.05.562, and 34.05.570.

Referred to Committee on Law & Justice.

SB 5351 by Senators Rivers and Cleveland

AN ACT Relating to dental professions; amending RCW 18.32.0351 and 18.260.090; and reenacting and amending RCW 18.32.040.

Referred to Committee on Health Care.

SB 5352 by Senators Rivers and Cleveland

AN ACT Relating to increasing the number of members on the board of osteopathic medicine and surgery; and amending RCW 18.57.003.

Referred to Committee on Health Care.

SB 5353 by Senators Rivers and Cleveland

AN ACT Relating to foundational public health services; amending RCW 43.70.512, 43.70.514, and 43.70.516; adding a new section to chapter 43.70 RCW; and repealing RCW 43.70.520.

Referred to Committee on Health Care.

SB 5354 by Senators Miloscia, Carlyle, Walsh, Darneille, Pedersen, Billig, Kuderer, Hunt, Hasegawa and Ranker

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100,

10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, and 10.95.200.

Referred to Committee on Law & Justice.

SB 5355 by Senators Conway, Rivers, Cleveland, Keiser, Kuderer, Hasegawa and Saldaña

AN ACT Relating to expanding the use of telemedicine to improve access to care for injured workers; amending RCW 51.36.080; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5356 by Senators Fain, Palumbo, Miloscia, Frockt, Bailey, Rolfes and Angel

AN ACT Relating to the humane treatment of dogs; reenacting and amending RCW 16.52.011; adding a new section to chapter 16.52 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5357 by Senators Ranker, Fain, Billig, Sheldon, Hunt, Palumbo, Zeiger, Hobbs, Rolfes, Pearson, Rivers, Carlyle, Saldaña, Walsh and Liias

AN ACT Relating to establishing a pilot project to license outdoor early learning and child care programs; adding a new section to chapter 43.215 RCW; creating a new section; and providing an expiration date.

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

SB 5358 by Senators Schoesler and Ranker

AN ACT Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW; amending RCW 54.28.040, 54.28.050, 54.28.055, 82.32.105, 82.32.350, 82.04.040, 82.04.190, 82.04.050, 82.32.670, 82.32.534, 82.32.585, 82.04.261, 82.04.334, 82.04.43391, 82.32.030, 84.41.041, 35.102.130, 82.04.060, 82.04.190, 82.04.192, 82.04.257, 82.04.258, 82.08.02082, 82.08.02088, 82.12.010, 82.12.020, 82.12.02082, 82.12.02088, 82.12.0259, 82.12.035, 82.12.040, 82.12.860, 82.14.457, 82.04.4277, 84.12.270, 84.12.330, 84.16.040, 84.16.090, 83.100.050, 19.02.115, 82.01.060, and 84.33.089; amending 2015 3rd sp.s. c 30 s 1, and 2015 3rd sp.s. c 6 ss 2301, 2303, and 801 (uncodified); reenacting and amending RCW 84.34.108 and 82.32.790; reenacting RCW 82.04.280; adding a new section to chapter 54.28 RCW; adding a new section to chapter 84.08 RCW; repealing RCW 54.28.030 and 82.04.4483; repealing 2010 c 106 s 206, 2009 c 461 s 3, 2006 c 300 s 7, and 2003 c 149 s 4; creating new sections; and providing effective dates.

Referred to Committee on Ways & Means.

SB 5359 by Senators Conway, Zeiger, Bailey, Rolfes and Hobbs

AN ACT Relating to requiring annual reporting on the implementation of laws to streamline licensing processes for military service members and their spouses; and amending RCW 73.04.150.

Referred to Committee on State Government.

SB 5360 by Senators Bailey, Rivers, Cleveland, Darneille, Brown, O'Ban, Conway, Walsh, Rolfes, Zeiger, Hasegawa, Keiser and Wellman

AN ACT Relating to reducing training requirements for developmental disability respite providers working three hundred hours or less in any calendar year; and amending RCW 74.39A.076.

Referred to Committee on Health Care.

SB 5361 by Senators Bailey, Mullet, Zeiger, Palumbo, Fain, Frockt and Carlyle

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Higher Education.

SB 5362 by Senators Braun, Mullet, Baumgartner, Liias and Rossi

AN ACT Relating to an exemption from unemployment compensation for certain providers of commercial transportation services; and amending RCW 50.04.100.

Referred to Committee on Commerce, Labor & Sports.

SB 5363 by Senators Walsh, Frockt, Rivers, Fain, Carlyle, Darneille, Miloscia and Warnick

AN ACT Relating to the appointment of counsel for youth in dependency court proceedings; and amending RCW 13.34.090, 13.34.092, 13.34.100, and 13.34.105.

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

SB 5364 by Senators Palumbo, Angel, Takko and Zeiger

AN ACT Relating to removing disincentives to the voluntary formation of regional fire protection service authorities by establishing parity, equalizing certain provisions with existing laws governing fire protection districts, and clarifying the formation process; amending RCW 52.26.220, 52.26.230, 84.55.092, 52.18.050, 52.18.010, 52.26.180, 52.26.030, 52.26.230, 84.52.043, 84.52.043, 84.52.125, and 84.55.092; reenacting and amending RCW 52.26.020, 84.52.010, and 84.52.010; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Local Government.

SB 5365 by Senators King, Hobbs, Liias and Wilson

AN ACT Relating to relocation assistance for persons displaced by agency property acquisitions; and amending RCW 8.26.035, 8.26.045, and 8.26.055.

Referred to Committee on Transportation.

SB 5366 by Senators Hobbs, King and Liias

AN ACT Relating to the authorization of and deposit of moneys from department of transportation advertising activities; adding a new section to chapter 47.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5367 by Senators Becker and Warnick

AN ACT Relating to modifying the pupil transportation funding formula to address underfunded school districts that operate pupil transportation efficiently; and amending RCW 28A.160.191.

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

SB 5368 by Senators Becker, Rivers, O'Ban, Brown, Sheldon, Angel, Bailey, Braun, Warnick and Honeyford

AN ACT Relating to limiting the authority to seek medicaid waivers; amending RCW 74.09.530; and repealing RCW 74.09.5222.

Referred to Committee on Health Care.

SB 5369 by Senators Becker, Cleveland, Rivers, Keiser, Bailey, Angel and Warnick

AN ACT Relating to the practice of naturopathy; amending RCW 18.36A.040 and 69.41.030; reenacting and amending RCW 18.36A.020 and 69.50.101; and adding new sections to chapter 18.36A RCW.

Referred to Committee on Health Care.

SB 5370 by Senators Becker, Bailey, Rivers, O'Ban, Fain, Zeiger, Brown, Fortunato, Warnick, Miloscia and Angel

AN ACT Relating to federal funding programs requiring changes in state law; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5371 by Senators Becker, Rivers, Brown, Braun, Angel, Warnick and Honeyford

AN ACT Relating to protecting public sector workers' rights through public disclosure of public sector unions' finances; adding a new section to chapter 41.58 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 49.39 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

SB 5372 by Senators Becker, Rivers, Brown, Miloscia, O'Ban, Zeiger and Angel

AN ACT Relating to state audit findings of noncompliance with state law; amending RCW 43.09.310; and adding a new section to chapter 43.09 RCW.

Referred to Committee on State Government.

SB 5373 by Senators Becker, Angel, Rivers, Brown, Miloscia, Fortunato, Bailey and Zeiger

AN ACT Relating to the recruitment and retention of Washington state patrol officers; and amending RCW 43.43.380.

Referred to Committee on Transportation.

TWELFTH DAY, JANUARY 20, 2017

2017 REGULAR SESSION

SB 5374 by Senators Becker, Bailey, Rivers, Brown, Miloscia, O'Ban, Warnick, Angel, Honeyford, Padden and Braun
AN ACT Relating to state employee whistleblower protection; and amending RCW 42.40.020.

Referred to Committee on Law & Justice.

SB 5375 by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden and Zeiger
AN ACT Relating to renaming the cancer research endowment authority to the Andy Hill cancer research endowment; and amending RCW 43.348.010, 43.348.020, 43.348.030, 43.348.040, 43.348.050, 43.348.060, 43.348.070, and 43.348.080.

Referred to Committee on Health Care.

SB 5376 by Senators Sheldon and Padden
AN ACT Relating to indigent defense; amending RCW 10.101.020 and 2.70.020; and reenacting and amending RCW 10.101.010.

Referred to Committee on Law & Justice.

SB 5377 by Senator Sheldon
AN ACT Relating to vote count requirements for homeowners' associations; and amending RCW 64.38.025.

Referred to Committee on Financial Institutions & Insurance.

SB 5378 by Senators Sheldon, Dangel, Hasegawa and Conway
AN ACT Relating to modifying the operation of motorcycles on roadways laned for traffic; amending RCW 46.61.608 and 47.52.025; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

SB 5379 by Senator McCoy
AN ACT Relating to constructing all new public buildings with cross-laminated timber; amending RCW 39.04.010; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government.

MOTION

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

MOTION

At 9:02 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock p.m. Monday, January 23, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 23, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 2017

SB 5007 Prime Sponsor, Senator Angel: Addressing surplus line broker licensing. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5007 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5013 Prime Sponsor, Senator Warnick: Concerning the disposition of tenant property placed upon the nearest public property. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senator Kuderer.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5015 Prime Sponsor, Senator Warnick: Concerning unlawful detainer actions for at-will tenancies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senator Kuderer.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5025 Prime Sponsor, Senator Miloscia: Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Chair; Becker, Vice Chair; Bailey; Baumgartner; Fain; Miloscia and O'Ban.

MINORITY recommendation: Do not pass. Signed by Senators Kuderer; Keiser; Mullet and Walsh.

Referred to Committee on Commerce, Labor & Sports.

January 19, 2017

SB 5042 Prime Sponsor, Senator Angel: Authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5079 Prime Sponsor, Senator McCoy: Concerning dental health services in tribal settings. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5125 Prime Sponsor, Senator Braun: Defining independent contractor relationships in the context of real estate licensing. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Rossi; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5144 Prime Sponsor, Senator Angel: Addressing the Washington state credit union act. Reported by Committee on Financial Institutions & Insurance

FIFTEENTH DAY, JANUARY 23, 2017

2017 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5157 Prime Sponsor, Senator Angel: Repealing an expiration date for legislation enacted in 2015 regarding pawnbroker fees and interest rates. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

January 19, 2017

SB 5190 Prime Sponsor, Senator Conway: Concerning the member requirement for bona fide charitable or nonprofit organizations. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

November 29, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LINDA WILLIAMS, appointed November 29, 2016, for the term ending June 17, 2021, as a Chair of the Industrial Insurance Appeals Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment 9235.

December 6, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICARDO E. SANCHEZ, appointed December 6, 2016, for the term ending January 12, 2021, as Member of the State Board of Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment 9236.

December 16, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL A. PASTOR, reappointed December 16, 2016, for the term ending August 2, 2018, as Member of the Sentencing Guidelines Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment 9237.

December 27, 2016

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YONA MAKOWSKI, appointed December 27, 2016, for the term ending December 31, 2019, as Member of the Investment Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment 9238.

January 16, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GUY R. NORMAN, reappointed January 16, 2017, for the term ending January 15, 2021, as Member of the Northwest Power and Conservation Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment 9239.

January 16, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE REID, reappointed October 4, 2013, for the term ending September 30, 2018, as Member of the Lake Washington Institute of Technology Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment 9240.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5380 by Senators Zeiger and Palumbo

AN ACT Relating to exempting property owned or used by community and technical colleges from property tax; amending RCW 84.36.050; and creating a new section.

Referred to Committee on Higher Education.

SB 5381 by Senators Baumgartner and Palumbo

AN ACT Relating to making the customized training program permanent; and repealing RCW 28B.67.902.

Referred to Committee on Higher Education.

SB 5382 by Senators Liias, Hobbs, Walsh, King, Takko, Saldaña and Cleveland

AN ACT Relating to the issuance of identicards at a reduced cost to applicants who are under the age of eighteen and without a permanent residence address; amending RCW 46.20.117 and 46.20.117; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5383 by Senators Bailey, Angel, Takko and Hobbs

AN ACT Relating to the taxation and permitting of vessels in Washington; amending RCW 82.08.700 and 82.12.700; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5384 by Senators Fortunato and Takko

AN ACT Relating to the development of cooperative agreements to expand recreational access on privately owned lands; and amending RCW 4.24.210.

Referred to Committee on Natural Resources & Parks.

SB 5385 by Senator Hobbs

AN ACT Relating to creating a fossil fuel carbon pollution tax; amending RCW 47.66.070; reenacting and amending RCW 43.84.092; adding a new chapter to Title 82 RCW; and providing a contingent expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5386 by Senators Pedersen, Miloscia, Hunt, Fain and Billig

AN ACT Relating to strengthening the initiative process by providing for more comprehensive review before initiatives receive ballot titles; amending RCW 29A.72.010,

29A.72.020, 29A.72.030, and 43.07.120; adding new sections to chapter 29A.72 RCW; and creating a new section.

Referred to Committee on State Government.

SB 5387 by Senators Pedersen, Angel, Rolfes and Fain

AN ACT Relating to cremation by biochemical hydrolysis; amending RCW 68.04.020, 68.04.080, 68.04.120, 68.04.170, 68.04.260, 68.04.270, 68.05.175, 68.05.195, 68.05.245, 68.05.390, 68.24.010, 68.24.150, 68.50.108, 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.185, 68.50.240, 68.50.270, 68.64.120, 70.95K.010, 70.95M.090, 73.08.070, 18.39.170, 18.39.217, and 18.39.410; and adding new sections to chapter 68.04 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5388 by Senators Zeiger, Sheldon, Kuderer, Padden, Wilson, Conway, Fortunato, Hobbs, Becker, Warnick and Honeyford

AN ACT Relating to unlawful entry on certain properties; adding new sections to chapter 9A.52 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

SB 5389 by Senators Miloscia and Palumbo

AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5390 by Senators Liias and Bailey

AN ACT Relating to grandfathering the accrual of vacation leave above the statutory maximum for certain employees of the Washington state ferries; amending RCW 43.01.040; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5391 by Senators Zeiger, Hobbs, O'Ban and Conway

AN ACT Relating to clarifying the powers, duties, and functions of the department of veterans affairs; amending RCW 43.60A.020, 43.60A.100, 43.60A.151, 43.60A.154, 43.60A.155, 43.60A.190, 72.36.115, and 73.08.005; reenacting and amending RCW 43.60A.150; and decodifying RCW 43.60A.901, 43.60A.902, and 43.60A.905.

Referred to Committee on State Government.

SB 5392 by Senators Rolfes, Sheldon, Ranker and Bailey

AN ACT Relating to ferry advisory committees; amending RCW 47.60.286, 47.60.290, 47.60.300, 47.60.310, and 47.60.330; and providing an effective date.

Referred to Committee on Transportation.

SB 5393 by Senators Warnick, Liias, Takko and Pearson

AN ACT Relating to including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181; and amending RCW 77.55.181.

Referred to Committee on Natural Resources & Parks.

SB 5394 by Senators Rivers, Takko, Hasegawa, Braun, Chase, Warnick, Honeyford, Rolfes and Zeiger
AN ACT Relating to the forestry riparian easement program; and amending RCW 76.13.120.

Referred to Committee on Natural Resources & Parks.

SB 5395 by Senators Rivers and Mullet
AN ACT Relating to strengthening the timing and content of disclosures by continuing care retirement communities; and amending RCW 18.390.030, 18.390.060, and 18.390.070.

Referred to Committee on Health Care.

SB 5396 by Senators Angel, Liias, Wellman, O'Ban and Cleveland
AN ACT Relating to municipal access to local financial services; amending RCW 39.58.010, 39.58.060, and 39.58.108; and repealing RCW 39.58.240.

Referred to Committee on Financial Institutions & Insurance.

SB 5397 by Senators Warnick, Liias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford and Wilson
AN ACT Relating to disclosure in initiatives, referenda, and recall petitions; amending RCW 29A.56.160, 29A.72.110, 29A.72.120, 29A.72.130, and 29A.72.170; adding a new section to chapter 29A.72 RCW; adding a new section to chapter 29A.84 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government.

SB 5398 by Senators Miloscia, Hunt and Zeiger
AN ACT Relating to modification of precinct and district boundary lines; amending RCW 44.05.100 and 29A.16.050; and reenacting and amending RCW 29A.16.040.

Referred to Committee on State Government.

SB 5399 by Senators O'Ban, Miloscia, Darneille and Pearson
AN ACT Relating to the use of background checks for persons who work with children, persons with developmental disabilities, and vulnerable adults; and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130.

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

SB 5400 by Senators Zeiger, O'Ban, Hunt, Rivers, Cleveland, Becker, McCoy, Rolfes and Hobbs
AN ACT Relating to disclosure of health-related information with persons with a close relationship with a patient; amending RCW 70.02.010, 70.02.050, and 70.02.230; reenacting and amending RCW 70.02.010 and 70.02.230; adding a new section to chapter 70.02 RCW; providing an effective date; and providing an expiration date.

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

SB 5401 by Senators Rivers, Cleveland, Miloscia, Keiser and Conway
AN ACT Relating to prescription drug cost transparency; adding a new chapter to Title 43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

SB 5402 by Senators Liias, Walsh, Billig, Hobbs, King and Sheldon
AN ACT Relating to the Cooper Jones bicyclist safety advisory council; adding a new section to chapter 43.59 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SB 5403 by Senators O'Ban and Conway
AN ACT Relating to ferry district authority; and amending RCW 36.54.120.

Referred to Committee on Transportation.

SB 5404 by Senators Rivers, Liias, Zeiger, Wellman and Keiser
AN ACT Relating to sunscreen in schools; adding a new section to chapter 28A.210 RCW; creating new sections; and declaring an emergency.

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

SB 5405 by Senator Wilson
AN ACT Relating to protection for occupants of national guard facilities; and adding a new section to chapter 38.40 RCW.

Referred to Committee on State Government.

SB 5406 by Senator Becker
AN ACT Relating to department of social and health services responses to reports of abandonment, abuse, financial exploitation, or neglect in certain long-term care settings; and amending RCW 74.34.063.

Referred to Committee on Health Care.

SJM 8005 by Senator O'Ban
Requesting that the Interstate 5 bridges over the Nisqually River be named for and recognize the veterans of the Iraq and Afghanistan conflicts.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5400 which had been designated to the Committee on Health Care and referred to the Committee on Human Services, Mental Health & Housing.

MOTION

CYRUS HABIB, President of the Senate

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock p.m. Tuesday, January 24, 2017.

HUNTER G. GOODMAN, Secretary of the Senate

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, January 24, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

January 23, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1059,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5407 by Senators Frockt, Miloscia, Walsh, Mullet, Billig, Kuderer, Pedersen, Hasegawa, Darneille and Keiser
AN ACT Relating to ensuring housing options; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5408 by Senators Cleveland, Miloscia, Kuderer, Saldaña, Frockt, Pedersen, Darneille and Keiser
AN ACT Relating to increasing the notice of termination for tenancies under the residential landlord-tenant act; and amending RCW 59.18.200.

Referred to Committee on Financial Institutions & Insurance.

SB 5409 by Senators Conway, O'Ban, Angel, Zeiger, Becker, Fortunato and Darneille
AN ACT Relating to extending the sales and use tax deferral for historic automobile museums; amending RCW 82.32.580; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5410 by Senators Rivers, Cleveland, Bailey, Conway and Keiser

AN ACT Relating to contracts between insurance carriers and vision care providers; adding a new section to chapter 48.39 RCW; and prescribing penalties.

Referred to Committee on Health Care.

SB 5411 by Senators Cleveland, Rivers, Warnick, Conway and Keiser

AN ACT Relating to consumer protection in eye care; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

SB 5412 by Senators Takko, Zeiger, Warnick and Miloscia

AN ACT Relating to the state building code council; amending RCW 19.27.035, 19.27.060, 19.27.070, 19.27.074, and 19.27A.020; reenacting and amending RCW 34.05.328; adding a new section to chapter 19.27 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

SB 5413 by Senators Cleveland, Bailey and Kuderer

AN ACT Relating to physician limited licenses; and amending RCW 18.71.095.

Referred to Committee on Health Care.

SB 5414 by Senators Fortunato, Rivers, Miloscia and Zeiger

AN ACT Relating to public transportation services for elderly persons and persons with disabilities; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Transportation.

SB 5415 by Senators Chase and Kuderer

AN ACT Relating to creating a tax on plastic shopping bags; adding a new chapter to Title 82 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5416 by Senator Chase

AN ACT Relating to repealing the tax exemption on intangible property to provide funding for essential government services; creating new sections; and repealing RCW 84.36.070.

Referred to Committee on Ways & Means.

SB 5417 by Senator Chase

AN ACT Relating to compensating associated student body programs from revenue losses from student body program food or beverage sales in schools; and adding a new section to chapter 28A.325 RCW.

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

SB 5418 by Senator Chase

AN ACT Relating to recommendations of the sunshine committee; amending RCW 42.56.250; reenacting and amending RCW 42.56.230 and 42.56.270; adding a new section to chapter 42.56 RCW; and repealing RCW 39.26.030.

Referred to Committee on State Government.

SB 5419 by Senators Chase and Saldaña

AN ACT Relating to paint stewardship; amending RCW 43.21B.110 and 43.21B.110; reenacting and amending RCW 42.56.270; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5420 by Senators Chase, Hasegawa and Saldaña

AN ACT Relating to instruction on the Universal Declaration of Human Rights in Washington state schools; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SB 5421 by Senators Chase, Hasegawa and Saldaña

AN ACT Relating to reducing greenhouse gas emissions; amending RCW 70.235.020; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5422 by Senator Chase

AN ACT Relating to salmon and steelhead spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 5423 by Senators Chase, Hasegawa, Hunt, Kuderer and Saldaña

AN ACT Relating to addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5424 by Senators Chase and Rolfes

AN ACT Relating to unlawful tethering; adding a new chapter to Title 16 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5425 by Senators Carlyle, Rolfes, McCoy, Chase, Frockt, Ranker, Keiser, Hunt, Kuderer and Saldaña

AN ACT Relating to strengthening funding for oil spill programs in Washington by increasing revenue to the oil spill prevention account; amending RCW 82.23B.020 and

90.56.510; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5426 by Senator Warnick

AN ACT Relating to increasing the number of tasting rooms allowed under a domestic winery license; amending RCW 66.24.170; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5427 by Senator Warnick

AN ACT Relating to providing small winery tax relief; and reenacting and amending RCW 66.24.210.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5428 by Senators Padden and Rossi

AN ACT Relating to the costs of litigation for condominium associations; amending RCW 64.34.308, 64.34.445, and 64.55.100; and reenacting and amending RCW 64.34.020.

Referred to Committee on Law & Justice.

SB 5429 by Senators Pearson and Hasegawa

AN ACT Relating to reducing the number of violent interactions between law enforcement officers and members of the public; adding a new section to chapter 43.101 RCW; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Law & Justice.

SB 5430 by Senators Pearson, Fortunato and Conway

AN ACT Relating to notice to a victim when a registered out-of-state sex offender moves to Washington; and amending RCW 9A.44.130.

Referred to Committee on Law & Justice.

SB 5431 by Senators Warnick, Chase, Takko, Brown, Hawkins, Liias, Schoesler, Honeyford and Fortunato

AN ACT Relating to protection of composting from nuisance lawsuits; and amending RCW 7.48.310; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5432 by Senators Rolfes, Rivers, Kuderer and Saldaña

AN ACT Relating to the funding allocation for special education programs for students with disabilities; and amending RCW 28A.150.390.

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

SB 5433 by Senators Miloscia, Angel, Sheldon, Padden and Fortunato

AN ACT Relating to informed decision making for death with dignity decisions; and amending RCW 70.245.010, 70.245.040, and 70.245.220.

Referred to Committee on Law & Justice.

SB 5434 by Senators Rivers and Cleveland

AN ACT Relating to the addition of services for long-term placement of mental health patients in community hospitals that voluntarily contract and are certified by the department of social and health services; amending RCW 71.24.310 and 71.24.380; and adding new sections to chapter 71.24 RCW.

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

SB 5435 by Senators Rivers, Cleveland and Darneille

AN ACT Relating to specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment; amending RCW 70.02.230; reenacting and amending RCW 70.02.230; providing an effective date; and providing an expiration date.

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

SB 5436 by Senators Becker, Cleveland, Frockt and Keiser

AN ACT Relating to expanding patient access to health services through telemedicine by further defining where a patient may receive the service; amending RCW 48.43.735, 41.05.700, and 74.09.325; and providing an effective date.

Referred to Committee on Health Care.

SB 5437 by Senators Chase and Honeyford

AN ACT Relating to the weighmaster program; amending RCW 15.80.300, 15.80.410, 15.80.440, 15.80.450, 15.80.470, 15.80.490, 15.80.510, 15.80.520, 15.80.530, 15.80.540, 15.80.560, 15.80.590, 15.80.640, 15.80.650, and 15.80.660; repealing RCW 15.80.310, 15.80.320, 15.80.330, 15.80.340, 15.80.350, 15.80.360, 15.80.370, 15.80.380, 15.80.390, 15.80.400, 15.80.480, and 15.80.600; and prescribing penalties.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5438 by Senators Braun, Angel, Bailey, Rivers, Becker, O'Ban, Schoesler, Brown, Warnick, King, Honeyford, Fortunato, Baumgartner, Rossi, Sheldon, Wilson and Takko

AN ACT Relating to promoting the completion of environmental impact statements within two years; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5439 by Senators Braun, Sheldon, Rivers, Becker, Schoesler, Bailey, Brown, Warnick, Fortunato, Honeyford and Takko

AN ACT Relating to providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;

adding a new section to chapter 82.32 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5440 by Senators Zeiger, Darneille, O'Ban, Walsh, Miloscia, Hunt, Carlyle and Warnick

AN ACT Relating to establishing the legislative-executive WorkFirst poverty reduction oversight task force; amending RCW 74.08A.260; adding new sections to chapter 74.08A RCW; and creating a new section.

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

SB 5441 by Senators Kuderer, Frockt, Carlyle, Keiser, Nelson, Liias, Darneille, Wellman, Saldaña, McCoy, Rolfes, Ranker, Billig and Hasegawa

AN ACT Relating to certain procedures upon initial detention under the involuntary treatment act; amending RCW 71.05. . . and 9.41.047; adding a new section to chapter 71.05 RCW; adding a new section to chapter 9.41 RCW; providing an effective date; and providing an expiration date.

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

SJM 8006 by Senators Chase and Hasegawa

Urging the United States Congress to adopt the proposed "American Recovery" program.

Referred to Committee on Financial Institutions & Insurance.

MOTION

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

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION
8606

By Senator Becker

WHEREAS, The first creamery in Washington was started in Cheney in 1880; and

WHEREAS, Washington's dairy industry is actually older than the state itself; and

WHEREAS, Families across Washington have depended on the safe and nutritious dairy products provided by the dairy farmers of Washington state for generations; and

WHEREAS, Dairy is an essential part of a healthy diet, one of the major food groups represented on the USDA's "MyPlate" dietary guidelines, and three cups of dairy products a day are recommended for people ages nine years and older; and

WHEREAS, There are approximately four hundred twenty family dairy farms in Washington state with approximately two hundred seventy-seven thousand dairy cows; and

WHEREAS, Dairy foods constitute the second highest dollar-valued agricultural commodity produced in Washington, with a direct economic impact valued at 2.3 billion dollars and a total value to Washington's economy of more than 5.2 billion dollars; and

WHEREAS, There are over six thousand one hundred eighty-four on-farm dairy jobs in twenty-nine counties across Washington, and over twelve thousand one hundred fifty-nine jobs in the dairy industry in total; and

WHEREAS, Our state's milk production ranked second in dollar value among all of Washington's bountiful agricultural commodities; and

WHEREAS, Washington's dairy cows are some of the most productive in the United States, averaging more than one thousand four hundred fifty-five pounds of milk per cow above the national average; and

WHEREAS, Washington ranks sixth in milk production per cow, with twenty-three thousand eight hundred forty-eight pounds of milk per year; and

WHEREAS, Dairy Day at the legislature takes place on January 24, 2017, when legislators will visit with Washington dairy producers and enjoy delicious dairy products produced in Washington; handed out by the Washington State Dairy Federation, Washington State Dairy Women, and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Alicia Smaciarz, alternate Ambassadors Jana Plagerman and Tiana Peterson, and the Washington State Dairy Federation.

Senators Becker, Liias, Honeyford and Nelson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8606.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Jana Plagerman, Washington State Alternate Dairy Ambassador from Whatcom County; Miss Tiana Peterson, Washington State Alternate Dairy Ambassador from Pierce-King Counties; Miss Jill DeJager, Whatcom County Dairy Ambassador; Miss Juliana LeClair, Skagit County Dairy Ambassador; Miss Leana DeVries, Skagit County Alternate Dairy Ambassador; and Miss Anna Teachman, King-Pierce Counties Dairy Ambassador...

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Washington State Dairy Ambassador from Lewis County, Miss Alicia Smaciarz, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Dairy Ambassador Miss Alicia Smaciarz to address the Senate.

REMARKS BY AMBASSADOR ALICIA SMACIARZ

Miss Smaciarz: “(blows a train whistle) All aboard, welcome to the Dairy Farmers of Washington educational train, today we are going to take a journey through some nutritional information and farming practices. To start off, I’m Alicia Smaciarz your Washington State Dairy Ambassador and I will be your guide as we start our journey. I was born and raised on my family’s dairy farm in (Menlo WA) where I was very active in working directly with our animals. A dairy farmer works 365 days a year. They are always making sure their animals have the best care possible. The dairy community is truly made up of caring and compassionate individuals.”

“Dairy farmers cherish the ground, water and fields our ancestors cultivated prior to us. I personally am the 5th generation living on our dairy farm. Our dairy has been in active production since the 1920s. We are continually adopting new ways to improve air and water quality. Some dairy farms are using technology called Methane digesters that converts animal waste to electricity, which can power their farms, their homes and their community. As family farms, farmers care about air quality because their families live and work on their farms and breathe the air as everyone else. We understand the importance of clean air for future generations. We produce a gallon of milk using 95 percent less land and 65 percent less water while producing 76 percent less manure compared with 1944.”

“As your Washington State Dairy, I want to help athletes and other physically active people with their post-workout beverage. For me, dairy products are the simple answer. If I drink one glass of chocolate milk after every practice, it will replenish the amount of carbohydrates and protein lost during practice. Chocolate milk naturally contains the most effective balance between carbohydrates. It's convenient, affordable, and delicious. Did you know the University of Washington’s head football coach encourages the players to drink chocolate milk after every practice? Since milk and dairy products provide such great health benefits the Dairy Farmers of Washington hope that you will continue to support the availability of both white and chocolate milk in our schools, remember some of those kids grow up to be the athletes at Washington State and the University of Washington.”

“As your Dairy Ambassador, I want to share with everyone the importance of dairy. I am able to do this because I have grown up with dairy all around me. If chocolate milk isn’t part of my meal, there is always another dairy product to fill its place. I would like to thank you all for joining me on the journey through dairy, the journey will continue in the Rotunda at noon for cheese and ice cream. (blows a train whistle) Thank you.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Ambassador Smaciarz and our dairy ambassadors are joined today by members of the Washington State Dairy Women, Washington Dairy Products Commission, Dairy Farmers of Washington, and Washington State Dairy Federation. The President is pleased to have all of our ambassadors here today and it is delightful to know that we have alumni of this program in the Washington State Senate. The President feels that is an indication of the cultural contributions of the ambassador’s program as well. Thank you.”

MOTION

SIXTEENTH DAY, JANUARY 24, 2017

2017 REGULAR SESSION

At 12:15 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, January 25, 2017.

HUNTER G. GOODMAN, Secretary of the Senate

CYRUS HABIB, President of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, January 25, 2017

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

LETTER OF RESIGNATION

Washington State Senate
Senator Brian Dansel
7th Legislative District

January 24, 2017

Office of the Governor
Legislative Building
416 Sid Snyder Ave SW, Suite 200
Olympia, WA 98504

Re: Resignation from the Washington State Senate as of January 24, 2017

Dear Governor Inslée:

I am writing to notify you that I am resigning my 7th District Senate seat as of Tuesday, January 24th, 2017 at 1:00 pm.

Therefore, pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate effective at 1:00 pm, January 24, 2017.

If you have any questions, or if I may provide any additional information, please do not hesitate to contact me.

Senator Brian Dansel
7th District

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2017

SB 5034 Prime Sponsor, Senator Rivers: Concerning local government financial reports. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Vice Chair; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 24, 2017

SB 5036 Prime Sponsor, Senator Takko: Clarifying the authority and procedures for unit priced contracting by public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Vice Chair; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 24, 2017

SB 5062 Prime Sponsor, Senator Hunt: Extending the period for which a bond levy may be increased. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Vice Chair; Palumbo and Sheldon.

Referred to Committee on Rules.

January 24, 2017

SB 5119 Prime Sponsor, Senator Takko: Concerning water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Vice Chair; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 24, 2017

SB 5121 Prime Sponsor, Senator Takko: Concerning fire protection district tax levies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Vice Chair; Palumbo and Sheldon.

Referred to Committee on Rules.

January 24, 2017

SB 5122 Prime Sponsor, Senator Takko: Concerning fire commissioner compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Vice Chair; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5062 and Senate Bill No. 5121 which were designated to the Committee on Rules and referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5442 by Senators Fortunato and Pedersen

AN ACT Relating to expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities; and amending RCW 79A.60.630, 79A.60.650, and 79A.60.640.

Referred to Committee on Natural Resources & Parks.

SB 5443 by Senators Brown, Darneille, Miloscia, Becker, Rivers, McCoy, Sheldon, Walsh, Chase, Bailey, Hobbs, Ericksen, Warnick, Angel, Honeyford, Rolfes, Padden, Billig, Zeiger, Wilson, Conway and Fain

AN ACT Relating to fiscal notes; amending RCW 43.88A.010 and 43.88A.020; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5444 by Senators Frockt, Wellman, Kuderer, Chase, Darneille and Ranker

AN ACT Relating to enhanced background checks and licensure for assault weapons and large capacity magazines; amending RCW 9.41.010, 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.124, and 9.41.129; adding new sections to chapter 9.41 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5445 by Senators Padden, O'Ban, Sheldon and Chase

AN ACT Relating to prohibiting the use of eminent domain for economic development; amending RCW 35.81.080; and adding a new chapter to Title 8 RCW.

Referred to Committee on Law & Justice.

SB 5446 by Senators Becker, Frockt, Cleveland and Rivers

AN ACT Relating to exempting certain hospitals from certificate of need requirements for the addition of psychiatric beds until June 2019; amending RCW 70.38.111 and 70.38.260; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

SB 5447 by Senator Conway

AN ACT Relating to the methods of services provided by the office of public guardianship; and amending RCW 2.72.005, 2.72.010, 2.72.020, 2.72.030, and 11.28.120.

Referred to Committee on Law & Justice.

SB 5448 by Senators Rivers, Chase, Zeiger, Walsh, Miloscia, Fain and Warnick

AN ACT Relating to no required psychotropic medication use for students; amending RCW 26.44.050; and adding a new section to chapter 28A.320 RCW.

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

SB 5449 by Senators Liias, Zeiger and Billig

AN ACT Relating to digital citizenship, media literacy, and internet safety in schools; amending RCW 28A.650.010 and 28A.650.045; adding a new section to chapter 28A.650 RCW; creating a new section; and providing an expiration date.

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

SB 5450 by Senators Liias, Warnick, Ranker, Fain, Miloscia, Zeiger, Wilson and McCoy

AN ACT Relating to use of cross-laminated timber for building construction; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

SB 5451 by Senators Rivers and Palumbo

AN ACT Relating to transfer of immature marijuana plants and marijuana seeds between licensed marijuana researchers and licensed marijuana producers; amending RCW 69.50.366, 69.50.372, and 69.50.382; and reenacting and amending RCW 69.50.101.

Referred to Committee on Commerce, Labor & Sports.

SB 5452 by Senators Honeyford and Warnick

AN ACT Relating to local and community projects; adding a new section to chapter 43.63A RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5453 by Senators Honeyford and Frockt

AN ACT Relating to school construction assistance grants for small, rural school districts; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Ways & Means.

SB 5454 by Senator Frockt

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, 52.04.131, 52.04.171, and 52.06.010.

Referred to Committee on Local Government.

SB 5455 by Senators Miloscia, Zeiger and Pearson

AN ACT Relating to enhancing statewide cybersecurity performance through information assessment; amending RCW 43.105.020, 43.105.052, 43.105.111, and 43.105.220; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government.

SB 5456 by Senators Braun and Bailey

AN ACT Relating to unpaid accounts; amending RCW 4.16.040 and 19.52.010; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SB 5457 by Senators Becker and Cleveland

AN ACT Relating to expanding patient access to health services through telemedicine and store and forward technology by requiring parity in payment for services; amending RCW 48.43.735, 41.05.700, and 74.09.325; and providing an effective date.

Referred to Committee on Health Care.

SB 5458 by Senator Takko

AN ACT Relating to changing the date in which community impact statements are provided to the department of corrections; and amending RCW 72.09.285.

Referred to Committee on Law & Justice.

SB 5459 by Senators Rolfes, Zeiger and Billig

AN ACT Relating to the beginning educator support team program; amending RCW 28A.415.265; and creating a new section.

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

SB 5460 by Senators Keiser and King

AN ACT Relating to extending the redetermination timeline regarding appeals to the department of labor and industries; reenacting and amending RCW 49.17.140; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

SB 5461 by Senators Rolfes, Pearson, Zeiger and Ranker

AN ACT Relating to authorizing the disestablishment of paternity if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child; amending RCW 26.26.310, 26.26.320, 26.26.335, 26.26.530, 26.26.535, 26.26.600, and 26.26.405; adding a new section to chapter 26.26 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SB 5462 by Senators Carlyle, Ranker, Rolfes, Darneille, Hunt, Billig, McCoy, Pedersen and Wellman

AN ACT Relating to oil transportation safety; amending RCW 88.40.025, 88.40.030, 88.40.040, 88.16.190, 90.56.370, 82.23B.020, 82.23B.030, 90.56.200, 90.56.240, 90.56.510, 90.56.565, 90.56.210, 90.56.220, 90.56.230, and 80.50.060; reenacting and amending RCW 88.40.011, 88.40.020, 82.23B.010, and 80.50.020; adding new sections to chapter 90.56 RCW; creating new sections; repealing RCW 82.23B.040; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5463 by Senators Palumbo, Frockt, Pedersen, Saldaña, Carlyle, Hunt, Kuderer, Rolfes, Darneille, Keiser, Liias, Billig, McCoy and Wellman

AN ACT Relating to protecting public safety through responsible storage of firearms; adding new sections to

chapter 9.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5464 by Senators Hasegawa, Saldaña, Wellman, Keiser, Chase, Conway, Ranker, Liias, Kuderer, Hunt, Darneille, Frockt, Cleveland, McCoy, Nelson, Palumbo and Rolfes

AN ACT Relating to establishing the Washington investment trust; amending RCW 30A.04.020, 43.08.135, and 43.84.080; reenacting and amending RCW 42.56.270 and 42.56.400; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SB 5465 by Senators Miloscia, Hasegawa, Rolfes, O'Ban, Darneille and Angel

AN ACT Relating to creating an office of the corrections ombuds; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5466 by Senators McCoy, Chase and Fortunato

AN ACT Relating to construction projects in state waters; amending RCW 77.55.141, 77.55.181, 77.55.231, and 77.55.291; adding new sections to chapter 77.55 RCW; repealing RCW 77.55.321; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

SB 5467 by Senators Brown, Baumgartner, Rivers, King, Takko, Miloscia, Bailey, Ericksen, Angel, Honeyford, Becker, Braun, Padden and Hobbs

AN ACT Relating to including nuclear energy in the definition of a "qualified alternative energy resource" for the purposes of RCW 19.29A.090; and amending RCW 19.29A.090.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5468 by Senators Brown, Baumgartner, Sheldon, Hobbs, King, Walsh, Rivers, Takko, Miloscia, Bailey, Ericksen, Honeyford, Angel, Becker, Braun and Padden

AN ACT Relating to including nuclear energy in the principles that guide development and implementation of the state's energy strategy; and amending RCW 43.21F.088.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5469 by Senators Fain and Sheldon

AN ACT Relating to automatic voter registration of certain licensees; amending RCW 29A.08.110 and 29A.08.350; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on State Government.

SEVENTEENTH DAY, JANUARY 25, 2017

2017 REGULAR SESSION

SB 5470 by Senators Brown, Hobbs, Rivers, Becker, Takko, Ericksen and Honeyford

AN ACT Relating to advancing the development of renewable energy by improving the permitting process for geothermal resources exploration; and amending RCW 78.60.010, 78.60.070, and 78.60.120.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5471 by Senators Rivers, Cleveland, Bailey, Rolfes, Brown and Frockt

AN ACT Relating to ensuring access to primary care services for medicaid beneficiaries by applying the medicare payment rate floor to primary care services furnished under medicaid by providers of primary care services; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5472 by Senator Pearson

AN ACT Relating to requiring ballot drop boxes in all communities; and amending RCW 29A.40.160.

Referred to Committee on State Government.

SB 5473 by Senator Pearson

AN ACT Relating to authorizing counties to establish and conduct polling place voting; amending RCW 29A.32.241 and 29A.40.010; adding a new section to chapter 29A.04 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government.

SB 5474 by Senator Pearson

AN ACT Relating to initiating proactive steps to address elk hoof disease; amending RCW 77.12.047 and 77.12.240; adding new sections to chapter 77.12 RCW; and creating new sections.

Referred to Committee on Natural Resources & Parks.

SB 5475 by Senators Brown, Baumgartner, Rivers, Takko, King, Sheldon, Bailey, Ericksen, Angel, Honeyford, Miloscia, Becker, Braun and Hobbs

AN ACT Relating to providing a business and occupation tax exemption for manufacturers of small modular reactors; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5476 by Senators Frockt, Palumbo, Conway, Nelson, Ranker, Darneille, Hasegawa, Billig, Hunt, Saldaña, Kuderer, Rolfes, Keiser, Lias and Pedersen

AN ACT Relating to expanding state need grant eligibility; amending RCW 28B.92.060; and creating new sections.

Referred to Committee on Higher Education.

SB 5477 by Senators Zeiger, Keiser, Miloscia, Kuderer, Fortunato, Palumbo, Hasegawa, Rivers, Pearson, Ranker and Van De Wege

AN ACT Relating to adding medical conditions to the presumption of occupational diseases and extending the presumption to certain publicly employed firefighters and investigators and law enforcement; and amending RCW 51.32.185.

Referred to Committee on Commerce, Labor & Sports.

SB 5478 by Senators Wilson and Pedersen

AN ACT Relating to allowing notaries and proof of identity for advance directives; and amending RCW 70.122.030.

Referred to Committee on Law & Justice.

SB 5479 by Senators Saldaña, Miloscia, Hasegawa, Chase, Hunt, Darneille, Ranker, Conway, Wellman, Cleveland, Keiser, Carlyle, Lias, Kuderer and Pedersen

AN ACT Relating to establishing a shared parental leave program; amending RCW 41.04.655; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5480 by Senators Saldaña, Wellman, Hasegawa, Chase, Hunt, Darneille, Ranker, Conway, Keiser, Cleveland, Takko, Lias, Kuderer, Rolfes, Pedersen and Miloscia

AN ACT Relating to improving voter registration by providing new residential tenants with voter registration information; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on State Government.

SB 5481 by Senators Cleveland, Rivers, Becker, Kuderer and Keiser

AN ACT Relating to breast cancer; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Health Care.

SB 5482 by Senators Mullet, Walsh, Darneille, Saldaña, Zeiger and Keiser

AN ACT Relating to the preservation and creation of affordable housing; amending RCW 82.45.060; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 1059 by House Committee on Appropriations (originally sponsored by Representatives Lytton, Sullivan, Kagi, Fitzgibbon, Dolan, Kilduff, Frame, Pollet, Senn, Ormsby, Jinkins, Bergquist, Farrell, Blake, Hudgins, Tarleton and Cody)

AN ACT Relating to delaying implementation of revisions to the school levy lid; amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5453 which had been designated to the Committee on Early Learning & K-12 Education and was referred to the Committee on Ways & Means.

MOTION

At 10:03 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, January 26, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTEENTH DAY, JANUARY 26, 2017

2017 REGULAR SESSION

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, January 26, 2017

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 2017

SB 5011 Prime Sponsor, Senator Pedersen: Concerning the business corporation act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5030 Prime Sponsor, Senator Darneille: Concerning human trafficking, prostitution, and commercial sexual abuse of a minor. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5037 Prime Sponsor, Senator Padden: Making a fourth driving under the influence offense a felony. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

January 25, 2017

SB 5038 Prime Sponsor, Senator Padden: Concerning disclosures regarding incentivized evidence and testimony. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5040 Prime Sponsor, Senator Pedersen: Making revisions to the uniform business organizations code. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5059 Prime Sponsor, Senator O'Ban: Addressing motor vehicle property offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5077 Prime Sponsor, Senator Angel: Allowing the department of corrections to provide temporary housing assistance to individuals being released from the Washington corrections center for women. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5083 Prime Sponsor, Senator Pearson: Concerning notice of relief from the duty to register. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5161 Prime Sponsor, Senator Keiser: Modifying theater license provisions. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5161 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5164 Prime Sponsor, Senator Keiser: Authorizing grocery store license endorsements allowing beer and wine tastings at certain grocery stores that specialize in the sale of meat, poultry, seafood, or cheese. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

January 25, 2017

SB 5194 Prime Sponsor, Senator King: Authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; King; Rossi; Saldaña and Wilson.

Referred to Committee on Ways & Means.

January 25, 2017

SB 5251 Prime Sponsor, Senator Takko: Concerning tourism marketing. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Vice Chair; Keiser, Ranking Minority Member; King; Rossi; Saldaña and Wilson.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

January 25, 2017

SB 5255 Prime Sponsor, Senator Padden: Concerning seizure and forfeiture reporting. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

January 25, 2017

SB 5277 Prime Sponsor, Senator Padden: Concerning disqualification of judges. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5277 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5483 by Senator McCoy

AN ACT Relating to ensuring economic development through the provision of telecommunications services to underserved and unserved customers; amending RCW 54.16.005, 54.16.330, 53.08.005, 80.36.530, 80.36.510, 43.330.406, 43.330.418, and 43.330.421; adding a new section to chapter 54.16 RCW; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5484 by Senators Honeyford and Rolfes

AN ACT Relating to updating the early learning facilities fund program; and amending RCW 43.31.502, 43.31.504, 43.31.506, 43.31.508, 43.31.512, and 43.31.514.

Referred to Committee on Ways & Means.

SB 5485 by Senators Billig and Miloscia

AN ACT Relating to collecting data on hunger in Washington state; adding a new section to chapter 43.70 RCW; and creating a new section.

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

SB 5486 by Senators Zeiger, Rolfes and Kuderer

AN ACT Relating to eliminating the innovation in supplemental contracts report to the legislature; and amending RCW 28A.400.200.

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

SB 5487 by Senators Zeiger and Rolfes

AN ACT Relating to expanding postretirement options for educators, allowing retired teachers to be employed as mentors; amending RCW 41.32.068; and providing an expiration date.

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

SB 5488 by Senators Zeiger and Rolfes

AN ACT Relating to the transitional bilingual instruction program reporting date; and amending RCW 28A.180.020.

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

SB 5489 by Senators Zeiger and Rolfes

AN ACT Relating to aligning definitions relating to the transitional bilingual instruction program; and reenacting and amending RCW 28A.180.030.

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

SB 5490 by Senators O'Ban, Pedersen and Hunt

AN ACT Relating to notification requirements for the department of social and health services; and amending RCW 26.44.100, 43.20B.430, 43.20B.435, 43.20B.635, and 74.20A.320.

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

SB 5491 by Senators Hasegawa, King, Hobbs, Conway, Miloscia, Keiser, Takko, Warnick, Wellman and Hawkins

AN ACT Relating to the time period for workers to recover wages under prevailing wage laws; and amending RCW 39.12.015.

Referred to Committee on Commerce, Labor & Sports.

SB 5492 by Senators Conway, Hasegawa, Keiser, Miloscia, Hobbs, Takko and Wellman

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; and amending RCW 39.04.350.

Referred to Committee on Commerce, Labor & Sports.

SB 5493 by Senators Conway, Hasegawa, Keiser, Miloscia, Hobbs, Takko and Wellman

AN ACT Relating to establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available; and amending RCW 39.12.015.

Referred to Committee on Commerce, Labor & Sports.

SB 5494 by Senators Hasegawa, Miloscia, Hobbs, Takko and Wellman

AN ACT Relating to improving compliance with prevailing wage procedures; and amending RCW 39.12.050.

Referred to Committee on Commerce, Labor & Sports.

SB 5495 by Senator Hunt

AN ACT Relating to membership in state retirement plans prior to attaining the normal retirement age in another plan; and amending RCW 41.04.270.

Referred to Committee on Ways & Means.

SB 5496 by Senators Rivers and Mullet

AN ACT Relating to local government infrastructure funding; amending RCW 43.155.010, 43.155.020, 43.155.030, 43.155.040, 43.155.060, 43.155.065, 43.155.068, 43.155.070, and 43.155.075; reenacting and amending RCW 43.155.050; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5497 by Senators Hunt, Rivers and Kuderer

AN ACT Relating to transparency in underwriting and rating personal insurance; amending RCW 48.18.2901, 48.18.292, 48.18.545, and 48.19.035; adding a new section to chapter 48.18 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5498 by Senators O'Ban, Darneille, Warnick, Rivers, Billig, Zeiger, Carlyle, Walsh, Mullet and Miloscia

AN ACT Relating to creating the department of children, youth, and families; amending RCW 43.215.030, 43.17.010, 43.17.020, 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 74.09.510, 74.13.020, 74.13.025, 74.13.031, 74.13.039, 74.13.060, 74.13.062, 74.13.070, 74.13.077, 74.13.1051, 74.13.107, 74.13.335, 74.13.500, 74.13.510, 74.13.515, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.130, 74.15.134, 74.15.140, 74.15.200, 74.15.210, 74.15.230, 74.15.250, 74.15.280, 74.15.311, 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.005, 74.13A.010, 74.13A.015, 74.13A.025, 74.13A.030, 74.13A.040, 74.13A.045, 74.13A.047, 74.13A.050, 74.13A.055, 74.13A.060, 74.13A.065, 74.13A.070, 74.13A.080, 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.030, 13.40.040, 13.40.045, 13.40.185, 13.40.205, 13.40.210, 13.40.215, 13.40.217, 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540, 13.40.560, 13.40.570, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.150, 72.05.154, 72.05.400, 72.05.405, 72.05.415, 72.05.420, 72.05.430, 72.05.435, 72.05.440, 72.05.451, 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060, 72.19.070, 72.19.075, 72.19.080, 72.19.085, 72.19.090, 72.19.095, 72.19.100, 72.19.105, 72.19.110, 72.19.115, 72.19.120, 72.19.125, 72.19.130, 72.19.135, 72.19.140, 72.19.145, 72.19.150, 72.19.155, 72.19.160, 72.19.165, 72.19.170, 72.19.175, 72.19.180, 72.19.185, 72.19.190, 72.19.195, 72.19.200, 72.19.205, 72.19.210, 72.19.215, 72.19.220, 72.19.225, 72.19.230, 72.19.235, 72.19.240, 72.19.245, 72.19.250, 72.19.255, 72.19.260, 72.19.265, 72.19.270, 72.19.275, 72.19.280, 72.19.285, 72.19.290, 72.19.295, 72.19.300, 72.19.305, 72.19.310, 72.19.315, 72.19.320, 72.19.325, 72.19.330, 72.19.335, 72.19.340, 72.19.345, 72.19.350, 72.19.355, 72.19.360, 72.19.365, 72.19.370, 72.19.375, 72.19.380, 72.19.385, 72.19.390, 72.19.395, 72.19.400, 72.19.405, 72.19.410, 72.19.415, 72.19.420, 72.19.425, 72.19.430, 72.19.435, 72.19.440, 72.19.445, 72.19.450, 72.19.455, 72.19.460, 72.19.465, 72.19.470, 72.19.475, 72.19.480, 72.19.485, 72.19.490, 72.19.495, 72.19.500, 72.19.505, 72.19.510, 72.19.515, 72.19.520, 72.19.525, 72.19.530, 72.19.535, 72.19.540, 72.19.545, 72.19.550, 72.19.555, 72.19.560, 72.19.565, 72.19.570, 72.19.575, 72.19.580, 72.19.585, 72.19.590, 72.19.595, 72.19.600, 72.19.605, 72.19.610, 72.19.615, 72.19.620, 72.19.625, 72.19.630, 72.19.635, 72.19.640, 72.19.645, 72.19.650, 72.19.655, 72.19.660, 72.19.665, 72.19.670, 72.19.675, 72.19.680, 72.19.685, 72.19.690, 72.19.695, 72.19.700, 72.19.705, 72.19.710, 72.19.715, 72.19.720, 72.19.725, 72.19.730, 72.19.735, 72.19.740, 72.19.745, 72.19.750, 72.19.755, 72.19.760, 72.19.765, 72.19.770, 72.19.775, 72.19.780, 72.19.785, 72.19.790, 72.19.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060,

9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.20A.090, 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010, 74.15.100, 13.36.020, 74.13A.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050, 43.215.060, 43.215.065, 43.215.070, 43.215.080, 43.215.090, 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102, 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130, 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137, 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195, 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215, 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230, 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270, 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307, 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335, 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370, 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415, 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440, 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457, 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476, 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502, 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530, 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550, 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900, 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, and 43.215.040; providing effective dates; providing an expiration date; and declaring an emergency.

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

SB 5499 by Senator Palumbo

AN ACT Relating to promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling; amending RCW 82.16.120, 82.16.130, 82.08.962, 82.08.963, 82.12.962, and 82.12.963; adding new sections to chapter 82.16 RCW; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5500 by Senators Honeyford, Zeiger, Schoesler, Wilson, Angel and Hobbs

AN ACT Relating to addressing the accountability, function, and efficiency of the state building code council; and amending RCW 19.27.074, 19.27.095, 19.27A.025, 19.27A.045, and 19.27.070.

Referred to Committee on Local Government.

SB 5501 by Senators Carlyle, Rolfes and Frockt

AN ACT Relating to imposing a surtax on the possession of hazardous substances; amending RCW 82.21.030; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5502 by Senators Becker, Frockt, Baumgartner, Fain, Rolfes, Rivers, Billig, Zeiger, Darneille and Keiser

AN ACT Relating to modifying Washington state's motion picture and film industries tax credit; amending RCW 82.04.4489 and 43.365.010; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5503 by Senator Baumgartner

AN ACT Relating to safety belts on school buses; amending RCW 46.37.510; reenacting and amending RCW 46.61.688; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5504 by Senators Keiser and Bailey

AN ACT Relating to city use of state-owned aquatic lands for a publicly owned marina; and amending RCW 79.105.620.

Referred to Committee on Natural Resources & Parks.

SB 5505 by Senator Zeiger

AN ACT Relating to school district liability for criminal acts committed by their students; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Law & Justice.

SB 5506 by Senator Zeiger

AN ACT Relating to the transfer of firearms at nonprofit fund-raising activities; and amending RCW 9.41.113.

Referred to Committee on Law & Justice.

SB 5507 by Senators Zeiger, O'Ban, Lias and Fain

AN ACT Relating to the use of automatic renewal provisions in business contracts; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5508 by Senators Hawkins, Lias, Fortunato, O'Ban, Saldaña, King, Sheldon and Hobbs

AN ACT Relating to two-year registration periods for certain vehicles while maintaining existing annual vehicle registration fee amounts; amending RCW 46.16A.010, 46.16A.020, 46.16A.110, 46.16A.180, 46.17.015, 46.17.025, 46.17.305, 46.17.323, 46.17.350, 46.17.355, 46.17.365, 46.17.375, 46.68.030, 82.44.060, 82.50.460, and 82.80.140; adding a new section to chapter 46.16A RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5509 by Senators Carlyle and Ranker

EIGHTEENTH DAY, JANUARY 26, 2017

2017 REGULAR SESSION

AN ACT Relating to promoting an equitable clean energy economy by creating a carbon tax that allows investment in clean energy, clean air, healthy forests, and Washington's communities; amending RCW 70.235.020; adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5510 by Senators Keiser and Ranker

AN ACT Relating to assistance with activities of daily living; and amending RCW 18.20.310.

Referred to Committee on Health Care.

SB 5511 by Senator McCoy

AN ACT Relating to tribal-state relations; amending RCW 44.80.020; reenacting and amending RCW 43.88.230 and 44.04.260; and adding a new chapter to Title 44 RCW.

Referred to Committee on State Government.

SB 5512 by Senators Becker, Cleveland and Rivers

AN ACT Relating to placing state hospitals under the licensing authority of the department of health; amending RCW 70.56.010, 70.41.020, 70.41.320, 70.41.330, 70.41.380, and 70.41.120; adding a new section to chapter 72.23 RCW; and prescribing penalties.

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

SB 5513 by Senators Frockt, Hasegawa, Miloscia, Rolfes, Saldaña, Keiser, Wellman, Conway, Chase, Billig, Kuderer, Hunt and McCoy

AN ACT Relating to increasing tax exemption transparency and accountability; amending RCW 43.06.400, 43.88.030, 43.136.035, 43.136.045, 43.136.055, and 43.136.065; adding new sections to chapter 43.88 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5514 by Senators Rivers and Cleveland

AN ACT Relating to rapid health information network data reporting; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

SB 5515 by Senator Warnick

AN ACT Relating to encouraging job creation and retention in rural economies through the transparent and accountable provision of targeted tax relief for silicon smelters; amending RCW 82.12.022; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating a new section; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5516 by Senators Rivers, Keiser, Conway, Becker and Sheldon

AN ACT Relating to obtaining required clinical experience for licensed practical nurses who complete a nontraditional registered nurse program; and repealing RCW 18.79.380.

Referred to Committee on Health Care.

SB 5517 by Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia and Brown

AN ACT Relating to rail dependent uses for purposes of the growth management act and related development regulations; amending RCW 36.70A.030, 36.70A.060, 36.70A.070, and 36.70A.108; and creating a new section.

Referred to Committee on Local Government.

SB 5518 by Senators Miloscia, Cleveland, Keiser and O'Ban

AN ACT Relating to fair reimbursement for chiropractic services; amending RCW 48.43.190; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SB 5519 by Senators Kuderer, Darneille, Hasegawa, Hunt, Saldaña and Keiser

AN ACT Relating to the revision of exclusive adult jurisdiction; amending RCW 13.40.110; and reenacting and amending RCW 13.04.030.

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

SB 5520 by Senators Kuderer, McCoy, Chase, Saldaña, Keiser, Hunt, Rolfes and Frockt

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060, 59.20.080, 59.21.030, and 59.20.073; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SB 5521 by Senators Kuderer, Pedersen, Frockt, Hasegawa, Liias and Cleveland

AN ACT Relating to examinations under oath when a person claims a loss under an insurance contract; and amending RCW 48.18.460.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5484 which had been designated to the Committee on Early Learning & K-12 Education and referred to the Committee on Ways & Means and Senate Bill No. 5512 which had been designated to the Committee on Health Care and referred to the Committee on Human Services, Mental Health & Housing.

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Friday, January 27, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 27, 2017

The Senate was called to order at 10:06 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2017

SB 5008 Prime Sponsor, Senator King: Facilitating compliance with the federal REAL ID act by modifying driver's license and identicaid design and fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Baumgartner; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

January 24, 2017

SB 5008 Prime Sponsor, Senator King: Facilitating compliance with the federal REAL ID act by modifying driver's license and identicaid design and fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Baumgartner; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5022 Prime Sponsor, Senator Bailey: Providing information to students about education loans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5022 Prime Sponsor, Senator Bailey: Providing information to students about education loans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5100 Prime Sponsor, Senator Bailey: Requiring live financial literacy seminars for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5100 Prime Sponsor, Senator Bailey: Requiring live financial literacy seminars for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5138 Prime Sponsor, Senator Palumbo: Concerning metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5138 Prime Sponsor, Senator Palumbo: Concerning metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5141 Prime Sponsor, Senator Palumbo: Concerning the regulation of programs of yoga practice or instruction as private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5141 Prime Sponsor, Senator Palumbo: Concerning the regulation of programs of yoga practice or instruction as private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5188 Prime Sponsor, Senator Angel: Concerning removal of land from the current use property tax classification due to certain natural disasters. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5188 Prime Sponsor, Senator Angel: Concerning removal of land from the current use property tax classification

due to certain natural disasters. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5189 Prime Sponsor, Senator Warnick: Eliminating the collection of anticipated taxes and assessments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5189 Prime Sponsor, Senator Warnick: Eliminating the collection of anticipated taxes and assessments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5522 by Senators Palumbo, Fain and Nelson

AN ACT Relating to requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children; amending RCW 13.34.360; and creating a new section.

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

SB 5523 by Senator Fortunato

AN ACT Relating to removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington; amending RCW 43.88.0301, 48.17.563, 48.31.115, and 77.125.040; reenacting and amending RCW 46.18.060; decodifying RCW 43.88.910, 43.105.902, 43.105.903, 15.49.920, 15.49.950, 15.51.900, 15.54.930, 15.58.900, 15.58.901, 15.58.943, 41.58.900, 41.58.901, 50.98.080, 69.50.545, 69.50.606, 69.50.607, 43.215.903, 43.215.905, 48.20.322, 48.23.520, 35.98.020, 35.98.050, 35A.90.030, 35A.90.040, 74.14B.900, 74.18.903, 46.61.990, 77.15.902, 77.50.900, 77.65.900,

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77.105.900, 43.31A.400, 43.63A.902, 43.63A.903, and 43.41.901; repealing RCW 69.50.1011, 28A.400.201, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.900, 70.105A.035, 70.220.060, 30A.24.080, 31.04.185, 31.45.095, 41.05.019, 41.05.230, 41.05.655, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, 70.47A.901, 74.12.901, 74.12A.030, 74.13.017, 26.50.800, 43.374.005, 43.374.020, 47.01.321, 47.01.350, 47.01.360, 47.01.400, 47.01.405, 47.01.406, 47.01.410, and 47.01.418; and repealing 2009 c 548 s 302 and 2010 c 236 s 6 (uncodified).

Referred to Committee on State Government.

SB 5524 by Senators Hobbs and Honeyford

AN ACT Relating to diking improvement districts in Snohomish county; and adding a new section to chapter 85.08 RCW.

Referred to Committee on Local Government.

SB 5525 by Senators Wilson, Palumbo, Cleveland, Baumgartner, Zeiger, O'Ban, Lias, Frockt, Schoesler and Hobbs

AN ACT Relating to veterans' mental health services at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5526 by Senators Zeiger and Rolfes

AN ACT Relating to educator preparation data for use by the professional educator standards board; amending RCW 28B.77.100; and creating a new section.

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

SB 5527 by Senators Frockt and Chase

AN ACT Relating to simplifying and enforcing employee status under employment laws to ensure fairness to employers and employees and address the underground economy; amending RCW 39.12.010, 39.12.050, 49.46.010, 50.04.100, 50.04.298, 50.12.070, 50.12.072, 50.24.070, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082; adding a new section to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.46 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 51.12 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 39.12.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5528 by Senators Hasegawa, Keiser and Conway

AN ACT Relating to the employment antiretaliation act; amending RCW 49.46.010, 49.46.100, and 39.12.010; reenacting and amending RCW 49.48.082; adding new sections to chapter 49.46 RCW; adding a new section to chapter 49.12 RCW; adding new sections to chapter 49.48 RCW; adding new sections to chapter 39.12 RCW; adding

new sections to chapter 49.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5529 by Senators Rolfes, Walsh, Fain, Frockt, Zeiger and Hunt

AN ACT Relating to dual language in early learning and K-12 education; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

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

SB 5530 by Senators Baumgartner and Braun

AN ACT Relating to labor standards for employees in certain counties; amending RCW 49.46.020, 49.46.210, and 49.46.800; adding new sections to chapter 49.46 RCW; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5531 by Senators Baumgartner, Wilson, Rossi and Braun

AN ACT Relating to providing reasonable accommodations in the workplace for pregnant women; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5532 by Senator Baumgartner

AN ACT Relating to labor standards for employees of nonprofit corporations; amending RCW 49.46.020, 49.46.210, and 49.46.800; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5533 by Senators Rossi, Baumgartner, Fortunato, Braun, Brown, Wilson, Becker and Padden

AN ACT Relating to prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state; amending RCW 42.17A.405; and providing for submission of this act to a vote of the people.

Referred to Committee on Commerce, Labor & Sports.

SB 5534 by Senators Fortunato, Rossi, Zeiger, Braun, Bailey, Sheldon, Fain, Angel, Warnick and Becker

AN ACT Relating to providing a housing allowance for certificated and classified school staff in school districts with above average residential housing costs; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Ways & Means.

SB 5535 by Senator Fortunato

AN ACT Relating to a property tax exemption for residents eighty years and older; amending RCW 84.36.381; and creating new sections.

Referred to Committee on Ways & Means.

SB 5536 by Senator Fortunato

AN ACT Relating to providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates; amending RCW 77.15.425; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.425; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5537 by Senators King and Keiser

AN ACT Relating to authorizing licensed spirits and wine distributors to sell spirits and wine products to their employees in certain circumstances; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5538 by Senators Becker, Mullet, Miloscia, O'Ban, Bailey, Keiser and Cleveland

AN ACT Relating to health profession licensure fees; amending RCW 43.70.250; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

SB 5539 by Senators Billig, Padden, Pedersen and Baumgartner

AN ACT Relating to creating a pilot program for the supervision of motor vehicle-related felonies; adding a new section to chapter 9.94A RCW; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5540 by Senators Walsh, Darneille, Rivers and Braun

AN ACT Relating to an oral health pilot program for adults with diabetes and pregnant women; adding a new section to chapter 74.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

SB 5541 by Senator Baumgartner

AN ACT Relating to teen wages; and amending RCW 49.46.020.

Referred to Committee on Commerce, Labor & Sports.

SB 5542 by Senator Darneille

AN ACT Relating to overwater residences within a historic district listed in the Washington heritage register; and amending RCW 90.58.270.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5543 by Senators Padden and Baumgartner

AN ACT Relating to a reexamination of the classification of land in flood control districts; amending RCW 86.09.418; and adding a new section to chapter 86.09 RCW.

Referred to Committee on Local Government.

SB 5544 by Senators Billig and Baumgartner

AN ACT Relating to extending the expiration date on the health sciences and services authority sales and use tax authorization; amending RCW 82.14.480; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5545 by Senators Wilson, Braun and Rossi

AN ACT Relating to requiring public employee collective bargaining sessions to be open meetings; amending RCW 42.30.140; adding a new section to chapter 42.30 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; and adding a new section to chapter 49.39 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5546 by Senators Hawkins, McCoy, Fortunato, Pearson, Braun, Sheldon, Rivers and O'Ban

AN ACT Relating to proactively addressing wildfire risk by creating a forest health treatment assessment; and adding a new section to chapter 76.06 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5547 by Senators Rolfes and Rivers

AN ACT Relating to confidentiality of educator professional growth plans; and amending RCW 42.56.250.

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

SB 5548 by Senators Rivers and Rolfes

AN ACT Relating to reimbursement for substitute teachers participating in activities of the Washington state professional educator standards board to carry out its powers and duties; and amending RCW 28A.300.035.

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

SB 5549 by Senators Honeyford, Hunt and King

AN ACT Relating to the performance of personal services by members of the liquor industry to retailers; and amending RCW 66.28.310.

Referred to Committee on Commerce, Labor & Sports.

SB 5550 by Senators Rossi, Baumgartner, Bailey, Braun, Brown, Honeyford, Wilson and Becker

AN ACT Relating to authorizing state agencies and institutions of higher education to contract for services; amending RCW 41.80.020, 43.105.052, 43.105.287, 72.09.100, 74.13.362, 74.13B.050, and 77.95.320; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.88 RCW; repealing RCW 41.06.142; and providing for submission of this act to a vote of the people.

Referred to Committee on Commerce, Labor & Sports.

SB 5551 by Senators Rossi, Baumgartner, Braun, Bailey, Brown, Becker, Honeyford and Wilson

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AN ACT Relating to requiring periodic certification elections for labor unions representing public employees; and amending RCW 41.56.060, 41.56.070, 41.80.070, 41.80.080, 28B.52.030, 41.76.020, 41.59.070, and 47.64.135.

Referred to Committee on Commerce, Labor & Sports.

SB 5552 by Senators Pedersen, Zeiger, Frockt, Takko, O'Ban, Fain and Hobbs

AN ACT Relating to background checks for firearms sales or transfers, but only with respect to clarifying that the term firearm does not include flare guns and construction tools, clarifying that the term transfer does not include transfers between an employer and employee for lawful purposes in the ordinary course of business, expanding the family member exemption to include loans and parents-in-law and siblings-in-law, providing an exemption for temporary transfers for the purpose of preventing suicide or self-inflicted great bodily harm, and providing an exemption for temporary transfers where the transferee and the firearm are in the presence of the transferor; and amending RCW 9.41.010 and 9.41.113.

Referred to Committee on Law & Justice.

SB 5553 by Senators Pedersen, Fain, Frockt, Takko, Hobbs and Zeiger

AN ACT Relating to preventing suicide by permitting the voluntary waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5554 by Senators Hobbs, Rivers, Cleveland and Fain

AN ACT Relating to private health plan coverage of contraceptives; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5555 by Senators Wellman, Kuderer, Saldaña, Cleveland, Hasegawa, Carlyle, McCoy, Nelson, Keiser, Rolfes, Darneille and Chase

AN ACT Relating to wage and salary information; adding a new section to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5556 by Senators Hunt, Miloscia, Hawkins, Palumbo, Zeiger, Walsh and Liias

AN ACT Relating to providing an enhanced retirement benefit for public employees' and teachers' retirement system plans 1; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5557 by Senators Rivers and Takko

AN ACT Relating to extending the sales tax exemption for clay targets purchased by a nonprofit gun club; amending RCW 82.08.205 and 82.12.205; creating a new section;

providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5558 by Senators Darneille, O'Ban and Angel

AN ACT Relating to issuing a two-year identicaid for offenders released from prison facilities; amending RCW 46.20.117 and 46.20.117; adding a new section to chapter 72.09 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5559 by Senators Darneille, Saldaña, Hasegawa, Wellman, Cleveland, Palumbo, Keiser and McCoy

AN ACT Relating to implementing a vulnerable youth guardianship program; and adding a new chapter to Title 13 RCW.

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

SB 5560 by Senators Brown, Palumbo and Walsh

AN ACT Relating to creating a special permit for certain wine auctions; and reenacting and amending RCW 66.20.010.

Referred to Committee on Commerce, Labor & Sports.

SB 5561 by Senators Fortunato, Zeiger, Padden, Hawkins and Brown

AN ACT Relating to disclosure of information regarding treatment or care of minors; and amending RCW 70.02.050 and 70.02.220.

Referred to Committee on Health Care.

SB 5562 by Senator Fortunato

AN ACT Relating to providing flexibility to school districts by authorizing school district waivers; amending RCW 28A.405.060, 41.56.906, and 41.59.935; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.188 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.205 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.232 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323

RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.510 RCW; adding a new section to chapter 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a new section to chapter 28A.535 RCW; adding a new section to chapter 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.604 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.640 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.645 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 28A.690 RCW; adding a new section to chapter 28A.700 RCW; adding a new section to chapter 28A.705 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; and creating a new section.

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

SB 5563 by Senators Fortunato, Hawkins and Brown

AN ACT Relating to providing flexibility to school districts to reduce costs related to compliance with truancy laws; and amending RCW 28A.225.015, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.090, and 28A.225.151.

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

SB 5564 by Senators Fortunato, King, O'Ban and Hawkins

AN ACT Relating to vehicle taxation; amending RCW 82.08.020, 82.38.030, and 46.68.090; creating a new section; repealing RCW 46.68.080, 82.38.010, 82.38.020, 82.38.030, 82.38.031, 82.38.032, 82.38.033, 82.38.035, 82.38.050, 82.38.055, 82.38.060, 82.38.065, 82.38.066, 82.38.072, 82.38.075, 82.38.080, 82.38.090, 82.38.100, 82.38.110, 82.38.120, 82.38.140, 82.38.150, 82.38.160, 82.38.170, 82.38.180, 82.38.183, 82.38.190, 82.38.195, 82.38.200, 82.38.205, 82.38.210, 82.38.220, 82.38.230, 82.38.235, 82.38.245, 82.38.255, 82.38.260, 82.38.270, 82.38.275, 82.38.280, 82.38.290, 82.38.300, 82.38.310, 82.38.320, 82.38.360, 82.38.365, 82.38.370, 82.38.375, 82.38.380, and 82.38.385; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 5565 by Senator Warnick

AN ACT Relating to employment laws regarding transportation contractors, including the definition of "truck"; and amending RCW 51.08.180.

Referred to Committee on Commerce, Labor & Sports.

SB 5566 by Senators Kuderer, Pedersen, Keiser, Hasegawa and Billig

AN ACT Relating to the admissibility of mental health evidence in claims for noneconomic damages under certain civil rights laws; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Law & Justice.

SB 5567 by Senator Miloscia

AN ACT Relating to implementing the education sector excellence assessment framework; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 43.06B RCW; and creating a new section.

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

SB 5568 by Senators Liias, Palumbo, Frockt, Ranker, Wellman, McCoy, Kuderer, Conway, Cleveland, Nelson, Billig, Hunt and Hasegawa

AN ACT Relating to freezing tuition at institutions of higher education; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SB 5569 by Senators Angel, Sheldon, Rivers and Padden

AN ACT Relating to protected classes in housing; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Law & Justice.

SJR 8204 by Senators Fortunato, Angel, Rossi, Bailey, Braun, Sheldon, Schoesler, Becker, Warnick and Baumgartner

Amending the Constitution to prohibit the taxation of individual income.

Referred to Committee on Ways & Means.

SJR 8205 by Senators Miloscia, Baumgartner, O'Ban, Becker, Bailey and Warnick

Amending the Constitution concerning religious matters.

Referred to Committee on State Government.

MOTION

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

NINETEENTH DAY, JANUARY 27, 2017

2017 REGULAR SESSION

MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 10:59 a.m. by President Habib.

MOTION

Senator Liias moved that the Senate advance to the eighth order of business.

Senator Fain spoke against the motion to advance to the eighth order of business.

The President declared the question before the Senate to be the motion to advance to the eighth order of business.

The motion by Senator Liias carried and the Senate advanced to the eighth order of business by voice vote.

MOTION

Senator Liias moved adoption of Senate Resolution No. 8609.

The President declared the resolution was not properly before the Senate.

Senator Liias moved that the Senate immediately consider Senate Resolution No. 8609 and the motion carried by voice vote.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8609

By Senator Liias

WHEREAS, The Senate adopted permanent rules for the 2017-2019 biennium under Senate Resolution 8602; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Rules 35, 48, and 53 are amended as follows:

"Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion, except as provided in subsection 3 of this rule.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is

offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

3. An affirmative vote of sixty percent of the senators elected or appointed to the senate shall be required to amend the senate rules during the 2017 calendar year. Nothing in this subsection alters the one day's notice requirements in subsection 1 of this rule. This subsection 3, rule 35 shall expire January 1, 2018.

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators (~~electd or appointed~~) present. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Rule 53. (~~No amendment to the operating budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.~~) RESERVED."

PARLIAMENTARY INQUIRY

Senator Liias: "Thank you Mr. President. Under my reading of Senate Rule No. 35, related to adopting and amending our senate rules, the rule specifies that a vote of the majority of the senate is required for the adoption of the permanent rules at the beginning of the session but the same rule uses different terminology in relation to changing the rules later during session. It allows a change to be made with a majority of members present. Now the different terminology within rule 35 is found in the second part of subsection 1 and states that the changes can only be made with a majority of the members rather than where it says a majority of the Senate multiple times earlier in rule 35. Additionally, I would like to note that we have a specific Senate Rule dealing with these ambiguities in rule 54 of the Senate Rules as clarified that unless stated clearly otherwise, a majority is a majority of members present not a majority of the senate. Under my reading of senate rule 35 and rule 54, it would appear to me that today's change to senate rules requires only a majority of those members present on the floor today. So, therefore, my question Mr. President is how many votes are required to adopt this change to the senate rules under rule 35?"

Senator Fain: "Thank you Mr. President. So again, let's be clear about what is on the floor today. What is being proposed, at this time is the question of parliamentary procedure of how many votes does it take to amend a standing rule on the senate floor? And, the reason that that is such an absurd question, quite frankly, is because this has been a settled issue for the entire history of this chamber. And I would like to point to a couple pieces of evidence on why that is a settled issue and why I believe the President will find that majority of the members, meaning a majority of all the members of the senate, are required to amend any rule on the floor. So what I would start with, Mr. President, is a document I think many individuals on the floor are familiar with. It is being distributed to you at this time. This particular document, this little flip-book, is available to all members. It has always been available to all members. If you would like an additional copy I am sure Paul can get you one. They are up at the rostrum, but many of you probably have these in your desk. And, if you are to flip - but if you don't have that - I've provided you a photo copy of it. But if you are to flip to the blue page of

our senate manual, where it says ‘votes necessary for legislative action’ the third bullet point on the left clearly says that actions requiring a majority of the members elected and then, in parenthesis, it says ‘25’. If you go down to item number 6, it says ‘To change the rules with one day’s notice’. It is very clear Mr. President, by the document that I hold in my hand, that has been available to these members since they have become members of this chamber, how this rule has been in effect. Let’s next look at a document that I am not entirely sure the Lieutenant Governor has been able to review yet, but I bet he has, it is great reading. This right here Mr. President, is a complete compendium of the Lieutenant Governor’s rulings. This is able to guide the deliberations of the Senate when there are motions of parliamentary procedure that come before the chamber. So Mr. President, this particular document that I hold in my hand, and I have distributed a piece of paper that is from this document, that I will refer to in a moment, this is great, again, this is the rulings of Lieutenant Governor Brad Owen, from 1997-2016. It is light reading. It is fun. I recommend it, I read it on vacation a couple of years back. There are so many times at the end of one of his rulings where the conclusion is, ‘and Senator Benton’s point is not well taken.’ It is phenomenal. I strongly recommend reading it. That being said Mr. President, I would call the attention of the members to page 186. 186, where it says ‘The summary of votes needed.’ Appendix 2. And it has a list of all the potential motions that could come up before the chamber. A list of the potential things that this chamber could vote on, because obviously this would be probably an important issue for us to have finality on. So let’s take a look at what this particular document says. Well Mr. President, I believe I have highlighted the particular portion for the members’ purposes, and it says, to adopt or amend a rule, rule 35, and the check box on this particular document is clearly under the category: Total membership, majority. There are other categories available on this form that I have distributed to you. Clearly one that says majority, one that says two-thirds present, one that says unanimous. But, this particular rule, Mr. President, on amending the rules of the Senate, Rule 35 clearly says that ‘a majority of the total membership is required to change a rule’. Well, Mr. President, why does that make sense? Why, beyond the fact that that is clearly established law in this chamber, why is that actually a rule that we would want to follow? Well, Mr. President, there are times where I am on this chamber floor all by myself. We have cutoff days and they go very late into the evening, and I wait ever so patiently as our code revisors and our committee staffers work to collate the hundreds of bills that are passed out of committee at the eleventh hour right before our cutoff, our committee cutoff. So I am here all by myself. It is just me and whomever I select as the presiding officer. In the past it has not been the Lieutenant Governor, because often times it is eleven or twelve o’clock at night. But Mr. President, were the interpretation of this rule to be that it merely needs to be a majority of those members present, then me, here on the floor, under the dark of night, with not TVW, with no one in the stands, with no one here except a couple members of the rostrum and a hand-picked member of my caucus, standing and presiding in a pro forma session, I would be able to change the rules all I want. So Mr. President, I would like to make notice of a potential rule change that I would like to offer. I am not saying that I am going to be doing this anytime soon, I am just saying that at some point while I am here late at night moving bills in a pro forma session that this particular issue may be adopted. Mr. President, may I read?”

President Habib: “Senator.”

Senator Fain: “Thank you Mr. President. In rule 7.1, conduct of members and officers, I seek to amend the final section. It says ‘the use of cellular and digital telephones is prohibited in the Senate chamber during floor session and in the hearing rooms during the committee’, and then I would add the section, ‘All business of the Senate shall be conducted in sweatpants.’ I personally think that would be great. I also would say that we can’t go to the rostrum in rule 22 during a vote, except for the purpose of obtain a refill of a steaming mug of hot chocolate from the Secretary. There is nothing that stops me from adopting this rule if we allow a simple majority of the members present to adopt a rule. And that is the sheer absurdity, the sheer absurdity of thinking otherwise. Mr. President, I ask you to rule as been the history of this institution and Senate, in both the House and the Senate, that it takes a majority of all the members, or twenty-five members under our current construct, to amend the rules. Thank you Mr. President.”

MOTION

At 11:18 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:31 p.m. by President Habib.

RULING BY THE PRESIDENT

President Habib: “In ruling upon the point of order raised by Senator Liias as to the number of votes required to amend the Senate Rules, the President finds and rules as follows:”

“Senate Rule 35 uses the term ‘majority vote of the members’ to inform the body of how many votes are necessary to amend the Senate Rules under the last sentence of Rule 35(1).”

“While the President finds this language to be ambiguous, he believes that the term must be construed in light of other Rules that use similar language. For example, Senate Rule 2(3) defines a majority caucus as a caucus whose members constitute a majority of the Senate. The majority doesn’t change depending upon which members are present. A member doesn’t need to be present to be a member.”

“A majority of members, without further qualification, is not different from a majority of members elected or appointed. A majority of members means a majority of the members of this body, not just those who are present. Membership doesn’t end at the chamber doors.”

“Senate Rule 54 defines ‘majority’ to mean ‘a majority of those members present unless otherwise stated.’ In Rule 35 it is ‘otherwise stated’ using the terms ‘majority vote of the members’.”

“In light of the Rule change before us, the President recognizes that taking the approach that a rule change could be accomplished by a vote of the majority of those present, a single Senator could theoretically change the rules and require a 90% vote to change those rules again in the future.”

“For these reasons, the President finds that it takes a majority of the members of this body to amend the Senate Rules under the final sentence of Senate Rule 35(1).”

MOTION

On motion of Senator Liias, further consideration of Senate Resolution No. 8609 was deferred.

NINETEENTH DAY, JANUARY 27, 2017

2017 REGULAR SESSION

MOTION

On motion of Senator Liias, the Senate advanced to the ninth order of business by voice vote.

Senator Liias moved that the rules be suspended and that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 1059 and that Senate Bill No. 1059 be placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Fain : “Thank you Mr. President. I am inquiring into how many votes are necessary from this chamber to relieve this bill from committee?”

President Habib: “Senator Fain, to your point of parliamentary inquiry, the threshold vote is eighteen members to suspend the rules.”

MOTION

On motion of Senator Liias, Senator Mullet was excused.

Senator Fain challenged the existence of a quorum.

The President called for a division for the purposes of determining the existence of a quorum.

Pursuant to Rule 16, with twenty-four members present, the President declared a quorum did not exist and business could not be conducted.

MOTION

Senator Fain moved to adjourn until Monday, 12:00 o’clock noon, January 30, 2017.

Senator Liias moved to amend the motion and reconvene at 10:00 o’clock a.m. Saturday, January 28, 2017, pursuant to Senate Rule 16, which allows less than a quorum to adjourn from day to day.

The motion to amend carried by voice vote.

At 3:42 p.m., the Senate was declared adjourned until 10:00 o’clock a.m., Saturday, January 28, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, January 28, 2017

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib. No roll call was taken.

MOTION

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

MOTION

At 10:02 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Monday, January 30, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY SECOND DAY, JANUARY 30, 2017

2017 REGULAR SESSION

TWENTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia
Monday, January 30, 2017

The Senate was called to order at 12:04 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 2017

SB 5230 Prime Sponsor, Senator Wilson: Concerning licensing and regulatory requirements of small business owners. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Hasegawa; Saldaña and Wilson.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

Department of Agriculture – *“Preliminary Assessment of Hemp Seed Products as Feed Ingredients for Laying Hens”* in accordance with House Bill No. 1268, report date January 18, 2017;

Department of Corrections – *“Community Work Industries Quarterly Detail Statements, Class 4 Industries, October - December 2016”* pursuant to 72.09.100 RCW, report date January 25, 2017;

Department of Corrections – *“Community Work Industries Quarterly Detail Statements, Class 3 Industries, October - December 2016”* pursuant to 72.09.100 RCW, report date January 25, 2017;

Department of Ecology – *“Management Review of the Dredged Material Management Program”* in accordance with House Bill No. 2376, report date January 1, 2017;

Department of Revenue – *“Tax Incentive Programs Descriptive Statistics for 2016”* pursuant to 82.32.534 RCW, report date December 31, 2016;

Department of Social & Health Services – *“Racial and Ethnic Disparities in Juvenile Court Evidence-Based Programs”* pursuant to 13.06.050 RCW, report date March 15, 2016;

Department of Social & Health Services – *“WorkFirst Maintenance of Effort and Work Participation Rate, January - March 2016”* pursuant to 74.08A.411 RCW, report date September 15, 2016;

Department of Social & Health Services – *“Kinship Care Oversight Committee 2016 Report”* pursuant to 74.13.621 RCW, report date December 1, 2016;

Department of Social & Health Services – *“Washington Connection Benefit Portal 2016 Report”* pursuant to 74.04.225 RCW, report date December 1, 2016;

Department of Social & Health Services – *“Transitions from Western State Hospital into Aging and Long-Term Support Administration Settings, Interim Report”* in accordance with Engrossed Substitute Senate Bill No. 6656, report date December 1, 2016;

Department of Social & Health Services – *“Behavioral and Primary Regulatory Alignment Task Force”* in accordance with Engrossed Third Substitute House Bill No. 1713, report date November 8, 2016;

Department of Social & Health Services – *“An Analysis of Expenditures for Medicaid Clients Served in Adult Family Homes and Assisted Living Facilities by Acuity Level”* in accordance with Second Engrossed Substitute House Bill No. 2376, report date January 10, 2017;

Department of Social & Health Services – *“Parental Notice of a Minor’s Substance Use Disorder Treatment”* in accordance with House Bill No. 1713, report date September 22, 2016.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 17, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUSSELL D. HAUGE, appointed January 17, 2017, for the term ending January 15, 2019, as Member of the Liquor and Cannabis Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9241.

January 19, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BARBARA BAKER, appointed January 17, 2017, for the term ending December 31, 2022, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9242.

January 23, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARK R. BUSTO, appointed January 23, 2017, for the term ending September 8, 2019, as Member of the Public Employment Relations Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9243.

January 23, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KIM M. THORBURN, reappointed January 23, 2017, for the term ending December 31, 2022, as Member of the Fish and Wildlife Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9244.

January 24, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHYLLIS L. GLEASMAN, reappointed January 24, 2017, for the term ending September 30, 2021, as Member of the Wenatchee Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9245.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5570 by Senators Billig, Miloscia, Hunt, Zeiger, Kuderer, Keiser, Rolfes and Hasegawa

AN ACT Relating to certification of the level of foreign national ownership for corporations that participate in Washington state elections; amending RCW 42.17A.240; and creating a new section.

Referred to Committee on State Government.

SB 5571 by Senators Palumbo, Hunt, Hobbs, Billig, Rivers, Mullet, Saldaña and Kuderer

AN ACT Relating to school composting and recycling; and adding a new section to chapter 28A.150 RCW.

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

SB 5572 by Senators Hunt and Miloscia

AN ACT Relating to oversight of the state procurement and contracting for information technology goods and services; and amending RCW 39.26.005, 39.26.010, 39.26.050, 39.26.060, 39.26.080, 39.26.090, 39.26.110, 39.26.130, 39.26.140, and 39.26.180.

Referred to Committee on State Government.

SB 5573 by Senators McCoy, Hunt and Miloscia

AN ACT Relating to increasing membership of the state interoperability executive committee in order to foster interoperability; and amending RCW 43.105.331 and 43.105.020.

Referred to Committee on State Government.

SB 5574 by Senators Keiser and Bailey

AN ACT Relating to improving access to health care declarations; and amending RCW 70.122.130.

Referred to Committee on Health Care.

SB 5575 by Senators Palumbo, Miloscia, Frockt, Zeiger, Wellman, Takko, Hobbs, Brown, Rolfes, Hunt, Hasegawa, Cleveland, Baumgartner, Becker, Keiser, Liias, Billig, Carlyle, Conway, Saldaña and Kuderer

AN ACT Relating to including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers; and amending RCW 28B.15.380.

Referred to Committee on Ways & Means.

SB 5576 by Senators Keiser, Fortunato, Conway, Miloscia, Hobbs, Takko, Wilson, Hasegawa, Wellman and Saldaña

AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.310, 39.04.320, 39.04.350, and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5577 by Senators Conway and Keiser

AN ACT Relating to the rights and obligations associated with incapacitated persons and other vulnerable adults; amending RCW 74.34.020 and 11.92.043; adding a new section to chapter 11.92 RCW; and adding a new section to chapter 2.72 RCW.

TWENTY SECOND DAY, JANUARY 30, 2017

2017 REGULAR SESSION

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

SB 5578 by Senator Pearson

AN ACT Relating to the release of sex offender information; and amending RCW 4.24.550.

Referred to Committee on Law & Justice.

SB 5579 by Senators Rivers and Keiser

AN ACT Relating to improving transparency and protecting patients from balance billing; adding new sections to chapter 70.43 RCW; and creating new sections.

Referred to Committee on Health Care.

SB 5580 by Senator O'Ban

AN ACT Relating to integrating the treatment systems for mental health and substance use disorders; amending RCW 70.96A.140; creating a new section; providing an expiration date; and declaring an emergency.

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

SB 5581 by Senators Angel and Mullet

AN ACT Relating to authorizing public hospital districts to participate in self-insurance risk pools with nonprofit hospitals; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5582 by Senators Honeyford, Keiser, Pedersen, Rossi and Conway

AN ACT Relating to clarifying the limited authority of gambling commission officers; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5583 by Senator Baumgartner

AN ACT Relating to rules and policies of the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district; and amending RCW 28A.600.200.

Referred to Committee on Commerce, Labor & Sports.

SB 5584 by Senator Baumgartner

AN ACT Relating to college and university presidents; amending RCW 28B.20.105, 28B.30.120, 28B.35.110, 28B.40.110, and 42.56.250; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 42.30 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5585 by Senators Ranker, Braun, Rolfes, Fain, Saldaña, Frockt, Conway and Hasegawa

AN ACT Relating to modifying the future teachers conditional scholarship and loan repayment program to

increase the number of early elementary teachers; amending RCW 28B.102.010, 28B.102.030, 28B.102.040, 28B.102.050, 28B.102.055, 28B.102.060, and 28B.102.080; adding a new section to chapter 28B.102 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5586 by Senators Ranker, Rivers, Kuderer, Cleveland, Miloscia, Mullet, Saldaña, Keiser, Conway and Hasegawa

AN ACT Relating to prescription drug cost transparency; adding a new chapter to Title 43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

SB 5587 by Senators Hasegawa, Chase, Hobbs, Mullet and Keiser

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030; and reenacting and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions & Insurance.

SB 5588 by Senators Hasegawa, Saldaña, Chase, Darneille, Schoesler, McCoy, Hobbs, Pedersen and Keiser

AN ACT Relating to information concerning racial disproportionality; amending RCW 43.88C.010, 43.88A.020, and 43.88C.050; adding a new section to chapter 43.88C RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 74.04 RCW; creating new sections; and providing a contingent effective date.

HELD AT THE DESK.

SB 5589 by Senators Keiser and Baumgartner

AN ACT Relating to distillery promotional items and spirit sample sales; and amending RCW 66.24.140 and 66.28.310.

Referred to Committee on Commerce, Labor & Sports.

SB 5590 by Senators Chase, Ericksen and Hobbs

AN ACT Relating to illegal vehicle wrecking operations; amending RCW 46.80.020 and 46.80.150; reenacting and amending RCW 46.80.010; adding a new section to chapter 46.80 RCW; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 5591 by Senators O'Ban and Darneille

AN ACT Relating to creating efficiencies regarding requirements for license withholding and suspension for noncompliance with a child support order; amending RCW 74.20A.320; and creating a new section.

Referred to Committee on Law & Justice.

SB 5592 by Senators Palumbo, Wilson, Ranker, Zeiger, Lias, Bailey and Frockt

AN ACT Relating to decoupling services and activities fees from tuition; and reenacting and amending RCW 28B.15.069.

Referred to Committee on Higher Education.

SB 5593 by Senators Frockt, Becker, Rivers and O'Ban
AN ACT Relating to postsurgical care; amending RCW 70.230.010 and 70.230.050; and adding a new section to chapter 70.230 RCW.

Referred to Committee on Health Care.

SB 5594 by Senators Keiser, Rivers, Cleveland, Fain, Darneille, Miloscia, Wellman, Frockt, Conway and Rossi
AN ACT Relating to transition services for people with developmental disabilities; amending RCW 71A.20.170; adding new sections to chapter 71A.20 RCW; adding a new section to chapter 70.10 RCW; and creating new sections.

Referred to Committee on Health Care.

SB 5595 by Senators Billig, O'Ban, Darneille and Padden
AN ACT Relating to maintaining the quarterly average census method for calculating state hospital reimbursements; and amending RCW 71.24.310.

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

SJM 8007 by Senators Hasegawa, Hunt, Keiser, Kuderer, Rolfes, Wellman, Chase, Conway and Saldaña
Urging Congress to protect United States mail service.

Referred to Committee on State Government.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5575 which had been designated to the Committee on Transportation and referred to the Committee on Ways & Means and Senate Bill No. 5588 which had been designated to the Committee on Law & Justice and was held at the desk.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8611

By Senators Fain and McCoy

WHEREAS, Philip Jones was appointed to the Washington utilities and transportation commission by Governor Chris Gregoire; and

WHEREAS, He served as a dedicated public servant for nearly twelve years; and

WHEREAS, Phil graduated from Harvard University with honors in 1977, earning a degree in East Asian studies; and

WHEREAS, He served for five years as the senior legislative assistant to former United States Senator Daniel J. Evens; and

WHEREAS, He has been recognized both nationally and internationally for his work at the commission and as a leader in the regulatory community; and

WHEREAS, Philip Jones was formerly President of the national association of regulatory commissioners (NARC) and served on its board of directors and the executive committee; and

WHEREAS, While President of NARC, Philip focused on cyber and physical security for energy systems, addressing carbon pricing, carbon regulation, and mercury air toxins from coal-fired generation; and

WHEREAS, Philip Jones was awarded the Terry Barnich Award, which recognizes state commissioners who promote international cooperation among utility regulators and the development of professional regulation worldwide; and

WHEREAS, He worked to protect public interest by reviewing the terms and conditions of the mergers between Macquarie's purchase of Puget Sound Energy and Berkshire Hathaway's purchase of PacifiCorp; and

WHEREAS, He addressed 911 outages and worked with the Federal Communications Commission on Next Generation 911; and

WHEREAS, Phil spent five years in Amsterdam as the Managing Director of Cutter & Buck Europe; and

WHEREAS, He is a native of Spokane, Washington, and loves living in the beautiful Pacific Northwest;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Philip Jones for his passionate commitment to serve those in the great state of Washington.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION 8608

By Senators Liias, Rolfes, Billig, Hobbs, Takko, Kuderer, Palumbo, Hunt, Hasegawa, Darneille, McCoy, Chase, and Frockt

WHEREAS, On July 30, 2016, the community of Mukilteo, Washington, was shaken by an act of unspeakable violence; and

WHEREAS, Three young lives were lost in a senseless act of hatred and violence and one young man was seriously injured; and

WHEREAS, Anna Bui, Jordan Ebner, and Jake Long, all 19 years of age, contributed many things to the world during their lives; and

WHEREAS, Will Kramer, 18 years of age, who survived the shooting, spent weeks in the hospital and will forever bear the scars of the violence he endured; and

WHEREAS, First responders from multiple agencies, including the Mukilteo Police and Fire Departments, Washington State Patrol, Snohomish County Sheriff's Office, and Snohomish County Fire District No. 1, acted courageously to safeguard innocent lives and rescue the victims of this tragedy; and

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WHEREAS, Harborview Medical Center cared for Mr. Kramer and provided excellent care and treatment that resulted in his successful discharge; and

WHEREAS, Strong law enforcement cooperation and coordination led the Washington State Patrol to apprehend the perpetrator and take him into custody less than two hours after the first 911 call was made; and

WHEREAS, The community of Mukilteo has responded to this tragedy over the last six months by hosting vigils, community meetings, support groups, and memorial services to remember those who were lost and work to understand how to prevent acts of violence and hatred in the future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate mourns the loss of Anna Bui, Jordan Ebner, and Jake Long and honors all of the victims and the families affected by this terrible act of violence by recognizing their strength and fortitude through immeasurable adversity; and

BE IT FURTHER RESOLVED, That the Washington State Senate expresses gratitude and appreciation to the first responders who saved Will Kramer's life, tended to victims, and ensured that justice was served; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the families of Anna Bui, Jordan Ebner, Jake Long, and Will Kramer; to Mayor Jennifer Gregerson, Chief John R. Batiste, Sheriff Ty Trenary, Fire Chief Scott Cockrum; and to Paul Hayes of Harborview Medical Center.

Senator Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

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

REMARKS BY THE PRESIDENT

President Habib: "The President would like to add his words of consolation and sympathy to those of Senator Liias and thanks Senator Liias for bringing this resolution before the body."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Autumn Snider, mother of Jake Long; Mr. Paul Kramer, father of Will Kramer; Niki and Brad Ebner, Stepmother and father of Jordan Ebner; The Honorable Jennifer Gregerson, Mayor of Mukilteo; The Honorable Christine Cook, Mukilteo City Councilmember; Sergeant Doug Pardue; Trooper Torson Iverson; Sergeant James Arnold; Trooper Andrew Vanderwielen; and Trooper Jarid Holmes who were seated in the gallery.

MOTION

At 12:20 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Tuesday, January 31, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY THIRD DAY, JANUARY 31, 2017

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TWENTY THIRD DAY

 NOON SESSION

Senate Chamber, Olympia
Tuesday, January 31, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 2017

SB 5355 Prime Sponsor, Senator Conway: Expanding the use of telemedicine to improve access to care for injured workers. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa; Rossi; Saldaña and Wilson.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5596 by Senator Darneille

AN ACT Relating to phasing out use of the valid court order exception to place youth in detention for noncriminal behavior; amending RCW 7.21.030, 13.32A.250, 28A.225.090, and 43.185C.260; adding a new section to chapter 7.21 RCW; creating a new section; repealing RCW 43.185C.270; repealing 1998 c 296 s 35 (uncodified); and providing effective dates.

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

SB 5597 by Senators O'Ban and Pedersen

AN ACT Relating to requiring electronic payments to the division of child support when remitting funds in response

to an order to withhold income; amending RCW 74.20A.350; adding a new section to chapter 26.23 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5598 by Senators Pedersen, Angel, Rolfes, King, Darneille, Bailey, Brown, Mullet, Carlyle, Braun, Hobbs, Palumbo, Wellman, Keiser, Honeyford, Ranker, Nelson, Lias, McCoy, Billig, Cleveland, Hasegawa, Frockt, Conway, Rivers, Saldaña, Kuderer, Chase, Hunt, Fain, Walsh, Van De Wege, Rossi, Zeiger, Warnick, Becker, Takko, Wilson and Schoesler

AN ACT Relating to granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts; adding a new chapter to Title 26 RCW; and repealing RCW 26.09.240.

Referred to Committee on Law & Justice.

SB 5599 by Senators Rivers, Baumgartner, Bailey and Braun

AN ACT Relating to requiring unused state funds for the health care benefits of long-term care workers to be returned to the state; amending RCW 74.39A.310; reenacting and amending RCW 74.39A.009; and creating a new section.

Referred to Committee on Ways & Means.

SB 5600 by Senators Darneille and Saldaña

AN ACT Relating to rehabilitated offenders; amending RCW 9.95.425, 9.95.430, 9.95.435, 9.95.440, 9.94A.533, and 9.94A.6332; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 9 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SB 5601 by Senators Darneille, Hasegawa, Wellman and Chase

AN ACT Relating to teachers' postretirement employment options; amending RCW 41.32.068; and providing an expiration date.

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

SB 5602 by Senators Keiser, Cleveland, Wellman, Rolfes, Nelson, Kuderer, Conway, Pedersen, Hobbs, Saldaña, McCoy, Lias and Ranker

AN ACT Relating to requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5603 by Senator Fortunato

AN ACT Relating to exempting state highway projects from local ordinances; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

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Referred to Committee on Transportation.

SB 5604 by Senators Rivers and Cleveland

AN ACT Relating to purchasing managed dental care for medicaid enrollees; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care.

SB 5605 by Senators Walsh and Billig

AN ACT Relating to aligning the office of the superintendent of public instruction's background check authority with that of the department of early learning; amending RCW 28A.400.303, 28A.400.305, 28A.410.010, and 28A.410.090; reenacting and amending RCW 43.215.215; and adding a new section to chapter 28A.400 RCW.

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

SB 5606 by Senators Walsh, Rivers and Cleveland

AN ACT Relating to authorizing licensed marijuana producers to sell marijuana plants and marijuana seeds to qualifying medical marijuana patients and designated providers, and to sell marijuana seeds to medical marijuana cooperatives; amending RCW 69.50.325 and 69.51A.250; and adding a new section to chapter 69.51A RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5607 by Senators Braun, Rivers, Fain, Zeiger and Schoesler

AN ACT Relating to education; amending RCW 28A.150.390, 28A.510.250, 28A.150.392, 28A.710.280, 84.52.065, 84.52.043, 84.52.043, 84.48.080, 84.52.070, 84.55.070, 84.69.020, 84.36.381, 84.36.630, 84.52.053, 84.52.0531, 28A.150.410, 28A.400.200, 28A.405.415, 28A.400.350, 28A.150.550, 28A.320.330, 28A.505.140, 28A.505.040, 28A.505.050, 28A.505.060, 28A.505.100, 28A.150.203, 28A.410.025, 28A.657.020, 28A.150.250, 28A.150.280, 28A.150.290, 28A.150.310, 28A.150.315, 28A.150.350, 28A.150.360, 28A.150.400, 28A.160.130, 28A.160.170, 28A.165.055, 28A.185.010, 28A.185.020, 28A.340.040, 28A.400.220, 28A.400.240, 28A.400.250, 28A.625.110, 28A.625.150, 28A.710.220, 28A.710.240, 28A.715.040, 28A.405.140, and 28A.405.220; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.48.110, 84.55.092, 84.52.0531, and 84.52.0531; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 28A.500 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 43.09 RCW; adding new sections to chapter 28A.657 RCW; adding new sections to chapter 28A.655 RCW; adding new sections to chapter 28A.625 RCW; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.59 RCW; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a

new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.188 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.205 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.232 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.305 RCW; adding new sections to chapter 28A.310 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.343 RCW; adding new sections to chapter 28A.345 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.510 RCW; adding a new section to chapter 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a new section to chapter 28A.535 RCW; adding a new section to chapter 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.640 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.645 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 28A.690 RCW; adding a new section to chapter 28A.700 RCW; adding a new section to chapter 28A.705 RCW; adding a new section to chapter 28A.715 RCW; adding a new section to chapter 43.06B RCW; creating new sections; recodifying RCW 28A.150.230, 28A.150.300, 28A.150.305, 28A.150.240, and 28A.150.550; decodifying RCW 28A.405.110; repealing RCW 28A.150.198, 28A.150.261, 28A.160.150, 28A.160.160, 28A.160.180, 28A.160.190, 28A.160.191, 28A.160.192, 28A.160.205, 28A.180.080, 28A.300.173, 28A.300.2851, 28A.400.201, 28A.405.200, 28A.415.020, 28A.415.023, 28A.415.024, 28A.415.025, 28A.150.260, 28A.400.205, and 28A.400.206; repealing 2015 c 2 ss 1, 4, and 5 and 2015 3rd sp.s. c 38 s 3 (uncodified); providing effective dates; providing a contingent effective date; providing expiration dates; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 5608 by Senator Darneille

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington

homeless client management information system; and amending RCW 43.185C.180.

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

SB 5609 by Senator Darneille

AN ACT Relating to addressing resource limitations for public assistance; and reenacting and amending RCW 74.04.005.

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

SB 5610 by Senator Darneille

AN ACT Relating to the sentencing of juveniles; and amending RCW 9.94A.533 and 9.94A.535.

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

SB 5611 by Senators Zeiger, O'Ban and Conway

AN ACT Relating to creating a demonstration project for preserving public infrastructure and agricultural lands in floodplains; adding a new section to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 5612 by Senators Padden and Pedersen

AN ACT Relating to the death investigations account; and amending RCW 43.103.090.

Referred to Committee on Law & Justice.

SB 5613 by Senator Darneille

AN ACT Relating to confinement in juvenile rehabilitation facilities for juveniles convicted in adult court; amending RCW 72.01.410; and creating new sections.

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

SB 5614 by Senator Darneille

AN ACT Relating to diversion agreements and counsel and release agreements by modifying the conditions under which both may be entered into and mandating eligibility for automatic destruction; and amending RCW 13.40.070 and 13.50.270.

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

SB 5615 by Senators Sheldon, Padden, Fortunato, Hobbs and Warnick

AN ACT Relating to the development of new manufactured housing communities outside of urban growth areas under the growth management act; amending RCW 36.70A.350; and creating a new section.

Referred to Committee on Local Government.

SB 5616 by Senator Fortunato

AN ACT Relating to limiting the enforcement of administrative rules and policies; adding a new section to

chapter 34.05 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 5617 by Senator Fortunato

AN ACT Relating to limiting the enforcement of policies of the department of ecology; amending RCW 43.21A.080; providing an effective date; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

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

MOTION

On motion of Senator Fain, Senate Bill No. 5588, which had been held at the desk on the previous day, was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8605

By Senator King

WHEREAS, The Washington Information Network 2-1-1 has been serving the State of Washington since 2007 as a coalition of providers in every corner of the state; and

WHEREAS, WIN 2-1-1 provides information and referral services to anyone in need of essential health and human services such as training, employment, food pantries, help for the elderly and individuals with disabilities, affordable housing, support groups, and other ways for people to connect to their community; and

WHEREAS, WIN 2-1-1 provides real-time tracking of community needs, allowing policy makers and funders to make informed decisions about resource allocation; and

WHEREAS, WIN 2-1-1 supports approximately 291 million people in all fifty states, the District of Columbia, and Puerto Rico working to ensure that every American has access to services they need; and

WHEREAS, WIN 2-1-1 takes the calls of volunteers and those who wish to donate in times of crisis, allowing first responders to focus on relief efforts;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the tenth anniversary of WIN 2-1-1 and the necessary service it provides to the residents of Washington state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Program Manager, Tim Sullivan, of Washington Information Network 2-1-1.

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The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8612

By Senators Fain, Miloscia, Rivers, Pedersen, Billig, Zeiger, Bailey, Honeyford, Rossi, Brown, Ranker, Frockt, Conway, Darneille, Rolfes, Hasegawa, Braun, Van De Wege, Liias, Nelson, Wellman, Mullet, Saldaña, Schoesler, and Sheldon

WHEREAS, Ken has served the state for 44 years; and
 WHEREAS, This is the third and hopefully final time that Ken will retire; and
 WHEREAS, Ken joined the Washington State Patrol in March of 1972; and
 WHEREAS, He has been a member of the Washington State Senate family since 2006; and
 WHEREAS, He enjoys playing guitar and bass for his church; and
 WHEREAS, Ken was a Staff Sergeant in the United States Army Reserves; and
 WHEREAS, He enjoys hunting, fishing, riding his motorcycle, and brewing various microbeers and wines; and
 WHEREAS, He has been married for 42 years to his wonderful wife Debbie, with their 2 children and multiple grandchildren; and
 WHEREAS, Ken survived the Mt. St. Helens eruption without losing his patrol vehicle in the Toutle River; and

WHEREAS, His signature phrase "well the day ain't over with yet" has sidetracked numerous smooth days; and
 WHEREAS, He is the only person in the history of Senate Security to memorize every member, employee, and intern's first and last name by the end of the first week of session; and
 WHEREAS, Ken has been a great mentor to Senate Security and Legislative staff; and
 WHEREAS, Ken has brought humility and humor to every day in the Senate, brightening up even the most grueling and tiring of 2 a.m. floor sessions; and
 WHEREAS, Ken has served the Washington State Senate with exceptional professionalism and loyalty;
 NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Ken Boad for his many years of service to the people of Washington and wish him peace, happiness, and good health in his much deserved retirement.

Senators Fain and Liias spoke in favor of adoption of the resolution.
 The President declared the question before the Senate to be the adoption of Senate Resolution No. 8612.
 The motion by Senator Fain carried and the resolution was adopted by voice vote.
 The Senate rose and recognized Mr. Ken Boad who was present at his station on the floor of the Senate.

MOTION

At 12:08 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 1, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 1, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Leif Grandorff and Annalise Hemingway, presented the Colors. The prayer was offered by Reverend Seth Winterhalter of Harbor Church, Olympia.

MOTION

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

MOTION

Senator Liias moved the Senate be at ease until 10:45 a.m. for the purpose of caucuses.

Senator Fain objected.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate go at ease.

The motion by Senator Liias carried and the Senate went at ease until 10:45 a.m. for the purpose of caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

The Senate was called to order at 10:46 a.m. by President Habib.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2017

SB 5016 Prime Sponsor, Senator Hobbs: Concerning deficiency claims after auction of a private property vehicle impound. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5016 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5018 Prime Sponsor, Senator Hasegawa: Authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5018 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5049 Prime Sponsor, Senator King: Concerning relocation assistance following real property acquisition. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

January 30, 2017

SB 5106 Prime Sponsor, Senator O'Ban: Clarifying obligations under the involuntary treatment act. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5147 Prime Sponsor, Senator Hobbs: Providing an exemption from certain maximum vehicle length limitations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5147 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5235 Prime Sponsor, Senator Takko: Withdrawing territory from a cemetery district. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 31, 2017

TWENTY FOURTH DAY, FEBRUARY 1, 2017

2017 REGULAR SESSION

SB 5286 Prime Sponsor, Senator Angel: Prohibiting regulation of the amount of rent for commercial properties. Reported by Committee on Financial Institutions & Insurance

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the State of Washington. Done at the Capitol in Olympia, Washington, this 31st day of January, 2017.

MAJORITY recommendation: That Substitute Senate Bill No. 5286 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Fain; Fortunato and Hobbs.

Kim Wyman
Secretary of State

CERTIFICATE OF APPOINTMENT

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Ranking Minority Member and Kuderer.

STATE OF WASHINGTON
COUNTIES OF FERRY,
OKANOGAN, PEND OREILLE,
SPOKANE AND STEVENS

Referred to Committee on Rules for second reading.

The undersigned Commissioners of Ferry County, Okanogan County, Pend Oreille County, Spokane County and Stevens County, Washington do hereby appoint Shelly Short of 1591 Swill Valley Road, Addy, WA 99101 to the office of STATE SENATOR of the 7th LEGISLATIVE DISTRICT of the State of Washington. The term for this position will expire on the day of certification of the 2017 General Election in November, 2017.

January 31, 2017

SB 5607 Prime Sponsor, Senator Braun: Concerning education. Reported by Committee on Ways & Means

Signed this 30th day of January, 2017.

MAJORITY recommendation: That Substitute Senate Bill No. 5607 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

BOARD OF COUNTY COMMISSIONERS
OF FERRY COUNTY, WASHINGTON

Chairman Nathan David
Commissioner Mike Blankenship
Commissioner Johnna Exner

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member; Billig; Conway; Darneille; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

BOARD OF COUNTY COMMISSIONERS
OF OKANOGAN COUNTY, WASHINGTON

Chairman Jim DeTro
Commissioner Chris Branch
Commissioner Andy Hover

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

BOARD OF COUNTY COMMISSIONERS
OF PEND OREILLE COUNTY, WASHINGTON

Chairman Karen Skoog
Commissioner Steve Kiss
Commissioner Mike Manus

MOTION

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

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Chairman Al French
Commissioner Josh Kerns
Commissioner Shelly O'Quinn

MESSAGE FROM THE SECRETARY OF STATE

January 31, 2017

To the Honorable Hunter Goodman
Secretary of the Senate
Legislative Building
Olympia, WA 98501

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON

Chairman Steve Parker
Commissioner Wes McCart
Commissioner Don Dashiell

Dear Secretary Goodman:

I, Kim Wyman, Secretary of the State of Washington and custodian of the Seal of the State of Washington, do hereby certify that the attached is a true and correct copy of the certificate of appointment of Shelly Short for the office of State Senator for the 7th Legislative District of the State of Washington, which seat was recently vacated by the resignation of Senator Brian Dansel.

EDITOR'S NOTE: See Day 17, January 25, for resignation creating vacancy. Senator Short was sworn in February 1, 9:00 a.m. prior to convening.

MOTION

I further certify that Shelly Short has been duly appointed to the office of State Senator from the 7th Legislative District of the State of Washington.

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

INTRODUCTION AND FIRST READING

SB 5618 by Senator Darneille

AN ACT Relating to arrest of sixteen and seventeen year olds for domestic violence assault; and reenacting and amending RCW 10.31.100.

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

SB 5619 by Senators Rivers, Keiser and Hunt

AN ACT Relating to health care services balance billing; amending RCW 48.43.005, 48.43.093, and 48.43.515; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

SB 5620 by Senators King, Hobbs, Fain, Mullet and Palumbo

AN ACT Relating to transportation network companies; amending RCW 48.177.010, 51.12.020, 46.72.010, 46.74.020, and 50.04.100; reenacting and amending RCW 42.56.270 and 43.79A.040; adding a new chapter to Title 46 RCW; recodifying RCW 48.177.010; and repealing RCW 48.177.005.

Referred to Committee on Transportation.

SB 5621 by Senators Brown, Hobbs, Rivers, Sheldon, Ericksen, Warnick, Honeyford, Becker and Braun

AN ACT Relating to projects of statewide significance for economic development and transportation; amending RCW 43.157.005 and 43.157.020; reenacting and amending RCW 43.157.010; and creating a new section.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5622 by Senators Rolfes and Mullet

AN ACT Relating to integrating career readiness standards and instruction into the program of basic education; amending RCW 28A.700.070 and 28A.655.070; creating new sections; and providing an expiration date.

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

SB 5623 by Senators Rolfes, Billig, Wellman, Saldaña, Takko, Hunt, Darneille and Ranker

AN ACT Relating to fulfilling the state's paramount duty for all children through equitable and responsible investments in the state's basic education program and reductions to local effort contributions; amending RCW 28A.150.200, 28A.150.410, 28A.400.205, 28A.400.200, 28A.500.020, and 28A.150.260; reenacting and amending RCW 84.52.0531, 28A.500.030, and 28A.150.260; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28A.415 RCW; creating new sections; recodifying RCW 28A.300.600, 28A.300.602, and 28A.300.604; repealing RCW 28A.400.201, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5624 by Senators Hasegawa and Fortunato

AN ACT Relating to transparency in retail electrical customer billing; and amending RCW 19.29A.020 and 19.29A.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5625 by Senators Zeiger, Darneille, Walsh, Hunt and O'Ban

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington homeless client management information system; and amending RCW 43.185C.180.

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

SB 5626 by Senators Miloscia, Cleveland and Rivers

AN ACT Relating to prohibiting the use of step therapy in treatments for stage four advanced, metastatic cancer; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5627 by Senators Kuderer, Hunt and Saldaña

AN ACT Relating to the sale of manufactured/mobile home communities; amending RCW 59.20.030, 82.45.010, and 82.45.060; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5628 by Senators Takko, Fortunato and Sheldon

AN ACT Relating to fire protection district formation by the legislative authority of a city or town subject to voter approval; amending RCW 84.55.092, 29A.36.071, 52.14.010, and 52.14.020; adding new sections to chapter 52.02 RCW; and adding a new section to chapter 52.14 RCW.

Referred to Committee on Local Government.

SB 5629 by Senators Angel and Hobbs

AN ACT Relating to creating and establishing the rights and duties for title insurance rating and advisory organizations; amending RCW 48.29.010, 48.29.147, and 48.29.017; adding new sections to chapter 48.29 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5630 by Senators Braun, Ranker, Mullet, Rivers, Cleveland, Zeiger and Liias

AN ACT Relating to reinstating tax preferences for certain high-technology research and development; amending RCW 82.63.010, 82.63.020, and 82.63.045; reenacting RCW 82.63.060 and 82.63.065; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.63 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5631 by Senators Becker and Frockt

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AN ACT Relating to the University of Washington's alternative process for awarding contracts; amending RCW 28B.20.744; repealing RCW 43.131.413 and 43.131.414; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5632 by Senators O'Ban, Palumbo, Angel, Wilson, Zeiger, Rossi and Padden
AN ACT Relating to organized retail theft; amending RCW 9A.56.350; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5633 by Senators Palumbo, Rossi, Angel, Pedersen, O'Ban, Wilson, Zeiger and Padden
AN ACT Relating to changing the definition of theft; and amending RCW 9A.56.020.

Referred to Committee on Law & Justice.

SB 5634 by Senators Padden, Angel, Palumbo, Wilson, Zeiger and Rossi
AN ACT Relating to aggregating counts of retail theft with special circumstances; and amending RCW 9A.56.360.

Referred to Committee on Law & Justice.

SB 5635 by Senators Padden, Pedersen, Angel, Palumbo, O'Ban, Wilson, Rossi and Zeiger
AN ACT Relating to retail theft with special circumstances; amending RCW 9A.56.360; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5636 by Senators Becker, Rivers, Bailey, Walsh and Fain
AN ACT Relating to exploring solutions to allow telemedicine licensure reciprocity; and creating a new section.

Referred to Committee on Health Care.

SB 5637 by Senators Becker, Rivers, Bailey and O'Ban
AN ACT Relating to health insurance mandates in the individual and small group markets; amending RCW 48.43.715; and creating a new section.

Referred to Committee on Health Care.

SB 5638 by Senators Becker, Rivers, O'Ban, Miloscia, Walsh and Bailey
AN ACT Relating to exempting certain skilled nursing facilities from certificate of need requirements for the addition of beds for a limited period of time; amending RCW 70.38.111; adding a new section to chapter 70.38 RCW; and declaring an emergency.

Referred to Committee on Health Care.

SB 5639 by Senators Conway and Zeiger
AN ACT Relating to alternative student assessments; amending RCW 28A.655.061; and adding a new section to chapter 28A.655 RCW.

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

SB 5640 by Senators Conway, Cleveland, Frockt and Zeiger
AN ACT Relating to technical college high school diploma programs; and amending RCW 28B.50.535.

Referred to Committee on Higher Education.

SB 5641 by Senators Keiser and Honeyford
AN ACT Relating to school district nomenclature; amending RCW 28A.300.065, 28A.310.370, 28A.330.100, 28A.330.110, 28A.330.230, 28A.335.240, 28A.335.290, 28A.340.020, 28A.343.030, 28A.343.050, 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.620, 28A.343.630, 28A.343.640, 28A.343.650, 28A.343.660, 28A.343.670, 28A.343.680, 28A.505.050, 28A.505.060, 28A.505.170, 28A.505.180, 28A.525.166, 29A.04.340, 42.23.030, 53.36.020, and 84.52.020; and reenacting and amending RCW 28A.343.020.

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

SB 5642 by Senators Brown, King, Miloscia, Baumgartner, Bailey, Sheldon, Rivers, Zeiger, Honeyford and Hobbs
AN ACT Relating to a pilot program that provides incentives for investments in Washington state job creation and economic development; amending RCW 82.85.010 and 82.85.020; and providing expiration dates.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5643 by Senators Wellman and Hobbs
AN ACT Relating to lead-based paint certification fees; and amending RCW 70.103.030.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5644 by Senator Honeyford
AN ACT Relating to skill center facility maintenance; and adding a new section to chapter 28A.245 RCW.

Referred to Committee on Ways & Means.

SB 5645 by Senator Honeyford
AN ACT Relating to withdrawal of candidacy; and amending RCW 29A.24.131.

Referred to Committee on State Government.

SB 5646 by Senators Honeyford, King, Chase and Keiser
AN ACT Relating to services provided by residential habilitation centers; and amending RCW 71A.20.180.

Referred to Committee on Health Care.

SB 5647 by Senator Honeyford
AN ACT Relating to creating a low-income home rehabilitation revolving loan program; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 43.330 RCW.

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

SB 5648 by Senator Rolfes

AN ACT Relating to vehicular homicide, barring use of the defense of driving while under fatigue, drowsiness, or sleep, and increasing the time period for license suspension; amending RCW 46.61.520 and 46.20.285; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5649 by Senator Hawkins

AN ACT Relating to modifying the eligibility requirements for certain counties to form a regional transportation planning organization; and amending RCW 47.80.020.

Referred to Committee on Transportation.

SB 5650 by Senators Conway, Darneille, Zeiger and O'Ban

AN ACT Relating to creating the safe streets pilot project; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5651 by Senators Conway, Becker and Zeiger

AN ACT Relating to the siting of schools and school facilities; amending RCW 36.70A.280 and 36.70A.280; adding new sections to chapter 36.70A RCW; providing an effective date; and providing an expiration date.

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

SB 5652 by Senators Angel and Rolfes

AN ACT Relating to actions by the boundary review board; and amending RCW 36.93.150, 36.93.170, and 36.93.180.

Referred to Committee on Local Government.

SB 5653 by Senators Becker, Braun, Brown, Bailey, Padden, Zeiger, King, Wilson, O'Ban, Rossi, Walsh, Hawkins and Fain

AN ACT Relating to administration of the public employees' benefits program; amending RCW 41.50.030, 41.05.013, 41.05.014, 41.05.015, 41.05.017, 41.05.019, 41.05.021, 41.05.022, 41.05.023, 41.05.026, 41.05.033, 41.05.035, 41.05.036, 41.05.039, 41.05.046, 41.05.055, 41.05.065, 41.05.074, 41.05.075, 41.05.085, 41.05.123, 41.05.130, 41.05.143, 41.05.160, 41.05.175, 41.05.177, 41.05.180, 41.05.183, 41.05.220, 41.05.310, 41.05.400, 41.05.520, 41.05.540, 41.05.550, 41.05.600, 41.05.601, 41.05.630, 41.05.655, and 41.05.660; reenacting and amending RCW 41.05.011 and 41.05.120; adding a new section to chapter 41.50 RCW; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 41.05.014, 41.05.015, 41.05.036, 41.05.037, 41.05.220, 41.05.230, 41.05.400, 41.05.520, 41.05.530, 41.05.550, 41.05.600, 41.05.601, 41.05.650, 41.05.651, 41.05.660, 41.05.670, 41.05.680, 41.05.690, 41.05.730, 41.05.735, and 41.05.800; repealing RCW 41.05.006 and 41.05.295; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5654 by Senators Rivers and Keiser

AN ACT Relating to protecting consumers from charges for out-of-network health care services; amending RCW 48.43.093; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5655 by Senators Angel and Mullet

AN ACT Relating to the delivery of insurance notices and documents by electronic means; and amending RCW 48.185.005.

Referred to Committee on Financial Institutions & Insurance.

SB 5656 by Senators Miloscia and Rivers

AN ACT Relating to ending homelessness; amending RCW 26.44.020, 26.44.030, 74.15.030, 43.330.700, 43.330.702, 43.330.705, 43.330.706, 43.330.710, 43.185C.180, 43.185C.030, 43.185C.040, 43.185C.070, 43.185C.160, 43.185C.170, 36.22.178, 36.22.179, 36.22.1791, and 43.185C.240; reenacting and amending RCW 71.05.020 and 71.05.020; adding a new section to chapter 13.32A RCW; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 9A RCW; creating new sections; prescribing penalties; making appropriations; providing an effective date; and providing an expiration date.

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

SB 5657 by Senators Miloscia and Rivers

AN ACT Relating to the hosting of the homeless by religious organizations; amending RCW 36.01.290, 35.21.915, and 35A.21.360; and creating a new section.

Referred to Committee on Local Government.

SB 5658 by Senator Pearson

AN ACT Relating to the use of solid fuel burning devices; amending RCW 70.94.473, 70.94.430, and 70.94.431; and prescribing penalties.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5659 by Senators Bailey, Hawkins, Schoesler and Warnick

AN ACT Relating to the eligibility of emergency medical technicians employed by public hospital districts for membership in the law enforcement officers' and firefighters' retirement system; amending RCW 41.26.030; and creating a new section.

Referred to Committee on Ways & Means.

SB 5660 by Senators Hunt, Becker and Darneille

AN ACT Relating to removing references to specific nonoperational historical facilities from state statute; and amending RCW 27.34.395 and 27.34.900.

Referred to Committee on State Government.

SB 5661 by Senator Rolfes

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AN ACT Relating to interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.520 and 41.26.030.

Referred to Committee on Ways & Means.

SB 5662 by Senator Zeiger

AN ACT Relating to professional educator standards board membership; and amending RCW 28A.410.200.

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

SB 5663 by Senators Zeiger, Takko, Frockt and Billig

AN ACT Relating to providing support for foster youth in obtaining drivers' licenses and automobile liability insurance; adding a new section to chapter 74.13 RCW; and making an appropriation.

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

SB 5664 by Senators Braun, Takko, Hawkins and King

AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal forestlands; amending RCW 28A.150.250 and 28A.520.020; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5665 by Senators Wilson, Keiser, Conway and King

AN ACT Relating to the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises; and amending RCW 66.28.270.

Referred to Committee on Commerce, Labor & Sports.

SB 5666 by Senators Frockt and Palumbo

AN ACT Relating to establishing the Washington promise program, which provides for affordable access to community and technical colleges; amending RCW 43.88C.010; adding a new chapter to Title 28B RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SCR 8402 by Senators Schoesler and Nelson

Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5624 which had been designated to the Committee on Commerce, Labor & Sports and referred to the Committee on Energy, Environment & Telecommunications; Senate Bill No. 5644 which had been designated to the Committee on Early Learning & K-12 Education and referred to the Committee on Ways & Means; and Senate Concurrent Resolution 8402 which was placed on the day's second reading calendar.

MOTION

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

MOTION

Senator Mullet moved adoption of the following resolution:

SENATE RESOLUTION
8610

By Senators Mullet, Fain, and Frockt

WHEREAS, The students of Tahoma High School enrolled in the We the People: The Citizen and Constitution program have exhibited superior knowledge of the Constitution of the United States and the lessons taught by our forefathers; and

WHEREAS, On Saturday, January 7, 2017, the state "We the People" competition was won by the team from Tahoma High School, marking the school's 20th state championship; and

WHEREAS, These students will represent their state at the 30th anniversary "We the People" finals in Washington, D.C., where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, These students have immersed themselves in the United States Constitution and Bill of Rights, and their extraordinary understanding of the country's founding documents and principles and formidable debate skills have inspired those who have watched them progress to the level of state champions; and

WHEREAS, The Tahoma team is coached by Gretchen Wulffing, who was named Washington's Civic Educator of the Year in 2011 and who continues to ingrain in her students the importance of learning about American constitutional democracy and the contemporary relevance of the nation's founding documents and principles; and

WHEREAS, Studies have shown that 80 percent of high school seniors in the program are registered to vote, compared to an average of 37 percent among other high school seniors, proof that "We the People" instills greater interest in participating in government; and

WHEREAS, Tahoma High School has a distinguished record of excellence in competitions at the national level, placing fourth in the nation in 2000; capturing the Western Regional Award in 2001, 2008, and 2014; taking the top Unit Two in the Nation Award in 2003; placing in the top ten in 2012 and 2013; and earning the top Unit Five in the Nation Award in 2010 and 2011; and

WHEREAS, In 2015 the Tahoma team finished fourth in the nation, posting the highest finish in school and state history, and in 2016 Tahoma finished ninth in the nation. Tahoma has now advanced teams to the top ten in the nation four times;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Zoe Brown, Noah Casey, Jessica Davies, Jonathan Feher, David Ferrer, Jandrea Grobbelaar, Makaila Heifner, Lydia Kropelnicki, Kieran Lowe, Michelle McLoughlin, Rosella Miller, Calista Moore, Taylor Murrey, Cameron Musard, Amber Neathery, Ryan Nelson, Jared Perrine, James Riordan, Peter Seely, Matthew Simmons, Everett Wall, Benjamin Weaver, and Tierra Wilson as "Warriors of the Constitution"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's "We the People" team, to team advisor Gretchen Wulffing, and to Tahoma High School

principal Terry Duty to convey the respect of this body for a job well done and to wish them success in their continuing endeavors.

Senator Mullet spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8610.

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

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Schoesler and Nelson

Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8402.

Senator Fain spoke in favor of adoption of the resolution.

SENATE CONCURRENT RESOLUTION NO. 8402 having received a majority was adopted by voice vote.

MOTION

At 10:57 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 4:39 p.m. by President Habib.

REMARKS BY THE PRESIDENT

President Habib: "The President is pleased to welcome now Senator Shelly Short, who is joining this body, and it gives the President great pleasure to work with Senator Short once more. We served in the House of Representatives together."

The President appointed Senator Short to the following committees: Chair, Committee on Local Government; Committee on Agriculture, Water, Trade & Economic Development; and Committee on Energy, Environment & Telecommunications.

On motion of Senator Fain, the committee assignments were confirmed by voice vote.

PERSONAL PRIVILEGE

Senator Warnick: "Thank you Mr. President, I would personally like to welcome Senator Short to the Senate I have known her for quite a long time and I just want to tell you a little bit about her. She is a passionate, passionate advocate for her district I worked with her in that other body and saw that passion in both the legislative arena and Washington State. I would describe her as a little bit of a pitbull so we have to be careful with her. She does want to work. Most importantly she is a wife, she is a mom, and I got to know her through the 4H program. She and I have both been 4H leaders in the past and we're also have another hobby we like to spend time with and she is a real cowgirl and she can really ride a horse. So I am just really glad to welcome another cowgirl to the Senate. Welcome, Shelly. Thank you very much Mr. President."

PERSONAL PRIVILEGE

Senator Rolfes: "Thank you Mr. President. I also want to welcome Shelly on behalf of our side of the aisle or if others want to speak that is great too. Point of personal privilege."

President Habib: "Please state your point. I believe you already were."

Senator Rolfes: "Then-Representative Short and then-Representative Rolfes, we served together on the powerful House Ecology Committee together for years where we worked and collaborated on things like the Growth Management Act and climate change and more recently wolf management policy and, I think. Welcome to the Senate and I look forward to working with you again."

SECOND READING

SENATE BILL NO. 5122, by Senators Takko and Rivers

Concerning fire commissioner compensation.

The measure was read the second time.

MOTION

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

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5079, by Senators McCoy, Becker, Rivers, Cleveland, Keiser, Conway, Kuderer, Darneille, Saldaña, Wellman and Bailey

Concerning dental health services in tribal settings.

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 5079 was substituted for Senate Bill No. 5079 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 5079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5079.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5079 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5011, by Senators Pedersen, Padden, Frockt, Fain and Kuderer

Concerning the business corporation act.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5607, by Senators Braun, Rivers, Fain, Zeiger, Schoesler, Honeyford, Warnick, King, Brown, Angel, Wilson, Sheldon, Becker and Miloscia

Concerning education.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5607 was substituted for Senate Bill No. 5607 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wellman moved that floor amendment no. 3 by Senators Wellman, Conway, Rolfes and Saldaña be adopted:

Beginning on page 3, line 13, strike all material through page 37, line 16

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

Beginning on page 46, after line 6, strike the remainder of the bill

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing an expiration date."

Senators Wellman and Kuderer spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

Senator Lias demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the floor amendment no. 3 by Senators Wellman, Conway, Rolfes and Saldaña on page 3, line 13 and page 1, line 1, to Substitute Senate Bill No. 5607.

ROLL CALL

The Secretary called the roll on the motion by Senator Wellman and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

Senator Darneille moved that floor amendment no. 4 by Senators Darneille, Rolfes and Saldaña be adopted:

On page 9, beginning on line 2, after "based on" strike all material through "program" on line 5 and insert "the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year"

On page 53, beginning on line 3, after "means the" strike all material through "program" on line 6 and insert "district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year"

Senators Darneille and Nelson spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

Senator Liias demanded a roll call.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 4 by Senators Darneille, Rolfes and Saldaña on page 9, line 2, to Substitute Senate Bill No. 5607.

ROLL CALL

The Secretary called the roll on the adoption of floor amendment No. 4 by Senator Darneille and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

Senator Carlyle moved that the following floor amendment no. 5 by Senators Carlyle, Chase, Frockt, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman be adopted:

On page 32, line 4, after "YEAR" strike "2020" and insert "2019"

On page 34, line 3, after "percent)) strike "ten" and insert "twenty-four"

On page 36, beginning on line 2, after "percentage." strike all material through "2019." on line 4

On page 37, line 6, after "year" strike "2019" and insert "2018"

Senators Carlyle and Liias spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 5 by Senators Carlyle, Chase, Frockt, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman on page 32, line 4 to Substitute Senate Bill No. 5607.

The motion by Senator Carlyle did not carry and the amendment was not adopted by voice vote.

MOTION

Senator Carlyle moved that floor amendment no. 6 by Senator Carlyle be taken together, considered as one, and be adopted.

On page 37, after line 14, insert the following:

"**NEW SECTION. Sec. 305.** A new section is added to chapter 84.52 RCW to read as follows:

(1) Commensurate with taxes due and payable beginning in calendar year 2019, to offset the net reduction in commercial and industrial property taxes paid on property located within the county resulting from the provisions of chapter . . . , Laws of 2017 (this act), county assessors must levy a uniform parcel fee on such commercial and industrial properties. Counties may not impose a parcel fee under this section if there is a net increase in commercial and industrial property taxes paid on property located within the county.

(2) Money collected under this section by county treasurers shall be transmitted to the department and deposited into the education legacy trust account."

On page 1, line 16 of the title, after "RCW; adding" strike "a new section" and insert "new sections"

Senator Carlyle spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 6 by Senator Carlyle on page 37, line 14 and 1, line 16, to Substitute Senate Bill No. 5607.

The motion by Senator Carlyle did not carry and the amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that floor amendment no. 7 by Senators Keiser, Conway, and Saldaña be adopted.

Beginning on page 51, after line 30, strike all material through "duty." on page 52, line 24

Re-number the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 53, after line 12, strike all material through "Constitution." on page 54, line 7

Re-number the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 54, after line 7, strike all material through "authority." on page 56, line 37

Re-number the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 56, after line 37, strike all of Part VI

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

Beginning on page 66, after line 12, strike all of Part VIII

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

Beginning on page 74, after line 4, strike all of Part X

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

On page 75, beginning on line 1, strike all of Part XI

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

Beginning on page 75, after line 19, strike all of Part XII

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

Beginning on page 76, after line 20, strike all of Part XIII

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

Beginning on page 97, line 1, strike all of section 1418

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

Beginning on page 100, after line 31, strike all of Part XV

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

Beginning on page 119, after line 25, strike all of Part XVI

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

Beginning on page 123, after line 18, strike all of Part XVII

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

On page 1, line 4 of the title, after "28A.400.200," strike the remainder of the title and insert "28A.320.330, 28A.505.140, 28A.505.040, 28A.505.050, 28A.505.060, 28A.505.100, 28A.150.250, 28A.150.280, 28A.150.290, 28A.150.310, 28A.150.315, 28A.150.350, 28A.150.360, 28A.150.400, 28A.160.130, 28A.160.170, 28A.165.055, 28A.185.010, 28A.185.020, 28A.340.040, 28A.232.020, 28A.400.220, 28A.400.240, 28A.625.110, 28A.625.150, 28A.710.220, 28A.710.240, and 28A.715.040; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.48.110, 84.55.092, 84.52.0531, and 84.52.0531; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.657 RCW; creating new sections; recodifying RCW 28A.150.230, 28A.150.300, 28A.150.305, 28A.150.240, and 28A.150.550; decodifying RCW 28A.405.110; repealing RCW 28A.150.198, 28A.150.261, 28A.160.150, 28A.160.160, 28A.160.180, 28A.160.190, 28A.160.191, 28A.160.192, 28A.160.205, 28A.180.080, 28A.300.173, 28A.300.2851, 28A.400.201, 28A.405.200, 28A.415.020, 28A.415.023, 28A.415.024, 28A.415.025, 28A.150.260, 28A.400.205, and 28A.400.206; repealing 2015 c 2 ss 1, 4, and 5 and 2015 3rd sp.s. c 38 s 3 (uncodified); providing effective dates; providing a contingent effective date; providing expiration dates; and providing for submission of certain sections of this act to a vote of the people."

Senators Keiser, Hasegawa and Conway spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the floor amendment no. 7 by Senators Keiser, Conway, and Saldaña on page 51, line 30 and 1, line 4, to Substitute Senate Bill No. 5607.

The motion by Senator Keiser did not carry and the amendment was not adopted by a rising vote.

MOTION

Senator Billig moved that floor amendment no. 8 by Senators Billig and Rolfes be adopted.

Beginning on page 67, line 35, strike all of subsection (7) and insert the following:

"(7) "Classroom teacher" generally means a person who holds a ~~((professional education certificate and))~~ certificate as authorized by the Washington professional educator standards board, is employed in a position for which such certificate is required, and whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute."

Beginning on page 68, line 37, strike all of section 803

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

On page 1, at the beginning of line 7 of the title, strike "28A.410.025,"

Senators Billig and Rolfes spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 8 by Senators Billig and Rolfes on page 67, line 35 and 1, line 7, to Substitute Senate Bill No. 5607.

The motion by Senator Billig did not carry and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Fain, Baumgartner, Erickson and O'Ban spoke in favor of passage of the bill.

Senators Rolfes, Wellman, Mullet, Hasegawa, Pedersen, Ranker, Chase and Billig spoke against passage of the bill.

Senator Baumgartner requested that Senator Billig yield to a question.

Senator Billig declined to yield.

Senator Baumgartner spoke in favor of passage of the bill.

Senators Billig spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5607.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser,

Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:34 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, February 2, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, February 2, 2017

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 2017

SB 5012 Prime Sponsor, Senator Pedersen: Concerning the distribution of a Washington trust's assets to another trust. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5039 Prime Sponsor, Senator Pedersen: Adopting the uniform electronic legal material act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5065 Prime Sponsor, Senator Miloscia: Concerning government performance and accountability. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Kuderer and Pearson.

MINORITY recommendation: Do not pass. Signed by Senator Hunt, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5066 Prime Sponsor, Senator Miloscia: Concerning state budgeting through zero-based budget reviews. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5068 Prime Sponsor, Senator Miloscia: Establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections in cities, towns, code cities, and counties. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5080 Prime Sponsor, Senator Padden: Concerning actions for damage to real property resulting from construction, alteration, or repair on adjacent property. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5091 Prime Sponsor, Senator Takko: Removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5097 Prime Sponsor, Senator Braun: Clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5126 Prime Sponsor, Senator Hunt: Concerning uniform ballot design. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Hunt, Ranking Minority Member and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senator Zeiger, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5128 Prime Sponsor, Senator Takko: Allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5154 Prime Sponsor, Senator Fain: Concerning driver's license formats for persons approaching twenty-one years of age. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5162 Prime Sponsor, Senator McCoy: Creating the wastewater treatment plant operator certification account. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5184 Prime Sponsor, Senator Padden: Modifying patronizing a prostitute provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5186 Prime Sponsor, Senator Padden: Concerning the collection of blood samples for forensic testing. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5195 Prime Sponsor, Senator Hunt: Clarifying the appropriate format for signed written authorizations for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5195 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5200 Prime Sponsor, Senator Becker: Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5232 Prime Sponsor, Senator Brown: Allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

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MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5261 Prime Sponsor, Senator Warnick: Concerning irrigation district authority. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5266 Prime Sponsor, Senator O'Ban: Modifying theft of rental, leased, lease-purchased, or loaned property provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5268 Prime Sponsor, Senator Takko: Concerning notice to the licensee before a concealed pistol license expires. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means for second reading.

January 31, 2017

SB 5270 Prime Sponsor, Senator Hawkins: Concerning expiration dates affecting the department of natural resources' contract harvesting program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5278 Prime Sponsor, Senator Padden: Concerning the authority of the public safety review panel. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

January 31, 2017

SB 5315 Prime Sponsor, Senator King: Concerning home site leases on lands managed by the department of natural resources. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5319 Prime Sponsor, Senator Brown: Transferring authority for low-level radioactive waste management from the department of ecology to the department of health. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker and Short.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5327 Prime Sponsor, Senator Angel: Clarifying the duties of court clerks. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5336 Prime Sponsor, Senator Miloscia: Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5346 Prime Sponsor, Senator Walsh: Creating a legislative page scholarship program. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5350 Prime Sponsor, Senator Fortunato: Establishing deadlines for final determinations and dispositions in agency adjudicative proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5374 Prime Sponsor, Senator Becker: Concerning state employee whistleblower protection. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5376 Prime Sponsor, Senator Sheldon: Modifying indigent defense provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5445 Prime Sponsor, Senator Padden: Prohibiting the use of eminent domain for economic development. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

February 1, 2017

SJM 8004 Prime Sponsor, Senator Sheldon: Requesting that certain federal officials prevent the breaching of any dam in the Columbia River system. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Hobbs; Ranker and Wellman.

Referred to Committee on Rules for second reading.

MOTION

On motion of Schoesler, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5268 which had been designated to the Committee on Ways & Means and referred to the Committee on Rules.

MOTION

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

MESSAGE FROM THE HOUSE

February 1, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1018,
HOUSE BILL NO. 1053,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1069,
HOUSE BILL NO. 1091,
HOUSE BILL NO. 1107,
HOUSE BILL NO. 1125,
HOUSE BILL NO. 1139,
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1162,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5667 by Senator Kuderer

AN ACT Relating to the off-duty conduct of an employee or a prospective employee; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5668 by Senators Zeiger, Hunt and Rolfes

AN ACT Relating to the expansion of civics education in public schools; adding a new section to chapter 28A.415 RCW; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

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

SB 5669 by Senators Cleveland, Walsh and Mullet

AN ACT Relating to dental laboratories; adding new sections to chapter 18.32 RCW; and prescribing penalties.

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Referred to Committee on Health Care.

Referred to Committee on Financial Institutions & Insurance.

SB 5670 by Senators Braun and Mullet

AN ACT Relating to notice to state fund employers for certain workers' compensation third-party settlements; and amending RCW 51.24.090.

SB 5676 by Senators Takko, Palumbo and Hunt

AN ACT Relating to public defense fund distributions; amending RCW 10.101.050, 10.101.060, 10.101.070, and 10.101.080; and adding a new section to chapter 10.101 RCW.

Referred to Committee on Commerce, Labor & Sports.

Referred to Committee on Law & Justice.

SB 5671 by Senators Fortunato, Sheldon, Rivers and Wilson

AN ACT Relating to simplifying the process for bona fide charitable and nonprofit organization to engage in activities and social pastimes, and raise funds for their authorized purposes; amending RCW 9.46.0209, 9.46.0277, 9.46.0315, 9.46.0321, 9.46.0323, and 9.46.070; and adding new sections to chapter 9.46 RCW.

SB 5677 by Senators Zeiger and Frockt

AN ACT Relating to creating a leasehold excise tax exemption for certain leasehold interests in facilities owned or used by schools, colleges, or universities; reenacting and amending RCW 82.29A.130; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

Referred to Committee on Higher Education.

SB 5672 by Senator Hunt

AN ACT Relating to the enforcement of parking rules and regulations and adjudication of parking infractions on the state capitol grounds; and amending RCW 46.08.160 and 43.01.225.

SB 5678 by Senators Miloscia, Angel, Hobbs and Warnick

AN ACT Relating to eligibility for relocation assistance for tenants of closed or converted mobile home parks; and amending RCW 59.21.021 and 59.21.005.

Referred to Committee on State Government.

Referred to Committee on Financial Institutions & Insurance.

SB 5673 by Senator Zeiger

AN ACT Relating to the responsibilities of the office of the superintendent of public instruction and the state board of education; amending RCW 28A.305.130, 28A.657.030, 28A.657.050, 28A.657.050, 28A.657.060, 28A.657.090, 28A.657.100, 28A.657.105, 28A.657.080, 28A.150.550, 28A.657.110, 28A.230.093, 28A.655.061, 28A.655.065, 28A.700.070, 28A.150.220, 28A.150.230, 28A.225.010, 28A.150.250, 28A.230.010, 28B.50.250, 28B.50.535, 28B.50.536, 28A.195.010, 28A.195.030, 28A.195.050, 28A.195.060, 28A.310.020, 28A.630.083, 28A.655.180, 28A.655.180, 28A.300.545, 28A.300.020, 28A.305.021, 28A.525.025, and 28A.210.320; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.150 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to chapter 28A.305 RCW; repealing RCW 28A.305.140, 28A.305.141, 28A.305.142, and 28A.305.190; providing an effective date; and providing expiration dates.

SB 5679 by Senators Warnick, Wellman, Sheldon, Rivers, Wilson, Cleveland, Walsh and Takko

AN ACT Relating to the authority of port districts to provide telecommunications services; amending RCW 53.08.370; and creating a new section.

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

Referred to Committee on Energy, Environment & Telecommunications.

SB 5680 by Senators Fain and Mullet

AN ACT Relating to simplifying small securities offerings; amending RCW 21.20.880; and repealing RCW 21.20.883 and 21.20.886.

Referred to Committee on Financial Institutions & Insurance.

SB 5674 by Senators Palumbo and Fain

AN ACT Relating to the final approval of subdivisions of land; and amending RCW 58.17.100, 58.17.170, and 58.17.190.

SB 5681 by Senator Fain

AN ACT Relating to notice of criminal background checks by community youth athletic programs; and adding a new chapter to Title 19 RCW.

Referred to Committee on Law & Justice.

Referred to Committee on Local Government.

SB 5682 by Senators Saldaña, Hasegawa, Chase, Conway, Cleveland, Hunt and McCoy

AN ACT Relating to interpreter services; amending RCW 39.26.100, 41.56.030, and 41.56.510; adding a new section to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Commerce, Labor & Sports.

SB 5675 by Senators Mullet and Angel

AN ACT Relating to the minimum operating requirements and the review of plans necessary to be included in the small business retirement marketplace; and amending RCW 43.330.735 and 43.330.750.

SB 5683 by Senators Saldaña, Kuderer, Cleveland, Hasegawa, Darneille, Hunt, Conway, Keiser, Hobbs and McCoy

AN ACT Relating to health care for Pacific Islanders residing in Washington under a compact of free association; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SB 5684 by Senators Palumbo and Wilson

AN ACT Relating to creating the higher education infrastructure investment program; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5685 by Senators Rivers, Bailey, Keiser, Warnick, Becker and Honeyford

AN ACT Relating to adopting certain safeguard standards for guardians of incapacitated persons; adding new sections to chapter 11.88 RCW; and creating new sections.

Referred to Committee on Health Care.

SB 5686 by Senators Rivers, Ranker, Fain and Keiser

AN ACT Relating to creating a sexual assault survivor bill of rights; adding a new section to chapter 5.40 RCW; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

SB 5687 by Senators Rivers, Bailey and Becker

AN ACT Relating to the public disclosure of guardianship training curriculum and materials; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Health Care.

SB 5688 by Senators Rivers, Keiser and Honeyford

AN ACT Relating to the temporary sale of liquor at special events; and adding new sections to chapter 66.24 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5689 by Senators Wellman, Saldaña, Nelson, Keiser, Hasegawa, McCoy, Carlyle, Pedersen and Chase

AN ACT Relating to establishing a statewide policy supporting Washington state's economy and immigrants' role in the workplace; adding new sections to chapter 43.17 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 43.10 RCW; creating new sections; repealing RCW 10.70.140 and 10.70.150; and declaring an emergency.

Held at the desk.

SB 5690 by Senators Bailey, Rivers, Becker and Warnick

AN ACT Relating to protection of incapacitated persons; adding a new section to chapter 70.129 RCW; and providing an expiration date.

Referred to Committee on Health Care.

SB 5691 by Senators Bailey, Rivers, Becker and Warnick

AN ACT Relating to modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person; amending RCW 11.88.120; and creating a new section.

Referred to Committee on Health Care.

SB 5692 by Senators Baumgartner and Braun

AN ACT Relating to prohibiting requiring employees to pay dues or fees to a labor union as a condition of employment; amending RCW 28B.52.045, 41.56.110, 41.56.113, 41.56.122, 41.59.060, 41.59.100, 41.59.140, 41.76.045, 41.80.050, 41.80.100, 47.64.130, 47.64.160, 49.39.080, 49.39.090, 49.66.010, 49.66.050, 53.18.050, and 53.18.060; adding a new section to chapter 49.36 RCW; adding new sections to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 49.66 RCW; adding new sections to chapter 53.18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

MOTION

On motion of Senator Schoesler, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5689 which had been designated to the Committee on Law & Justice and was held at the desk.

MOTION

At 12:04 p.m., on motion of Senator Schoesler, the Senate adjourned until 10:00 o'clock a.m. Friday, February 3, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 3, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 2017

SB 5035 Prime Sponsor, Senator Pedersen: Concerning patients' access to investigational medical products. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5070 Prime Sponsor, Senator Rivers: Concerning paraeducators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Rivers.

Referred to Committee on Ways & Means.

February 2, 2017

SB 5084 Prime Sponsor, Senator Rolfes: Providing women with timely information regarding their breast health. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5107 Prime Sponsor, Senator Billig: Creating a local pathway for local governments, school districts, and nonprofit organizations to provide more high quality early learning opportunities by reducing barriers and increasing efficiency. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Rivers.

Referred to Committee on Ways & Means.

February 2, 2017

SB 5118 Prime Sponsor, Senator Rolfes: Increasing the personal needs allowance for persons receiving state-financed care. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 2, 2017

SB 5129 Prime Sponsor, Senator Hunt: Concerning charter school students participating in interschool athletics and extracurricular activities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Rivers.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5133 Prime Sponsor, Senator Takko: Concerning county boards of equalization. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member and Palumbo.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5153 Prime Sponsor, Senator Fain: Requiring proof of financial responsibility before the issuance of vehicle registrations. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Ericksen; Hawkins; O'Ban; Saldaña; Takko; Walsh and Wilson.

Referred to Committee on Financial Institutions & Insurance.

February 2, 2017

SB 5177 Prime Sponsor, Senator Bailey: Requiring long-term care workers to be trained to recognize hearing loss. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5179 Prime Sponsor, Senator Bailey: Requiring coverage for hearing instruments under public employee and medicaid programs. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 2, 2017

SB 5187 Prime Sponsor, Senator Angel: Concerning county auditors. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member and Palumbo.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5234 Prime Sponsor, Senator Mullet: Requiring establishment of a systemwide credit policy regarding AP exams. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Baumgartner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5237 Prime Sponsor, Senator Bailey: Updating workforce investment act references and making no substantive changes. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5285 Prime Sponsor, Senator Wilson: Conducting a workforce study of employment opportunities in the agriculture, environment, and natural resources economic sectors intended to provide educators with the information needed for informing

students about employment opportunities in the studied fields. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

February 2, 2017

SB 5314 Prime Sponsor, Senator Wilson: Concerning county treasurer administrative efficiencies. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member and Palumbo.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5332 Prime Sponsor, Senator Warnick: Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Referred to Committee on Ways & Means.

February 2, 2017

SB 5361 Prime Sponsor, Senator Bailey: Concerning the opportunity scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules.

February 2, 2017

SCR 8401 Prime Sponsor, Senator Bailey: Approving the 2016 state comprehensive plan for workforce training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

February 2, 2017

SGA 9193 ROGER MILLAR, appointed on August 9, 2016, for the term ending at the governor's pleasure, as Secretary of the Department of Transportation - Agency Head. Reported by Committee on Transportation

TWENTY SIXTH DAY, FEBRUARY 3, 2017

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Ericksen; Hawkins; O'Ban; Saldaña; Takko; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 2, 2017

SGA 9219 HEATHER L. MANSY, appointed on October 3, 2016, for the term ending September 30, 2021, as Member of the Lower Columbia College Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Rivers.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Hawkins, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5361 which had been designated to the Committee on Rules and referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM THE HOUSE

February 2, 2017

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 2, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1027,
HOUSE BILL NO. 1056,
HOUSE BILL NO. 1167,
SUBSTITUTE HOUSE BILL NO. 1184,
SUBSTITUTE HOUSE BILL NO. 1414,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5693 by Senator Darneille

AN ACT Relating to removal of juvenile convictions or adjudications from sexually violent predator status under RCW 71.09.030; and amending RCW 71.09.030.

Referred to Committee on Law & Justice.

SB 5694 by Senator Darneille

AN ACT Relating to the sealing of juvenile records; and amending RCW 13.50.050.

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

SB 5695 by Senators Darneille and Hunt

AN ACT Relating to the development of a juvenile special sex offender disposition alternative treatment court; and adding a new section to chapter 13.40 RCW.

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

SB 5696 by Senators Wellman, Fain, Warnick, Walsh and Zeiger

AN ACT Relating to breakfast after the bell programs in certain public schools; adding new sections to chapter 28A.235 RCW; and creating a new section.

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

SB 5697 by Senators Rivers, Cleveland, Conway, Keiser and Bailey

AN ACT Relating to developing a standardized prescription drug benefit package for individual and small group market offerings; amending RCW 48.43.700 and 48.43.705; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5698 by Senators Rivers and Lias

AN ACT Relating to cannabis health and beauty aids; amending RCW 69.50.575, 69.50.325, and 69.50.580; and reenacting and amending RCW 69.50.101.

Referred to Committee on Health Care.

SB 5699 by Senators Rivers and Mullet

AN ACT Relating to pharmacy appeals of payments made by pharmacy benefit managers; and amending RCW 19.340.100.

Referred to Committee on Health Care.

SB 5700 by Senators Ranker, Rivers, Lias, Pedersen and Darneille

AN ACT Relating to training long-term care providers on the needs of the LGBTQ population; amending RCW 74.39A.341; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health Care.

SB 5701 by Senators Frockt, Keiser, Chase, Hasegawa, Darneille, Ranker, McCoy, Kuderer, Saldaña, Conway and Hunt

AN ACT Relating to creating the Washington apple care trust; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Health Care.

SB 5702 by Senators Keiser, Honeyford and Frockt

AN ACT Relating to improving state funding for school construction, modernization, and asset preservation; amending RCW 28A.525.025, 28A.525.020, 28A.525.090, 28A.525.058, and 28A.525.310; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.525.020, 28A.525.025, 28A.525.058, 28A.525.070, 28A.525.080, 28A.525.090, and 28A.525.310; repealing RCW 28A.525.010, 28A.525.030, 28A.525.040, 28A.525.050, 28A.525.055, 28A.525.060, 28A.525.095, 28A.525.161, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, and 28A.525.200; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5703 by Senator Padden

AN ACT Relating to a special allegation for habitual property offenders; amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5704 by Senator Becker

AN ACT Relating to the modification of the disposable income calculation for the property tax exemption for senior citizens, disabled veterans, and disabled retired persons; and amending RCW 84.36.383.

Referred to Committee on Ways & Means.

SB 5705 by Senators Becker, O'Ban, Rivers, Bailey, Miloscia, Schoesler, Warnick, Brown, Zeiger and Honeyford

AN ACT Relating to inspection and review of state contracted behavioral health and recovery agencies; and amending RCW 43.20A.894.

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

SB 5706 by Senators Becker, Rivers, Bailey, Brown, O'Ban, Fortunato and Warnick

AN ACT Relating to parent-initiated behavioral health treatment for children aged thirteen to seventeen years old; amending RCW 71.34.600, 71.34.600, 71.34.650, 71.34.650, 71.34.660, and 71.34.660; adding a new section to chapter 71.34 RCW; providing an effective date; and providing an expiration date.

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

SB 5707 by Senators Rossi, Palumbo, Miloscia, Mullet, Rivers, Sheldon, Pearson and Zeiger

AN ACT Relating to replacing the Interstate 405 express toll lanes with a general purpose lane and a high occupancy vehicle lane; reenacting and amending RCW 47.56.810 and 43.84.092; adding a new section to chapter 47.01 RCW; creating new sections; repealing RCW 47.56.880, 47.56.886, and 47.56.884; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5708 by Senator Walsh

AN ACT Relating to equipment assistance grants to enhance student nutrition in public schools; adding a new section to chapter 28A.235 RCW; and creating new sections.

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

SB 5709 by Senator Miloscia

AN ACT Relating to providing notification to parents when a minor accesses behavioral health services; amending RCW 71.34.500, 71.34.500, 71.34.530, 70.96A.095, 71.34.510, and 70.96A.230; providing an effective date; and providing an expiration date.

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

SB 5710 by Senators Kuderer and Palumbo

AN ACT Relating to penalties awarded for violations of the public records act; and amending RCW 42.56.550.

Referred to Committee on State Government.

SB 5711 by Senators Ericksen, Hobbs, Honeyford and Palumbo

AN ACT Relating to telecommunications services; amending RCW 35.21.860, 35.99.020, 35.99.040, 35A.21.245, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, and 80.36.690; adding new sections to chapter 35.99 RCW; adding a new section to chapter 80.36 RCW; adding new sections to chapter 35.21 RCW; adding new sections to chapter 54.04 RCW; and repealing RCW 35.21.455, 54.04.045, 80.36.620, and 80.36.700.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5712 by Senators Zeiger, Frockt, Saldaña, Warnick, Fain, Walsh, Bailey, Hawkins, Baumgartner, Braun, Schoesler, Hasegawa, Billig, Mullet and Rolfes

AN ACT Relating to developing a bilingual educational workforce; adding a new section to chapter 28A.180 RCW; and creating a new section.

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

SB 5713 by Senators Palumbo, Wilson, Zeiger and King

AN ACT Relating to creating the skilled worker outreach, recruitment, and key training program; and adding a new chapter to Title 28C RCW.

Referred to Committee on Higher Education.

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SB 5714 by Senator McCoy

AN ACT Relating to the social emotional learning benchmarks work group; creating new sections; and providing an expiration date.

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

HB 1018 by Representatives Dent, Gregerson, Hargrove, Tarleton, Pike and Klippert

AN ACT Relating to modifying the maximum amount for grants provided to airports and air navigation facilities; amending RCW 47.68.090; and creating a new section.

Referred to Committee on Transportation.

HB 1053 by Representatives Reeves, Vick, Kirby, Ormsby, Gregerson and Tarleton

AN ACT Relating to the Washington state credit union act; amending RCW 31.12.055, 31.12.065, 31.12.195, 31.12.246, 31.12.267, 31.12.326, 31.12.335, 31.12.386, 31.12.404, and 31.12.413; reenacting and amending RCW 31.12.005; and reenacting RCW 31.12.436.

Referred to Committee on Financial Institutions & Insurance.

HB 1064 by Representatives Morris, Smith, Doglio and Hudgins

AN ACT Relating to removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act; and amending RCW 19.122.130, 19.122.140, and 19.122.150.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1069 by Representatives Jinkins, Appleton, Kirby, Fey and Cody

AN ACT Relating to procedures for enforcing outpatient civil commitment orders; amending RCW 71.05.590, 71.05.590, and 71.05.590; providing effective dates; and providing expiration dates.

Referred to Committee on Law & Justice.

HB 1091 by Representatives Appleton, Ormsby, Stanford, McDonald, Dolan, Doglio, Gregerson, Kilduff, Santos, Tarleton, Pollet and Peterson

AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

HB 1107 by Representatives Haler, Wylie, Riccelli, Shea, Stanford, Robinson, Fey, Tarleton and Pollet

AN ACT Relating to eliminating the term "branch" as an identifying factor for extensions of the public institutions of higher education; and amending RCW 28B.12.030, 28B.15.0139, 28B.45.010, 28B.45.012, 28B.45.014, 28B.45.020, 28B.45.0201, 28B.45.030, 28B.45.040, 28B.45.080, 28B.50.820, 34.05.514, 44.28.816, 43.41.393, 43.88D.010, and 84.14.010.

Referred to Committee on Higher Education.

HB 1125 by Representatives Condotta, Sawyer and Vick

AN ACT Relating to limiting the total number of retail marijuana licenses that may be held by a retailer and co-owners; and amending RCW 69.50.325.

Referred to Committee on Commerce, Labor & Sports.

HB 1139 by Representatives Kilduff, Rodne, Jinkins and Muri

AN ACT Relating to the methods of services provided by the office of public guardianship; and amending RCW 2.72.005, 2.72.010, 2.72.020, 2.72.030, and 11.28.120.

Referred to Committee on Law & Justice.

HB 1150 by Representatives DeBolt and Blake

AN ACT Relating to clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016; amending RCW 43.21A.731; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1162 by Representatives Kilduff, Muri, Rodne, Jinkins, Orwall and McDonald

AN ACT Relating to requirements for providing notice regarding court review of initial detention decisions under the involuntary treatment act; amending RCW 71.05.203 and 71.05.203; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

On motion of Senator Hawkins and without objection, Senate Bill No. 5689 which had been previously held at the desk on February 2, 2017 was referred to the Committee on Commerce, Labor & Sports.

SIGNED BY THE PRESIDENT

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

SENATE CONCURRENT RESOLUTION NO. 8402.

MOTION

At 10:04 a.m., on motion of Senator Hawkins, the Senate adjourned until 12:00 o'clock noon Monday, February 6, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 6, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 2, 2017

SB 5130 Prime Sponsor, Senator Rivers: Increasing marijuana license fees and adding a temporary additional fee on marijuana licenses issued by the Washington state liquor and cannabis board. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Vice Chair.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5131 Prime Sponsor, Senator Rivers: Addressing provisions concerning marijuana with respect to research licenses, local authority notifications, the retail licensing application process, processor wholesale events, and jurisdictional requirements. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5131 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Vice Chair; King; Rossi and Wilson.

Referred to Committee on Rules for second reading.

February 1, 2017

SB 5312 Prime Sponsor, Senator Baumgartner: Prohibiting certain employers from including any question on an application about an applicant's criminal record, inquiring either orally or in writing about an applicant's criminal records, or obtaining information from a criminal background check, until after the employer initially determines that the applicant is

otherwise qualified. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; King and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5408 Prime Sponsor, Senator Cleveland: Increasing the notice of termination for tenancies under the residential landlord-tenant act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5408 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5581 Prime Sponsor, Senator Angel: Authorizing public hospital districts to participate in self-insurance risk pools with nonprofit hospitals. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 2, 2017

SB 5587 Prime Sponsor, Senator Hasegawa: Addressing the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Hobbs and Kuderer.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Hawkins, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 31, 2017
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

OLLIE A. GARRETT, reappointed January 31, 2017, for the term ending January 15, 2023, as Member of the Liquor and Cannabis Board.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9246.

January 31, 2017
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NANCY J. HOLLAND YOUNG, reappointed January 31, 2017, for the term ending January 4, 2023, as Member of the Personnel Resources Board.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Commerce, Labor & Sports as Senate Gubernatorial Appointment No. 9247.

February 3, 2017
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVE JACOBS, appointed February 3, 2017, for the term ending February 11, 2021, as Member of the Health Care Facilities Authority.

Sincerely,
 JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9248.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 6, 2017

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8402, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 5715 by Senators Rivers, Keiser, Cleveland, Becker, Hunt, Billig and Bailey

AN ACT Relating to limiting nursing home direct care payment adjustments to the lowest case mix weights in the reduced physical function groups and authorizing upward adjustments to case mix weights in the cognitive and behavior groups; and amending RCW 74.46.485.

Referred to Committee on Health Care.

SB 5716 by Senator Chase

AN ACT Relating to electric vehicle charging infrastructure; amending RCW 35.63.126, 35.63.127, 35A.63.107, 36.70.695, and 36.70A.695; and creating a new section.

Referred to Committee on Transportation.

SB 5717 by Senators Ericksen, Fortunato, Rossi and Short

AN ACT Relating to utility relocation costs; and amending RCW 81.112.100.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5718 by Senator Chase

AN ACT Relating to the governance of the department of fish and wildlife; amending RCW 43.17.020, 77.04.020, 77.04.030, 77.04.012, 77.04.055, 77.04.060, 77.04.080, 77.04.120, 77.04.130, 77.04.150, 77.12.020, 77.12.047, and 43.300.020; reenacting and amending RCW 77.08.010; adding a new section to chapter 77.04 RCW; creating a new section; and repealing RCW 77.04.013 and 43.300.040.

Referred to Committee on Natural Resources & Parks.

SB 5719 by Senator Baumgartner

AN ACT Relating to creating a labor and industries ombuds within the department of commerce; adding new sections to chapter 43.330 RCW; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5720 by Senators Hawkins, Hobbs, Takko, Baumgartner, Sheldon, King, Brown and Schoesler

AN ACT Relating to payment of production-based compensation wages for the employment and use of labor in agricultural activities and in the production, handling, and storage of farm products; adding a new section to chapter 49.46 RCW; and declaring an emergency.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5721 by Senator Padden

AN ACT Relating to requiring the Washington state bar association to obtain an affirmative vote prior to increasing bar dues for membership; amending RCW 2.48.130; creating new sections; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5722 by Senators Liias, Walsh, Ranker, Pedersen, Rivers and Keiser

AN ACT Relating to restricting the practice of conversion therapy; amending RCW 18.130.020 and 18.130.180; and creating a new section.

Referred to Committee on Health Care.

SB 5723 by Senator McCoy

AN ACT Relating to the state fungi; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

SB 5724 by Senators Hasegawa and Chase

AN ACT Relating to acknowledging Washington state's constitutional rights, including state sovereignty, as guaranteed by the United States Constitution and Washington Constitution to ensure that no state resources are expended enforcing any federal order that violates the United States Constitution, Washington Constitution, or judicial precedent; adding new sections to chapter 43.01 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5725 by Senators Hasegawa and Chase

AN ACT Relating to local government responsibility and accountability in mitigating impacts of public facilities on certain surrounding neighborhoods with high poverty or concentrations of persons of color; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

SB 5726 by Senators Hobbs, Rivers, Mullet, Takko, Palumbo and Keiser

AN ACT Relating to public school employee benefits; amending RCW 28A.400.270, 28A.400.275, 28A.400.350, 41.05.021, 41.05.050, 41.05.075, 28A.400.280, 41.56.500, 41.59.105, 41.05.065, and 41.80.020; reenacting and amending RCW 41.05.011; adding a new section to chapter 41.05 RCW; creating a new section; and repealing RCW 48.02.210.

Referred to Committee on Ways & Means.

SB 5727 by Senators Hobbs, Rivers, Mullet, Takko, Palumbo and Keiser

AN ACT Relating to public school employee benefits; amending RCW 28A.400.350; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5728 by Senator Ericksen

AN ACT Relating to the young adult affordable health care program; adding a new section to chapter 48.68 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5729 by Senators Liias and Miloscia

AN ACT Relating to legislative technology; amending RCW 44.68.010, 44.68.020, 44.68.030, 44.68.035, 44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.080, 44.68.085, 44.68.090, 44.68.100, and 44.68.105; and decodifying RCW 44.68.900.

Referred to Committee on State Government.

SB 5730 by Senator Frockt

AN ACT Relating to standardizing the collection and distribution of criminal records; and amending RCW 9.41.070, 9.41.173, 9A.44.130, and 43.43.735.

Referred to Committee on Law & Justice.

SB 5731 by Senator Chase

AN ACT Relating to acceptance of additional high school equivalency tests; amending RCW 28B.50.536; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5732 by Senators Hasegawa, Wellman, Sheldon, Schoesler and Chase

AN ACT Relating to funding industrial hemp research; creating a new section; and making appropriations.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5733 by Senators Walsh and Billig

AN ACT Relating to improving student achievement; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.215 RCW; and creating new sections.

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

SB 5734 by Senators Chase, Baumgartner, Miloscia, Saldaña, Keiser, Conway, Hasegawa, McCoy, Braun and Honeyford

AN ACT Relating to bringing Washington state government contracting provisions into compliance with federal law as it relates to small works bonding requirements; and amending RCW 39.08.010.

Referred to Committee on State Government.

SB 5735 by Senators King and Hobbs

AN ACT Relating to the disposal of recreational vehicles abandoned pursuant to chapter 46.55 RCW; amending RCW 46.79.110, 70.95.030, and 70.95.065; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding new sections to chapter 70.95 RCW; adding a new section to chapter 46.68 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5736 by Senators Brown, Palumbo, Keiser, Rossi, Frockt, Braun and Bailey

AN ACT Relating to the expansion of nutrition programs for older adults; and creating new sections.

Referred to Committee on Health Care.

TWENTY NINTH DAY, FEBRUARY 6, 2017

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SB 5737 by Senators Rivers, Miloscia, Schoesler, Zeiger and Padden

AN ACT Relating to enhancing oversight and transparency of lobbying activity; amending RCW 42.17A.635 and 42.52.080; adding a new section to chapter 42.17A RCW; adding a new section to chapter 42.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on State Government.

SB 5738 by Senator Schoesler

AN ACT Relating to making a technical correction in Engrossed Substitute Senate Bill No. 6057 from 2015 to provide that the business and occupation tax rate for newspapers takes effect as of July 1, 2015; amending 2015 3rd sp.s. c 6 s 2301 (uncodified); and creating a new section.

Referred to Committee on Ways & Means.

SB 5739 by Senators Palumbo and Hobbs

AN ACT Relating to the imposition of port district facility entry fees for certain ground transportation service providers; adding a new section to chapter 53.08 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5740 by Senator King

AN ACT Relating to the one hundred eighty day school calendar; amending RCW 28A.150.220, 28A.150.290, 28A.305.141, 28A.310.240, 28A.330.100, 28A.400.200, 28A.400.300, and 28A.410.080; adding a new section to chapter 43.135 RCW; and creating a new section.

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

SB 5741 by Senator King

AN ACT Relating to clarifying the collection of fuel taxes within tribal jurisdictions; amending RCW 82.38.031 and 82.38.035; adding a new section to chapter 82.38 RCW; and creating a new section.

Referred to Committee on Transportation.

SJM 8008 by Senator Chase

Requesting Congress to reform the harbor maintenance tax.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SJM 8009 by Senator Chase

Requesting Congress to provide the National Oceanic and Atmospheric Administration Fisheries with sufficient resources to expedite its endangered species act and national environmental policy act review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration Fisheries prioritize and conduct immediate review and approval of Puget Sound hatchery and genetic management plans.

Referred to Committee on Natural Resources & Parks.

SHB 1027 by House Committee on Business & Financial Services (originally sponsored by Representatives Barkis, Vick, Stanford, Kirby and Ryu)

AN ACT Relating to surplus line broker licensing; amending RCW 48.15.070 and 48.15.073; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1056 by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Law & Justice.

HB 1167 by Representatives Griffey and Springer

AN ACT Relating to fire commissioner compensation; and amending RCW 52.14.010.

Referred to Committee on Local Government.

SHB 1184 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Griffey, Klippert, McCabe, Senn, Gregerson, Pellicciotti, Jinkins, Irwin, Wylie, Kilduff, McBride, Bergquist, Fey, Smith, Stanford and Hudgins)

AN ACT Relating to patronizing a prostitute; amending RCW 9A.88.110; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1414 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Stonier, Sawyer, Smith, Ryu, Hayes, Cody, Stambaugh, Appleton, Stokesbary, Fitzgibbon, Peterson, Wilcox, Barkis, Gregerson, Macri, Jinkins, Chapman, Pollet, Ortiz-Self, Robinson, Frame, Kagi, Dolan and Doglio)

AN ACT Relating to dental health services in tribal settings; amending RCW 18.29.180, 18.32.030, and 18.260.110; adding a new section to chapter 18.350 RCW; adding a new section to chapter 74.09 RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Hawkins, the Senate adjourned until 12:00 o'clock noon Tuesday, February 7, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, February 7, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 2017

SB 5143 Prime Sponsor, Senator Zeiger: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Padden and Walsh.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5159 Prime Sponsor, Senator Baumgartner: Addressing community safety at eastern and western state hospitals. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Padden and Walsh.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5181 Prime Sponsor, Senator Bailey: Notifying residents of long-term care facilities that they may install and conduct electronic monitoring in their rooms. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5197 Prime Sponsor, Senator Becker: Requiring additional security review of the all payer claims database. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5203 Prime Sponsor, Senator Wilson: Allowing youth courts to have jurisdiction over transit infractions. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Padden and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5236 Prime Sponsor, Senator Zeiger: Creating the civic learning public-private partnership. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5252 Prime Sponsor, Senator Angel: Addressing the effectiveness of document recording fee surcharge funds that support homeless programs. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Padden and Walsh.

Referred to Committee on Ways & Means for second reading.

February 6, 2017

SB 5313 Prime Sponsor, Senator Fain: Concerning the funding of civics education and campaign compliance. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5313 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5357 Prime Sponsor, Senator Ranker: Establishing a pilot project to license outdoor early learning and child care programs. Reported by Committee on Early Learning & K-12 Education

THIRTIETH DAY, FEBRUARY 7, 2017

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MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

section to chapter 70.119A RCW; and adding new sections to chapter 43.20 RCW.

Referred to Committee on Ways & Means.

Referred to Committee on Energy, Environment & Telecommunications.

February 6, 2017

SB 5448 Prime Sponsor, Senator Rivers: Concerning no required psychotropic medication use for students. Reported by Committee on Early Learning & K-12 Education

SB 5746 by Senators Kuderer and Pearson
AN ACT Relating to the association of Washington generals; and amending RCW 43.15.030.

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on State Government.

Referred to Committee on Rules for second reading.

SB 5747 by Senator Hasegawa
AN ACT Relating to health care financing and development of a publicly sponsored integrated delivery system such as the veterans affairs system to ensure access for all; amending RCW 41.05.130, 66.24.290, 82.24.020, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; providing effective dates; and providing an expiration date.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5252 which had been designated to the Committee on Ways & Means and referred to the Committee on Rules.

Referred to Committee on Health Care.

MOTION

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

SB 5748 by Senator Hasegawa
AN ACT Relating to bringing Washington state government contracting provisions into compliance with federal law as it relates to small works bonding requirements; and amending RCW 39.08.010.

INTRODUCTION AND FIRST READING

Referred to Committee on State Government.

SB 5742 by Senators Palumbo and Frockt
AN ACT Relating to working connections child care eligibility for applicants or consumers enrolled in programs that will lead to a baccalaureate degree; and amending RCW 43.215.135.

SB 5749 by Senator Darneille
AN ACT Relating to paperwork reduction in order to improve the availability of mental health services to protect children and families; adding a new section to chapter 71.24 RCW; creating new sections; and providing an expiration date.

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

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

SB 5743 by Senators Conway, Keiser and Hasegawa
AN ACT Relating to maximum penalties under the Washington industrial safety and health act; amending RCW 49.17.180; and providing an effective date.

MOTION

Referred to Committee on Commerce, Labor & Sports.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5747 which had been designated to the Committee on Financial Institutions & Insurance and referred to the Committee on Health Care.

SB 5744 by Senator Kuderer
AN ACT Relating to prescription coverage and the use of mail order service; and adding a new section to chapter 48.43 RCW.

MOTION

Referred to Committee on Health Care.

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 8, 2017.

SB 5745 by Senator Kuderer
AN ACT Relating to addressing contaminated drinking water stemming from the lead content in drinking water infrastructure, including pipes, connections, and fixtures; reenacting and amending RCW 43.155.050; adding a new

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY FIRST DAY, FEBRUARY 8, 2017

2017 REGULAR SESSION

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 8, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Nelson.

The Sergeant at Arms Color Guard consisting of Pages Mr. Nathaniel J. Evenson and Miss Megan Jae Kelley, presented the Colors. The President led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Han Zhou of The Olympia Chinese Christian Church.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 2017

SB 5060 Prime Sponsor, Senator O'Ban: Concerning the number of adult family homes permitted in residential neighborhoods. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Bailey; Fain; Miloscia; O'Ban and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland, Ranking Minority Member; Kuderer; Keiser and Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Conway.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5180 Prime Sponsor, Senator Bailey: Establishing the legislative advisory committee on aging. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Cleveland, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5209 Prime Sponsor, Senator O'Ban: Concerning certain gold star license plate qualified applicants and recipients. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5212 Prime Sponsor, Senator Wilson: Concerning the scope of land use control ordinances for purposes of vesting. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member and Sheldon.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5227 Prime Sponsor, Senator King: Requiring drivers to stop for approaching other on-track equipment at railroad grade crossings. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5241 Prime Sponsor, Senator Carlyle: Concerning the educational success of youth in foster care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5241 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5243 Prime Sponsor, Senator Dassel: Concerning certain public facilities district's authorization to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area with voter approval. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

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Referred to Committee on Rules for second reading.

February 6, 2017

SB 5244 Prime Sponsor, Senator O'Ban: Concerning the means of communication between a buyer or lessee and an auto dealer during the "bushing" period. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5248 Prime Sponsor, Senator Rivers: Concerning persons to whom the department of health may provide prescription monitoring program data. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5271 Prime Sponsor, Senator Hobbs: Aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5271 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5288 Prime Sponsor, Senator Hunt: Authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Hawkins; Takko; Van De Wege and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fortunato; O'Ban and Wilson.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5347 Prime Sponsor, Senator Walsh: Concerning the definition of work activity for the purposes of the WorkFirst

program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 7, 2017

SB 5360 Prime Sponsor, Senator Bailey: Reducing training requirements for developmental disability respite providers working three hundred hours or less in any calendar year. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5365 Prime Sponsor, Senator King: Concerning relocation assistance for persons displaced by agency property acquisitions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5375 Prime Sponsor, Senator Fain: Renaming the cancer research endowment authority to the Andy Hill cancer research endowment. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2017

SB 5378 Prime Sponsor, Senator Sheldon: Modifying the operation of motorcycles on roadways laned for traffic. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Lias and Cleveland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hobbs, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5381 Prime Sponsor, Senator Baumgartner: Making the customized training program permanent. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Ways & Means.

February 6, 2017

SB 5399 Prime Sponsor, Senator O'Ban: Concerning the use of background checks for persons who work with children, persons with developmental disabilities, and vulnerable adults. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5409 Prime Sponsor, Senator Conway: Extending the sales and use tax deferral for historic automobile museums. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Ways & Means.

February 7, 2017

SB 5411 Prime Sponsor, Senator Cleveland: Concerning eye care. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5411 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Conway; Keiser; Miloscia and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Becker, Vice Chair; Fain and Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Ways & Means.

February 7, 2017

SB 5437 Prime Sponsor, Senator Chase: Concerning the weighmaster program. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Ways & Means.

February 7, 2017

SB 5525 Prime Sponsor, Senator Wilson: Concerning veterans' mental health services at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Ways & Means.

February 6, 2017

SJM 8005 Prime Sponsor, Senator O'Ban: Requesting that the Interstate 5 bridges over the Nisqually River be named for and recognize the veterans of the Iraq and Afghanistan conflicts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8005 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2017

SGA 9212 AMADEO T. TIAM, reappointed on September 21, 2016, for the term ending September 30, 2021, as Member of the Pierce College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5437 which had been designated to the Committee on Ways & Means and referred to the Committee on Rules.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5750 by Senators Warnick and Chase

THIRTY FIRST DAY, FEBRUARY 8, 2017

2017 REGULAR SESSION

AN ACT Relating to livestock inspection; and amending RCW 16.57.220 and 16.65.090.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5751 by Senator Schoesler

AN ACT Relating to personnel requirements for municipal ambulance services; and amending RCW 18.73.150.

Referred to Committee on Health Care.

SB 5752 by Senator Rivers

AN ACT Relating to conducting a study of the costs and funding sources for the core services and functions provided by county offices; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

SB 5753 by Senators Zeiger, Rolfes, Billig, Braun and Warnick

AN ACT Relating to financing early learning facilities to support the needed expansion of early learning classrooms across Washington; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5754 by Senators Short and Schoesler

AN ACT Relating to the management of noxious weeds on state lands; and amending RCW 17.10.170 and 79.44.060.

Referred to Committee on Natural Resources & Parks.

SB 5755 by Senator Short

AN ACT Relating to simplifying the population growth criteria for planning required by the growth management act; amending RCW 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.130, 36.70A.280, 36.70A.280, 36.70A.310, 36.70A.480, and 36.70A.735; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

SB 5756 by Senators Pearson and Frockt

AN ACT Relating to noncompetition agreements; and adding a new section to chapter 49.44 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5757 by Senator Rivers

AN ACT Relating to use of step therapy in prescription drug coverage; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5758 by Senators Rivers and Rolfes

AN ACT Relating to increasing college and career readiness and graduation rates in public schools; and adding a new chapter to Title 28A RCW.

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

SB 5759 by Senators Zeiger, Hobbs, O'Ban, Takko, Angel, Sheldon, Walsh, Liias, Wilson, Pearson, Kuderer, Fortunato, Rivers, Miloscia, Mullet, Conway, Bailey, Billig, Hasegawa, Palumbo, Chase, Short and Hunt

AN ACT Relating to passenger-carrying vehicles for railroad employees; amending RCW 81.61.010 and 81.61.040; and adding new sections to chapter 81.61 RCW.

Referred to Committee on Transportation.

SB 5760 by Senators Ranker, Cleveland, Wellman, Frockt, Darneille, Keiser, Kuderer, Hasegawa, Mullet, Walsh, McCoy, Takko, Billig, Liias, Hobbs and Hunt

AN ACT Relating to declaring that it is an unfair practice for any employer who provides health insurance to its employees as part of an employee's benefit package to not include contraceptive coverage as part of the benefit package, to fail to comply with federal rules adopted under the affordable care act relating to the provision of contraceptive coverage, or to discriminate against any employee based on that employee's use of any reproductive health care service, drug, or device; adding new sections to chapter 49.60 RCW; and creating new sections.

Referred to Committee on Commerce, Labor & Sports.

SB 5761 by Senator McCoy

AN ACT Relating to exempting certain confidential fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act; and amending RCW 42.56.430.

Referred to Committee on Natural Resources & Parks.

SB 5762 by Senators Hunt, Short and Sheldon

AN ACT Relating to financing of the mercury-containing light stewardship program; and amending RCW 70.275.050, 70.275.040, 70.275.130, and 43.131.422.

Referred to Committee on Ways & Means.

SB 5763 by Senators Warnick and Darneille

AN ACT Relating to implementing recommendations from the children's mental health work group; amending RCW 74.09.495, 74.09.520, and 71.24.061; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 71.24 RCW; creating new sections; providing an effective date; and providing an expiration date.

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

SB 5764 by Senators Wellman, Hasegawa and Rolfes

AN ACT Relating to higher education records; reenacting and amending RCW 42.56.240; adding a new section to chapter 28B.112 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5765 by Senator Hasegawa

AN ACT Relating to repealing certain tax exemptions and deductions to help pay for the full funding of basic education; creating a new section; repealing RCW 82.04.315 and 82.04.540; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5753 which had been designated to the Committee on Early Learning & K-12 Education and referred to the Committee on Ways & Means and Senate Bill No. 5764 which had been designated to the Committee on Human Services, Mental Health & Housing and referred to the Committee on Higher Education.

MOTION

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

SECOND READING

SENATE BILL NO. 5031, by Senators Angel and Mullet

Addressing licensing and enforcement provisions applicable to money transmitters and currency exchanges under the uniform money services act.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5031 was substituted for Senate Bill No. 5031 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Saldaña, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5059, by Senators O'Ban, Fortunato, Rivers, Miloscia, Brown, Warnick, Honeyford and Padden

Addressing motor vehicle property offenses.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5059 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Hasegawa and Saldaña

Excused: Senator Nelson

SENATE BILL NO. 5059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5083, by Senator Pearson

Concerning notice of relief from the duty to register. Revised for 1st Substitute: Requiring the prosecuting attorney to use reasonable efforts in notifying a victim of a sex or kidnapping offender's petition for relief from registration.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5083 was substituted for Senate Bill No. 5083 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5083.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5030, by Senators Darneille, Fain, Hasegawa, Miloscia, Carlyle, Frockt, Chase, Saldaña, Mullet, Pedersen, Conway, Keiser and Kuderer

Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Padden and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:32 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purposes of caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 10:43 a.m. by President Habib.

SECOND READING

SENATE BILL NO. 5261, by Senator Warnick

Concerning irrigation district authority.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5261.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5261 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Chase and Hasegawa

Excused: Senator Nelson

SENATE BILL NO. 5261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5091, by Senators Takko, Rivers and Wellman

Removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5091.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

SENATE BILL NO. 5091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5049, by Senator King

Concerning relocation assistance following real property acquisition.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Nelson

SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:55 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of convening a Joint Session with the House.

The Senate was called to order at 11:00 o'clock a.m. by President of the Senate, Lt. Governor Habib presiding.

JOINT SESSION

The Sergeant at Arms, Mr. Andrew Staubitz, announced the presence of the House of Representatives at the Chamber door.

The President called upon the Sergeant at Arms of the Senate to escort The Honorable John Lovick, Deputy Speaker Pro Tempore and The Honorable Matt Shea, Republican Caucus Chair to seats on the rostrum. Members of the House were invited to seats within the Chamber.

Pursuant to Senate Concurrent Resolution No. 8402, the President called the Joint Session to order. The Secretary called the roll of the members of the Senate. The Secretary called the roll of the members of the House of Representatives. The President declared that a quorum of the Legislature present.

The President welcomed and introduced the following Statewide Elected Officials who were present at the rostrum: The Honorable Duane Davidson, State Treasurer; The Honorable Mike Kreidler, Insurance Commissioner; Justice Debra Stephens; Justice Steven Gonzalez and Justice Sheryl Gordon McCloud of the Washington State Supreme Court.

The Washington State Patrol Honor Guard presented the Colors. The National Anthem was performed by Trooper Jeffrey Eifert.

Sensi Kojo Kakihara, Minister of the Tacoma Buddhist Temple offered the invocation.

INVOCATION

Sensei Kojo Kakihara: (rings bell) "Every life is interconnected and resonates with each other life, this goes beyond our physical lives.

This moment we share together is a precious gift given by those whom we remember and honor today.

We share this moment, and we share Life.

They lived to contribute to the world and dedicated themselves to serving others.

Their spirit is in us now here.

Buddha says, 'Have gratitude to the past, but live in the present.'

We can learn from the past, we can have gratitude to the past, but we cannot live the past. We can live only now, in this moment. And what we think now, what we do now makes our future.

With gratitude, and the wisdom that they have given us, let us all preserve their legacy and walk forward in the same spirit.

As the sun shines upon the earth awakening into growth the seeds that lie dormant in the soil, may the Light of Truth cast its splendor upon the minds and hearts here, that they may continue to guide the state of Washington, this nation, and this world with Wisdom and Compassion.

May this same Light shine upon us all, giving us the insight to realize that all life is in Oneness, that we may constantly strive for the wellbeing, not only of ourselves but of all people everywhere.

Please join me in a moment of meditation.

As we do this, you are welcome to say words of meaning from your own respective religious traditions." (rings bell) The Joint Session observed a moment of meditation.

"NAMU AMIDA BUTSU."

REMARKS BY THE PRESIDENT

THIRTY FIRST DAY, FEBRUARY 8, 2017

2017 REGULAR SESSION

President Habib: “Honored Statewide Officials, Justices of the State Supreme Court, Members of the Legislature, Ladies and Gentlemen: The purpose of today’s Joint Session is to conduct a memorial service in the memory of those members of the state Legislature whom we have recently lost. This is not a new tradition. For over a century, we in Washington state, have held memorial sessions like this at the state capital to honor the memory and the public service of those who have graced these hallowed halls before. And to express our condolences and our sympathies to the families and friends and colleagues and loved ones of those whom we have lost. It is often said that for public servants our legacy lives on in the work that we do and certainly it is true that those Senators and Representatives whom we celebrate today have made invaluable contributions to the people of the state of Washington. Through the laws they have passed, the amendments, the floor speeches, the legislative maneuvers, and those experiences, those imprints they have left upon our state are not only remembered today but throughout our legislative work. Even in my time in the State House and State Senate I would hear these names, retired members of the state legislature, uttered by more senior members when discussing a particular issue or a particular legislative measure or part or provision of the revised code. So, I want to give a message to the family members and friends and loved ones who have joined us here today that your loved one is remembered and is an integral part of the fabric of the work that we do. Not just today but in an ongoing way as we do the work of the people, their legacy lives on in the stories and anecdotes and the annals of the State House and the State Senate. We honor them. We know that each and every single one of them sacrificed time with you and with other loved ones many times. They sacrificed other opportunities in life to give themselves over to serving the people of their districts and more generally the people of the state of Washington. Many of us know what those experiences are because we have experienced those sacrifices ourselves in our own lives but we reflect now on the years of service and sacrifice that your loved ones have given over to our state. And so I want to extend on behalf of the Joint Session of the State Legislature as well as Governor Inslee a very warm word of gratitude to all those loved ones who have joined us and who gave your family member, your father or mother, son or daughter, sister or brother, spouse over to us for some period of time to serve the people of the state of Washington. And, in addition to that word of gratitude, a word of condolences that we know through our own personal life experiences how difficult a loss like this can be. And though this is only a small gesture compared to the grief and hardship that you are undoubtedly going through we hope that through this celebration today and our ongoing remembrance we will help to pay homage to the work that they have done for us. I would ask our guests as well as the convened State Legislature here to join me in a moment of prayer or reflection as we listen to the singing of ‘Amazing Grace.’”

Washington State Patrolman, Trooper Jeffery Eifert, performed “*Amazing Grace*.”

The President introduced Deputy Speaker Pro Tempore John Lovick.

REMARKS BY THE DEPUTY SPEAKER PRO TEMPORE

Deputy Speaker Pro Tempore Lovick: “Thank you Mr. President. We gather today to commemorate the lives of the distinguished former members of the Washington State Senate

and House of Representatives who have passed from among us. The people of our state are grateful for their public service.

The Sixty-Fifth Legislature conveys its respects to these deceased legislators. They once sat in these chambers, answered roll calls on critical bills, attended committee meetings, and through it sought always to make our state a better place to live. While their journey in life is complete, their achievements, public record, and valued service are recorded in the journals of the Senate and House, and are forever a permanent part of our state’s history.

We express our sympathies to the families, friends and colleagues of these public servants. We also share with them on this memorable occasion the fond and happy memories of these legislators. They leave a legacy of dedicated service that remains always in our hearts, our memories and the history of our state.”

The Speaker (Representative Lovick presiding) introduced Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, who offered the memorial prayer.

MEMORIAL PRAYER

Rabbi Seth Goldstein: “Source of all compassion, we assemble here today in the seat of our government to honor the memory of those who have given of themselves to serve this great state and who have subsequently gone to their eternal home. We come from a variety of faith traditions, or none at all, yet what we all share is the pain and grief and emptiness which comes from loss. We all recognize that although individual lives end, life itself continues, and while our time on earth is limited, our words and our deeds and the impressions that we make on others ensure that we live on in spirit. How true this is for those who serve the greater good, who serve as leaders of our communities and of our state, for their actions affect us all. Those who serve in positions of leadership ensure through their service that we all will benefit. The mantle of leadership is sometimes a heavy one to bear and in honoring the memory of those who served our state, we honor too the commitment they made and the service they gave. For this state and all its citizens have been uplifted by the lives they led. We know that loss, pain and grief are part of the human existence, yet we learn too that so is healing, hope and love. It is love that sustains us in the face of death, and it is love that aids us during our grieving. As we come together as a community to remember those who served this community, may we support each other in strength, may we draw on the gift of memory to enliven us, may we be inspired by the work of those who have come before us to continue to strive for truth and decency, justice and righteousness. May we follow their great example of public service and concern for the general welfare. May we honor their memory by continuing to preserve the values of the institutions which they held dear. At times of grief we turn to the eternal source of all. We pray for the blessing of comfort for those who mourn loss. We pray the souls of those who have departed from this world be bound up in the bond of life. At the rising of the sun and the going down, we remember them. At the beginning of the year and when it ends, we remember them. When we are weary and in need of strength, we remember them. When we are lost and sick at heart, we remember them. When we have joy we crave to share, we remember them. When we have decisions that are difficult to make, we remember them. When we have achievements that are based on theirs, we remember them. As long as we live, they too will live. For they are now a part of us and we remember them. May the memory of our loved ones and our dear departed be a blessing always. Amen.”

The Deputy Speaker Pro Tempore, in turn, and the President, called the roll of the deceased former members of the Senate and the House of Representatives. A bell tolled after each name was called. Each of the deceased former members, in turn, were memorialized by senators and representatives. Memorialists were assisted by candle lighters: Miss Eva Johnson, Senate Page, and Mr. Coy Carney, House Page.

| Member | District |
|-------------------|---|
| Donald A. Barlow | 6 th District, House Memorialized by Representative Riccelli |
| Scott Barr | 7 th District, House & Senate Memorialized by Representative Farrell |
| Forrest Baugher | 15 th District, House Memorialized by Senator Hunt |
| Lance "Lane" Bray | 8 th District, House Memorialized by Representative Sawyer |
| Don Brazier | 14 th District, House Memorialized by Representative Johnson |
| Wendell Brown | 29 th District, House Memorialized by Representative Kirby |
| Jack Burtch | 21 st District, House Memorialized by Representative Appleton |
| Richard Chapin | 48 th District, House Memorialized by Representative Ryu |
| Donald Hansey | 40 th & 42 nd Districts, House Memorialized by Representative Van Werven |
| Andrew Hess | 31 st District, House & Senate Memorialized by Representative Stonier |
| Andy Hill | 45 th District, Senate Memorialized by Senator Rossi |
| Margaret Hurley | 3 rd District, House & Senate Memorialized by Senator Padden |
| William Kiskaddon | 1 st & 21 st District, House & Senate Memorialized by Representative Kloba |
| Paul Kraabel | 46 th District, House Memorialized by Representative Macri |
| Robert Lewis | 5 th District, Senate Memorialized by Representative Graves |
| August Mardesich | 38 th District, House & Senate Memorialized by Representative Robinson |
| John McKibbin | 49 th District, House Memorialized by Representative Wylie |
| Bob Morton | 7 th District, House & Senate Memorialized by Senator Short |
| Kenneth Rosenberg | 2 nd District, House Memorialized by Representative Maycumber |

| | |
|--------------------|--|
| Leonard Sawyer | 25 th District, House Speaker Memorialized by Representative Stambaugh |
| Raymond Schow | 30 th District, Senate Memorialized by Senator Miloscia |
| Duane Sommers | 6 th District, House Memorialized by Representative Dolan |
| Harriet Spanel | 40 th District, House & Senate Memorialized by Senator Chase |
| Robert Dale Timm | 8 th District, House Memorialized by Representative Haler |
| Dianne Woody | 39 th District, Senate Memorialized by Representative Dent |
| Paul Zellinsky Sr. | 23 rd District, House Memorialized by Senator Sheldon |

The Honorable Vincent Buys, State Representative from Whatcom County, performed "It is Well" on the violin from the bar of the Senate.

The Deputy Speaker Pro Tempore (Representative Lovick presiding) introduced Father Photios Dumont of St. Demetrios Greek Orthodox Church of Seattle, who offered the closing prayer.

CLOSING PRAYER

Father Photios Dumont: "In the name of The Father, The Son, and The Holy Spirit, Amen."

"Oh God of all, we give thanks to You and praise You on this day, as we gather to honor and remember all those who so faithfully served their fellow citizens and this great state of Washington, and who have now departed to the next life. We are thankful as we remember their work and dedicated service and we ask You to grant them mercy in Your good favor. To all their surviving family, relatives, friends and colleagues, we ask You to bring comfort and peace, consoling their hearts and souls as such that only You can do. We bless and praise Your Holy Name for Your gracious favor and divine blessing upon the state of Washington, our Governor Jay Inslee, and the members of this august assembly of state representatives and senators. Bless, preserve and keep them and their families safe and healthy together with all those who serve our great state. May they be inspired by all those who served before them, who we honor and remember this day, and diligently seek to imitate their good deeds bringing justice, equality, and goodness to our beloved state. Heavenly Father may we ever abide in this land of opportunity and freedom in perfect tranquility, faithful to our foundations and ever building a more prosperous, just, equitable and decent society for all our citizens to the example of our forbearers. Oh God of Spirit and of all flesh, who has trampled down death and crushed the power of the devil and granted life to Your world, do You Yourself Oh Lord give the souls of our departed Representatives and Senators who have fallen asleep. In a place of light, a place of green pasture, a place of repose, where there is no more pain, sorrow, or suffering. Oh merciful God forgive every sin which they may have committed in thought, word or deed for You are a good God who loves mankind. There is no one who lives and does not sin, Only You are without sin, Your righteousness is an everlasting righteousness and Your word is truth. You are the resurrection, the life, and the repose of our

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departed servants, our faithful representatives and senators, O Christ our God. And to You we ascribe glory together with Your Father who is without beginning Your only good and life giving Spirit, now and forever to the ends of ages. Amen. May their memory be eternal. Amen.”

The Deputy Speaker Pro Tempore (Representative Lovick presiding) thanked Representative Buys for his performance, the President and the senate for their assistance and hospitality and retired from the chair.

REMARKS BY THE PRESIDENT

President Habib: “Thank you Speaker Lovick. The President would like to extend the Senate’s gratitude to Deputy Speaker Pro Tempore John Lovick, as well as Representative Buys and the entire House of Representatives for participating with us today in this joint session. For those who are guests to the Legislature, you may know we do not convene often in joint session. This is among the most important reasons that we do that because we feel so strongly that those who have departed us are part of our family. Our family of public service, our family here in the state legislature. The President would also like to thank the members of the State Patrol and members of clergy. The clergy who participated in today’s ceremony and thank them for their service. Speaking on behalf of this Joint Session, to those who are guests with us today, we hope that this roll call of honor, this remembrance, this Joint Memorial will be some source of comfort to you as we notify you and let you know that these individuals these public servants whom we’ve lost are part

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of our ongoing work and their legacy lives on not just today but throughout our work here in Olympia.”

MOTION

On motion of Senator Fain, the Joint Session was dissolved.

The President announced that refreshments would be available for legislators, families and guests outside the State Reception Room immediately following adjournment. The traditional “Old Timers’ Reception” will be held from 5:30 p.m. to 8:30 p.m. in the rotunda of the Legislative Building on the third floor.

The President called upon the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to escort the Justices of the Supreme Court, the Statewide Elected Officials, Deputy Speaker Pro Tempore John Lovick, Republican Caucus Chair Matt Shea and the members of the House of Representatives from the Senate Chamber.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, February 9, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, February 9, 2017

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 2017

SB 5019 Prime Sponsor, Senator Hasegawa: Providing prepaid postage for primary and general election ballots. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Vice Chair.

Referred to Committee on Ways & Means.

February 8, 2017

SB 5021 Prime Sponsor, Senator O'Ban: Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 8, 2017

SB 5069 Prime Sponsor, Senator Walsh: Providing associate degree education to enhance education opportunities and public safety. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5081 Prime Sponsor, Senator Pedersen: Adopting the revised uniform law on notarial acts. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5085 Prime Sponsor, Senator Pedersen: Enacting the uniform voidable transactions act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5151 Prime Sponsor, Senator Fain: Authorizing the county auditor or his or her designee to appoint committees to prepare arguments advocating voters' approval and rejection of certain measures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5173 Prime Sponsor, Senator Chase: Concerning loss prevention reviews by state agencies. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5173 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5185 Prime Sponsor, Senator Wilson: Providing immunity from liability for professional or trade associations providing emergency response volunteers. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5185 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5192 Prime Sponsor, Senator Kuderer: Extending the time period for voter registration. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5192 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5207 Prime Sponsor, Senator Kuderer: Concerning the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5211 Prime Sponsor, Senator Wilson: Addressing adjudicative proceedings by state agencies. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5211 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Ways & Means.

February 8, 2017

SB 5213 Prime Sponsor, Senator Wilson: Concerning the award of fees for limited license legal technicians in certain domestic violence cases. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5214 Prime Sponsor, Senator Wilson: Adding responsibilities to the duties of the joint administrative rules review committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5218 Prime Sponsor, Senator Zeiger: Requiring notification to law enforcement of persons with an arrest warrant who are on public agency property. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member and Darneille.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5225 Prime Sponsor, Senator Keiser: Directing the completion of a study of certain environmental impacts, including ultrafine particulate emissions, associated with aircraft traffic in areas impacted by airport operations. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Short and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Ways & Means.

February 8, 2017

SB 5245 Prime Sponsor, Senator Hobbs: Defining veteran for the purpose of receiving certain benefits. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5245 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5296 Prime Sponsor, Senator Braun: Removing the requirement that an employee must work at least six months

before taking vacation leave. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5296 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Ways & Means.

February 8, 2017

SB 5301 Prime Sponsor, Senator Miloscia: Including repeat and willful violations of certain state laws to the state's responsible bidder criteria. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5303 Prime Sponsor, Senator Honeyford: Concerning aquatic invasive species management. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

Referred to Committee on Ways & Means.

February 7, 2017

SB 5306 Prime Sponsor, Senator Rolfes: Concerning secondary commercial fish receivers. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5311 Prime Sponsor, Senator Hunt: Concerning state reimbursement of election costs. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5311 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Ways & Means.

February 8, 2017

SB 5316 Prime Sponsor, Senator Fortunato: Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5320 Prime Sponsor, Senator Padden: Requiring notification to parents or guardians in cases of abortion. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frocht.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5333 Prime Sponsor, Senator Miloscia: Modifying presidential primary provisions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5334 Prime Sponsor, Senator Zeiger: Concerning voter registration. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5342 Prime Sponsor, Senator King: Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5342 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

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Referred to Committee on Ways & Means.

February 6, 2017

SB 5366 Prime Sponsor, Senator Hobbs: Concerning the authorization of and deposit of moneys from department of transportation advertising activities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5388 Prime Sponsor, Senator Zeiger: Concerning unlawful entry on certain properties. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5388 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5393 Prime Sponsor, Senator Warnick: Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5394 Prime Sponsor, Senator Rivers: Concerning the forest riparian easement program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 7, 2017

SB 5442 Prime Sponsor, Senator Fortunato: Concerning expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5542 Prime Sponsor, Senator Darneille: Concerning overwater residences within a historic district listed in the Washington heritage register. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Short and Wellman.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5711 Prime Sponsor, Senator Ericksen: Concerning telecommunications services. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member and Wellman.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5320 and Senate Bill No. 5711 which were designated to the Committee on Rules and were held at the desk.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5766 by Senators Liias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer and Saldaña

AN ACT Relating to preventing harassment, intimidation, and bullying in public schools; and amending RCW 28A.300.285.

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

SB 5767 by Senators Wellman, Mullet and Keiser

AN ACT Relating to notice requirements of health care providers; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Health Care.

SB 5768 by Senators Rossi and Frockt

AN ACT Relating to a leasehold excise tax credit for properties of market value in excess of ten million dollars and for certain major international airport leases; amending RCW 82.29A.120; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5769 by Senator Padden

AN ACT Relating to coroner inquest procedures; amending RCW 36.24.020; and adding a new section to chapter 36.24 RCW.

Referred to Committee on Law & Justice.

SB 5770 by Senators McCoy, Darneille, Saldaña and Hunt

AN ACT Relating to transfer of jurisdiction from a tribe in dependency cases involving Indian children; and amending RCW 13.38.080.

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

SB 5771 by Senators Rivers and Wilson

AN ACT Relating to harming a police dog, accelerant detection dog, or police horse; amending RCW 9A.76.200; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5772 by Senators Pedersen, Hobbs, Takko, Walsh, Keiser and Saldaña

AN ACT Relating to replacing the one percent property tax revenue limit with a limit tied to cost drivers; amending RCW 84.55.005; creating new sections; and repealing RCW 84.55.0101.

Referred to Committee on Local Government.

SB 5773 by Senator Chase

AN ACT Relating to the overpayment of benefits paid to an individual unemployed due to a lockout; amending RCW 50.20.190; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5774 by Senator Chase

AN ACT Relating to disqualifying employers from tax credits and tax incentives when there have been certain violations of labor relations; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5775 by Senator Chase

AN ACT Relating to repealing existing tax preferences; creating a new section; and repealing RCW 82.12.02082, 84.36.049, 84.36.805, 35.21.755, 35.58.560, 36.100.090, 36.102.070, 47.01.412, 47.46.060, 48.14.020, 48.14.0201, 48.14.022, 48.32.130, 48.32.145, 48.32A.125, 48.36A.240, 66.20.010, 66.24.290, 67.16.105, 82.04.050, 82.04.190, 82.04.062, 82.04.100, 82.04.330, 82.04.110, 82.04.120, 82.04.213, 82.04.240, 82.04.2403, 82.04.2404, 82.04.250, 82.04.255, 82.04.260, 82.04.263, 82.04.272, 82.04.280, 82.04.290, 82.04.2905, 82.04.2906, 82.04.2908, 82.04.2909,

82.04.294, 82.04.298, 82.04.310, 82.04.311, 82.04.315, 82.04.317, 82.04.422, 82.04.320, 82.04.322, 82.04.323, 82.04.324, 82.04.326, 82.04.327, 82.04.410, 82.04.331, 82.04.332, 82.04.333, 82.04.334, 82.04.335, 82.04.337, 82.04.338, 82.04.339, 82.04.3395, 82.04.340, 82.04.350, 82.04.355, 82.04.360, 82.04.363, 82.04.3651, 82.04.367, 82.04.368, 82.04.370, 82.04.380, 82.04.385, 82.04.390, 82.04.392, 82.04.399, 82.04.405, 82.04.408, 82.04.415, 82.04.416, 82.04.418, 82.04.419, 82.04.4201, 82.04.421, 82.04.424, 82.04.425, 82.04.4251, 82.04.426, 82.04.4261, 82.04.4262, 82.04.4263, 82.04.4264, 82.04.4265, 82.04.4266, 82.04.4267, 82.04.4268, 82.04.4269, 82.34.050, 82.34.060, 82.04.4271, 82.04.4272, 82.04.4274, 82.04.4275, 82.04.4277, 82.04.4281, 82.04.4282, 82.04.4283, 82.04.4284, 82.04.4285, 82.04.4286, 82.04.4287, 82.04.4289, 82.04.4291, 82.04.4292, 82.04.4293, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.4311, 82.04.432, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.04.433, 82.04.4331, 82.04.4332, 82.04.4337, 82.04.4339, 82.04.43391, 82.04.080, 82.04.43392, 82.04.43393, 82.04.43394, 82.04.434, 82.04.440, 82.04.4451, 82.04.44525, 82.04.4461, 82.04.4463, 82.04.447, 82.04.448, 82.04.4481, 82.04.4482, 82.04.4486, 82.04.4489, 82.04.449, 82.04.4496, 82.04.4498, 82.04.540, 82.04.600, 82.04.601, 82.04.610, 82.04.615, 82.04.620, 82.04.625, 82.04.627, 82.04.635, 82.04.640, 82.04.645, 82.04.650, 82.04.655, 82.04.660, 82.04.750, 82.04.755, 82.04.756, 82.08.010, 82.08.0203, 82.08.0205, 82.12.0205, 82.08.0206, 82.08.0208, 82.12.0208, 82.08.02081, 82.12.02081, 82.08.02087, 82.12.02087, 82.12.02088, 82.12.02088, 82.08.0251, 82.08.0252, 82.08.02525, 82.12.02525, 82.08.0253, 82.12.0345, 82.08.02535, 82.08.02537, 82.12.0347, 82.08.0254, 82.12.0255, 82.08.0255, 82.12.0256, 82.08.0256, 82.12.0257, 82.08.02565, 82.12.02565, 82.08.025651, 82.12.025651, 82.08.02566, 82.12.02566, 82.08.02568, 82.12.02568, 82.08.02569, 82.12.02569, 82.08.0257, 82.12.0258, 82.08.02573, 82.08.0258, 82.12.0259, 82.08.0259, 82.12.0261, 82.08.026, 82.12.023, 82.14.030, 82.08.0261, 82.08.0262, 82.12.0254, 82.08.0263, 82.08.0264, 82.08.0266, 82.08.02665, 82.08.0267, 82.12.0262, 82.08.0268, 82.08.0269, 82.08.0271, 82.12.930, 82.08.0272, 82.12.0267, 82.08.0273, 82.08.0274, 82.12.0268, 82.08.02745, 82.12.02685, 82.08.0275, 82.12.0269, 82.08.0277, 82.12.0273, 82.08.0278, 82.12.0274, 82.08.0279, 82.08.02795, 82.12.02745, 82.08.02805, 82.12.02747, 82.08.02806, 82.12.02748, 82.08.02807, 82.12.02749, 82.08.0281, 82.12.0275, 82.08.0282, 82.12.0276, 82.08.0283, 82.12.0277, 82.08.0285, 82.12.0279, 82.08.0287, 82.12.0282, 82.08.02875, 82.08.0288, 82.12.0283, 82.08.02915, 82.12.02915, 82.08.0293, 82.12.0293, 82.08.0294, 82.12.0294, 82.08.0296, 82.12.0296, 82.08.0297, 82.12.0297, 82.08.0298, 82.12.0298, 82.08.0299, 82.08.031, 82.12.031, 82.08.0311, 82.12.0311, 82.08.0315, 82.12.0315, 82.08.0316, 82.12.0316, 82.08.032, 82.12.032, 82.08.033, 82.12.033, 82.08.034, 82.12.034, 82.08.036, 82.12.038, 82.08.037, 82.12.037, 82.08.050, 82.12.040, 82.08.080, 82.08.205, 82.12.205, 82.08.207, 82.12.207, 82.08.210, 82.12.210, 82.08.215, 82.12.215, 82.08.220, 82.12.220, 82.08.700, 82.12.700, 82.08.803, 82.12.803, 82.08.804, 82.12.804, 82.08.805, 82.12.805, 82.08.806, 82.12.806, 82.08.807, 82.12.807, 82.08.808, 82.12.808, 82.08.809, 82.12.809, 82.08.810, 82.12.810, 82.08.811, 82.12.811, 82.08.816, 82.12.816, 82.08.820, 82.12.820, 82.08.830, 82.08.832, 82.12.832, 82.08.834, 82.12.834, 82.08.850,

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 82.12.0272, 82.12.0284, 82.12.035, 82.12.225, 82.12.800,
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 82.16.0421, 82.16.046, 82.16.047, 82.16.0495, 82.16.0496,
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 82.16.055, 82.16.130, 82.16.300, 82.16.305, 82.16.310,
 82.18.010, 82.18.050, 82.19.050, 82.21.040, 82.21.050,
 82.23A.010, 82.23A.030, 82.23A.040, 82.23B.030,
 82.23B.040, 82.23B.045, 82.24.260, 82.24.290, 82.24.295,
 82.26.040, 82.26.110, 82.27.010, 82.27.020, 82.27.030,
 82.27.040, 82.29A.020, 82.29A.120, 82.29A.125,
 82.29A.130, 82.29A.132, 82.29A.134, 82.29A.136,
 82.29A.137, 82.29A.138, 82.32.045, 82.32.055, 82.32.065,
 82.32.580, 82.32.760, 82.38.030, 82.38.080, 82.38.180,
 82.42.020, 82.42.030, 82.42.230, 82.44.015, 82.45.010,
 82.45.030, 82.45.190, 82.45.195, 82.48.100, 82.48.110,
 82.49.020, 82.60.040, 82.60.049, 82.62.030, 82.62.045,
 82.64.030, 82.64.040, 82.70.020, 82.73.030, 82.75.010,
 82.75.030, 82.82.020, 82.85.050, 83.100.020, 83.100.046,
 83.100.047, 83.100.048, 84.14.020, 84.14.040, 84.25.040,
 84.26.070, 84.33.040, 84.33.075, 84.33.0775, 84.33.0776,
 84.33.086, 84.33.140, 84.33.170, 84.33.210, 84.34.060,
 84.34.065, 84.34.108, 84.36.010, 84.36.040, 84.36.015,
 84.36.020, 84.36.030, 84.36.031, 84.36.032, 84.36.035,
 84.36.037, 84.36.041, 84.36.042, 84.36.043, 84.36.045,
 84.36.046, 84.36.047, 84.36.050, 84.36.060, 84.36.070,
 84.36.079, 84.36.080, 84.36.090, 84.36.105, 84.36.110,
 84.36.130, 84.36.133, 84.36.135, 84.36.210, 84.36.230,
 84.36.240, 84.36.250, 84.36.255, 84.36.260, 84.34.220,
 84.36.300, 84.36.350, 84.36.381, 84.36.400, 84.36.451,
 84.36.470, 84.36.477, 84.36.480, 84.36.487, 84.36.500,
 84.36.510, 84.36.550, 84.36.560, 84.36.570, 84.36.590,
 84.36.595, 84.36.600, 84.36.605, 84.36.630, 84.36.645,
 84.36.650, 84.36.655, 84.36.665, 84.37.030, 84.38.030,
 84.39.010, 84.40.030, 84.40.037, 84.40.130, 84.40.220,
 84.56.025, 84.56.335, 84.70.010, 82.04.4483, 82.29A.135,
 84.36.575, 84.36.635, 84.36.640, 82.32.865, 84.36.660,
 82.16.0491, 82.08.02082, 82.08.0291, 82.12.02595,
 82.14.410, and 82.50.520.

Referred to Committee on Ways & Means.

SB 5776 by Senators Miloscia, O'Ban, Wilson and Pearson
 AN ACT Relating to publishing offender photographs and
 enhancing public safety; amending RCW 70.48.100; adding
 a new section to chapter 72.09 RCW; and creating a new
 section.

Referred to Committee on Law & Justice.

SB 5777 by Senators Brown, Carlyle, Angel, Chase and Saldaña

AN ACT Relating to improving the business climate in this
 state by simplifying the administration of municipal general
 business licenses; adding a new chapter to Title 35 RCW;
 and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5778 by Senators Wilson and Zeiger
 AN ACT Relating to modifying the definition of resident
 student to comply with the federal requirements established
 by the veterans access, choice, and accountability act of
 2014; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

SB 5779 by Senators Brown and O'Ban
 AN ACT Relating to behavioral health integration in
 primary care; amending RCW 74.09.010 and 70.320.020;
 adding new sections to chapter 74.09 RCW; creating new
 sections; and repealing RCW 18.205.040.

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

SB 5780 by Senators Darneille, Walsh, Rolfes, Rivers, Saldaña,
 Angel, Wellman, Brown, Chase, Wilson, Cleveland,
 Keiser, Warnick, Short, Kuderer, Becker, Ranker,
 Bailey, Conway and Hunt
 AN ACT Relating to commemorating the centennial of
 national women's suffrage; adding a new chapter to Title 27
 RCW; and providing an expiration date.

Referred to Committee on State Government.

SB 5781 by Senators Fortunato and Baumgartner
 AN ACT Relating to special occasion and banquet
 provisions for charitable or nonprofit organizations;
 amending RCW 66.24.380, 66.28.070, and 66.28.180;
 reenacting and amending RCW 66.20.010; and adding a new
 section to chapter 66.28 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5782 by Senators Rivers and Mullet
 AN ACT Relating to restricting the use of step therapy by
 public and private insurers for drugs used in mental health
 treatment; adding a new section to chapter 48.43 RCW;
 adding a new section to chapter 41.05 RCW; and adding a
 new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

SB 5783 by Senators Sheldon, Fain, Liias, Pearson and Becker
 AN ACT Relating to exempting multipurpose senior citizen
 centers from property taxation; and adding a new section to
 chapter 84.36 RCW.

Referred to Committee on Ways & Means.

SB 5784 by Senators Kuderer and Palumbo
 AN ACT Relating to public inspection and copying of
 materials prepared, owned, used, or retained by certain
 volunteers of agencies; and adding a new section to chapter
 42.56 RCW.

Referred to Committee on State Government.

SB 5785 by Senators Fain and Saldaña

AN ACT Relating to modifying eligibility criteria for transportation benefit districts to establish a vehicle fee rebate program; and amending RCW 36.73.015 and 36.73.067.

Referred to Committee on Transportation.

MOTION

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

MOTION

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

MOTION

Senator Sheldon moved adoption of the following resolution:

SENATE RESOLUTION
8607

By Senator Sheldon

WHEREAS, The United States Navy submarine USS Olympia is paying a goodwill visit to the Puget Sound area, and a large contingent of its crew is calling on the vessel's namesake city for the first time since 1998; and

WHEREAS, The USS Olympia, based at Pearl Harbor under the command of Benjamin J. Selph, is a Los Angeles-class submarine launched in 1983 and commissioned in 1984, one of a new generation of nuclear powered attack submarines that boasted the most advanced technology of their time; and

WHEREAS, The Los Angeles-class submarine fleet has been updated and refitted, and remains a bulwark of our national defense, and 36 of the original 62 submarines remain in service, making it the single largest class of operating submarines in the world; and

WHEREAS, Each Los Angeles-class submarine is staffed by a crew of approximately 120, carries approximately 25 torpedoes, is capable of firing Tomahawk-class missiles, and can travel over 20 knots an hour, or 23 mph, surfaced or underwater, though top speed is classified; and

WHEREAS, The USS Olympia is named after the city of Olympia, just as other Los Angeles-class submarines are named after other American cities; and

WHEREAS, The USS Olympia is a storied name in the annals of Naval history and the submarine is the second vessel to bear the name, the first being the historic cruiser USS Olympia, the flagship of Commodore George Dewey at the Battle of Manila Bay in 1898, aboard which Dewey uttered the immortal words "You may fire when ready, Gridley" before attacking the Spanish

fleet and today is the last surviving vessel of the famed Great White Fleet, now serving as a museum ship docked in Philadelphia; and

WHEREAS, The submarine USS Olympia has long been a point of pride for Olympia and all of Thurston County, the visits of its crew to the city are fondly remembered by community leaders and the office of the Secretary of State has maintained a close relationship with the vessel and its crew; and

WHEREAS, The submarine USS Olympia's lengthy record of service includes an historic 1998 transit of the Suez Canal, making it the first Pacific-based submarine to travel the length of the canal in more than 35 years; and

WHEREAS, The Navy's presence in the state of Washington includes Naval Base Kitsap, Naval Station Whidbey Island, Naval Station Everett, Naval Magazine Indian Island, and more than 100 supported Navy commands and units; and

WHEREAS, The United States Navy in the state of Washington employs more than 20,000 active duty personnel, 5,000 reservists, 15,000 contractors and 17,000 Navy civilian personnel, and there are more than 42,000 members of Navy families in the state and more than 55,000 retirees; and

WHEREAS, The Navy is one of the state's largest employers, infusing more than 5 billion dollars each year into the state's economy; and

WHEREAS, The USS Olympia is a vital component of a national defense structure that has helped prevent world conflict since WWII, and exemplifies the principle that a strong military offers the best guarantee of peace;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the important contributions of the submarine USS Olympia on its crew's visit to its namesake city; and that the Senate's high regard for the USS Olympia and its crew be extended to all who serve in the nation's armed forces; and that the crew of the USS Olympia be welcomed to Washington's capital with the respect and appreciation they deserve; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Commanding Officer of the USS Olympia, the Secretary of the United States Navy, and the President of the United States.

Senator Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

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

MOTION

At 12:11 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, February 10, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 10, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 9, 2017

SB 5004 Prime Sponsor, Senator Honeyford: Concerning outdoor burning of organic waste derived from pruning by commercial berry growers. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5004 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; Pearson; Short and Takko.

MINORITY recommendation: Do not pass. Signed by Senators McCoy and Van De Wege.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5010 Prime Sponsor, Senator Warnick: Promoting water conservation by protecting certain water rights from relinquishment. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson; Short and Takko.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member; Wellman; McCoy and Van De Wege.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5037 Prime Sponsor, Senator Padden: Making a fourth driving under the influence offense a felony. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair;

Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ranker, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5051 Prime Sponsor, Senator Brown: Concerning nondefault termination provisions in state land leases for agricultural or grazing purposes. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5051 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5063 Prime Sponsor, Senator Fain: Clarifying the taxation of pet adoption fees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5075 Prime Sponsor, Senator Takko: Concerning dispute resolution between seed buyers and dealers. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5116 Prime Sponsor, Senator Carlyle: Authorizing the state investment board to invest the assets of the first class cities' retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Becker; Carlyle; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Billig; Conway; Keiser and Schoesler.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5121 Prime Sponsor, Senator Takko: Concerning fire protection district tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5123 Prime Sponsor, Senator Warnick: Exempting short-line railroads that haul nonfuel oils from oil spill contingency planning requirements. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5135 Prime Sponsor, Senator Rivers: Modifying the Washington main street program by increasing the total amount of tax credits allowed under the program and making administrative changes to the program. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice

Chair; Chase, Ranking Minority Member; Wellman; Brown; McCoy; Pearson; Short; Takko and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Rules.

February 9, 2017

SB 5137 Prime Sponsor, Senator Warnick: Limiting oil spill contingency planning requirements to those railroads that haul oils used as fuel. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5152 Prime Sponsor, Senator Fain: Concerning pediatric transitional care centers. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Baumgartner; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5170 Prime Sponsor, Senator Ericksen: Concerning independent remedial actions under the model toxics control act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5182 Prime Sponsor, Senator Fain: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle and Hunt.

THIRTY THIRD DAY, FEBRUARY 10, 2017

2017 REGULAR SESSION

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission. Reported by Committee on Agriculture, Water, Trade & Economic Development

Referred to Committee on Ways & Means.

February 9, 2017

SB 5223 Prime Sponsor, Senator Miloscia: Concerning safe injection sites in Washington state. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5300 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Chair; Becker, Vice Chair; Kuderer; Bailey; Baumgartner; Fain; Miloscia; O'Ban and Walsh.

Referred to Committee on Ways & Means.

MINORITY recommendation: Do not pass. Signed by Senator Mullet.

February 9, 2017

SB 5323 Prime Sponsor, Senator Rivers: Creating a voluntary marijuana production standard and certification program. Reported by Committee on Agriculture, Water, Trade & Economic Development

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Ranking Minority Member; Conway and Keiser.

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; McCoy; Takko and Van De Wege.

Referred to Committee on State Government.

February 8, 2017

SB 5230 Prime Sponsor, Senator Wilson: Concerning licensing and regulatory requirements of small business owners. Reported by Committee on Ways & Means

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford; Pearson and Short.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5324 Prime Sponsor, Senator Takko: Adding authority to the department of agriculture to regulate sanitary processing of marijuana-infused edibles. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5324 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Takko and Van De Wege.

February 9, 2017

SB 5239 Prime Sponsor, Senator Warnick: Ensuring that water is available to support development. Reported by Committee on Agriculture, Water, Trade & Economic Development

MINORITY recommendation: Do not pass. Signed by Senator Pearson.

MAJORITY recommendation: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson and Short.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member; Wellman; McCoy and Van De Wege.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Takko.

February 9, 2017

SB 5331 Prime Sponsor, Senator Takko: Concerning irrigation district administration. Reported by Committee on Agriculture, Water, Trade & Economic Development

Referred to Committee on Rules.

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

February 9, 2017
SB 5300 Prime Sponsor, Senator Zeiger: Authorizing specified local governments, including municipalities and federally recognized Indian tribes, that typically have limited

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5358 Prime Sponsor, Senator Schoesler: Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5358 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5438 Prime Sponsor, Senator Braun: Promoting the completion of environmental impact statements within two years. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5439 Prime Sponsor, Senator Braun: Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Darneille.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5440 Prime Sponsor, Senator Zeiger: Establishing the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Padden.

Referred to Committee on Ways & Means.

February 9, 2017

SB 5454 Prime Sponsor, Senator Frockt: Allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5458 Prime Sponsor, Senator Takko: Changing the date in which community impact statements are provided to the department of corrections. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5467 Prime Sponsor, Senator Brown: Including nuclear energy in the definition of a "qualified alternative energy resource" for the purposes of RCW 19.29A.090. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member and Wellman.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5468 Prime Sponsor, Senator Brown: Including nuclear energy in the principles that guide development and implementation of the state's energy strategy. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member and Wellman.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5470 Prime Sponsor, Senator Brown: Advancing the development of renewable energy by improving the permitting process for geothermal resources exploration. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5470 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford; Short and Wellman.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5475 Prime Sponsor, Senator Brown: Providing a business and occupation tax exemption for manufacturers of small modular reactors. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5475 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Hobbs; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member and Wellman.

Referred to Committee on Rules.

February 8, 2017

SB 5490 Prime Sponsor, Senator O'Ban: Concerning notification requirements for the department of social and health services. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Padden.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5514 Prime Sponsor, Senator Rivers: Concerning rapid health information network data reporting. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5517 Prime Sponsor, Senator Wilson: Concerning rail dependent uses for purposes of the growth management act and related development regulations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Palumbo.

February 9, 2017

SB 5524 Prime Sponsor, Senator Hobbs: Removing diking districts in Snohomish county from county surface water management fees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member and Sheldon.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5534 Prime Sponsor, Senator Fortunato: Providing a housing allowance for certificated and classified school staff in school districts with above average residential housing costs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5534 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Keiser; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5539 Prime Sponsor, Senator Billig: Creating a pilot program for the supervision of motor vehicle-related felonies. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Ways & Means.

February 9, 2017

SB 5543 Prime Sponsor, Senator Padden: Concerning a reexamination of the classification of land in flood control districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5552 Prime Sponsor, Senator Pedersen: Concerning firearms sales and transfers. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5592 Prime Sponsor, Senator Palumbo: Decoupling services and activities fees from tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

February 9, 2017

SB 5631 Prime Sponsor, Senator Becker: Concerning the University of Washington's alternative process for awarding contracts. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5658 Prime Sponsor, Senator Pearson: Concerning the use of solid fuel burning devices. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senator Wellman.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5661 Prime Sponsor, Senator Rolfes: Addressing interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser;

Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5664 Prime Sponsor, Senator Braun: Eliminating the reduction in state basic education funding that occurs in counties with federal forestlands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille and Hasegawa.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5674 Prime Sponsor, Senator Palumbo: Addressing the final approval of subdivisions of land. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 9, 2017

SB 5677 Prime Sponsor, Senator Zeiger: Creating a leasehold excise tax exemption for certain leasehold interests in facilities owned or used by schools, colleges, or universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Baumgartner.

Referred to Committee on Ways & Means.

February 9, 2017

SB 5715 Prime Sponsor, Senator Rivers: Limiting nursing home direct care payment adjustments to the lowest case mix weights in the reduced physical function groups and authorizing upward adjustments to case mix weights in the cognitive and behavior groups. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

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Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 9, 2017

February 9, 2017

HB 1069 Prime Sponsor, Representative Jinkins: Concerning procedures for enforcing outpatient civil commitment orders. Reported by Committee on Law & Justice

SGA 9108 ROBERT J. GREGORY, appointed on November 9, 2015, for the term ending September 30, 2020, as Member of the Lower Columbia College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

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

Referred to Committee on Rules for second reading.

February 9, 2017

February 9, 2017

SGA 9082 JAMES H. CURTIS, appointed on April 2, 2015, for the term ending September 30, 2019, as Member of the Tacoma Community College Board of Trustees. Reported by Committee on Higher Education

SGA 9112 STEPHEN W. VINCENT, reappointed on April 17, 2015, for the term ending September 30, 2019, as Member of the Lower Columbia College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 9, 2017

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SGA 9084 RICHARD G. FUKUTAKI, appointed on August 11, 2015, for the term ending September 30, 2019, as Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education

SGA 9113 ALLYSON M. PAGE, appointed on January 16, 2015, for the term ending September 30, 2018, as Member of the Columbia Basin College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 9, 2017

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SGA 9096 TIA H. BENSON TOLLE, appointed on November 9, 2015, for the term ending September 30, 2020, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education

SGA 9153 ANGELA G. ROARTY, reappointed on December 15, 2015, for the term ending September 30, 2020, as Member of the Pierce College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 9, 2017

MOTION

SGA 9106 FRIEDA K. TAKAMURA, appointed on November 9, 2015, for the term ending September 30, 2020, as Member of the Renton Technical College Board of Trustees. Reported by Committee on Higher Education

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5135, Senate Bill No. 5239, and Senate Bill No. 5475 which were designated to the Committee on Rules and referred to the Committee on Ways & Means.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

MOTION

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

MESSAGES FROM THE HOUSE

February 9, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1078,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 9, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 9, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5079,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 9, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1045,
SUBSTITUTE HOUSE BILL NO. 1189,
HOUSE BILL NO. 1195,
HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1199,
HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1257,
HOUSE BILL NO. 1278,
HOUSE BILL NO. 1283,
HOUSE BILL NO. 1285,
HOUSE BILL NO. 1373,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5786 by Senators Walsh, Takko, Warnick, Hobbs and Schoesler

AN ACT Relating to creating a business and occupation tax exemption for certain sales of commercial fertilizer, agricultural crop protection products, and seed; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5787 by Senator Miloscia

AN ACT Relating to state agency and state university medical school electronic health record systems, and the actions of the technology services board related to these systems; adding a new section to chapter 39.26 RCW; and creating a new section.

Referred to Committee on State Government.

SB 5788 by Senators Brown, Padden and Takko

AN ACT Relating to construction contracts; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

SB 5789 by Senators Bailey, Pearson and Erickson

AN ACT Relating to considering the full hydrologic cycle in the review and approval process of new water uses; amending RCW 90.44.055 and 36.70A.070; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5790 by Senators Short and Sheldon

AN ACT Relating to the economic development element of the growth management act; amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Local Government.

SB 5791 by Senators Braun, Palumbo, Miloscia, Rivers, Zeiger and Padden

AN ACT Relating to improving the accountability and efficiency of the public disclosure commission's operations and requirements; amending RCW 42.17A.240, 42.17A.100, and 42.17A.320; adding a new section to chapter 42.17A RCW; and repealing RCW 42.17A.420.

Referred to Committee on State Government.

SB 5792 by Senators Baumgartner and Frockt

AN ACT Relating to creating the designation of a national basketball association franchise facility as a project of statewide significance act of 2017.

Referred to Committee on Commerce, Labor & Sports.

SB 5793 by Senators Warnick and Chase

AN ACT Relating to an assessment on cattle; and amending RCW 16.67.120.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5794 by Senator Short

AN ACT Relating to the transfer of seasonal irrigation water rights to the trust water rights program for the purpose of providing mitigation water to a third party for year-round potable water supplies; amending RCW 90.03.380, 90.03.380, and 90.42.120; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

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SB 5795 by Senator Chase

AN ACT Relating to liability insurance requirements for firearm owners and purchasers; adding a new section to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5796 by Senators Zeiger, Miloscia, Keiser and Hasegawa

AN ACT Relating to written correspondence regarding ethics complaints; and amending RCW 42.52.410, 42.52.420, 42.52.425, and 42.52.450.

Referred to Committee on State Government.

SB 5797 by Senators Mullet, Fain and Hobbs

AN ACT Relating to the services and processes available when residential real property is abandoned or in foreclosure; adding a new section to chapter 43.180 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SB 5798 by Senators Braun, O'Ban, Brown, King, Short, Fortunato and Sheldon

AN ACT Relating to administrative procedures; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

SB 5799 by Senators Ranker and Braun

AN ACT Relating to removing the expiration date from the sales and use tax exemptions for certain products that impart flavor to food; amending RCW 82.08.210 and 82.12.210; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5800 by Senator Baumgartner

AN ACT Relating to obligations of mental health professionals; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Health Care.

SB 5801 by Senators Saldaña, Darneille, Hasegawa and Conway

AN ACT Relating to providing a referral resource for those seeking information and assistance for immigration and citizenship related matters; reenacting and amending RCW 42.56.230; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5802 by Senators Saldaña, Darneille, Hunt, Hasegawa and Conway

AN ACT Relating to providing feminine hygiene products in schools at no cost to students; amending RCW 28A.710.040; adding a new section to chapter 28A.210 RCW; creating a new section; and making appropriations.

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

SB 5803 by Senators Saldaña, Darneille, Hunt, Hasegawa and Conway

AN ACT Relating to discrimination based on citizenship or immigration status; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Law & Justice.

SHB 1045 by House Committee on Business & Financial Services (originally sponsored by Representatives Kirby and Vick)

AN ACT Relating to licensing and enforcement provisions applicable to money transmitters and currency exchanges under the uniform money services act; amending RCW 19.230.010, 19.230.020, 19.230.030, 19.230.040, 19.230.050, 19.230.070, 19.230.100, 19.230.110, 19.230.130, 19.230.140, 19.230.150, 19.230.152, 19.230.180, 19.230.190, 19.230.200, 19.230.210, 19.230.250, 19.230.290, 19.230.320, and 19.230.330; adding new sections to chapter 19.230 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

EHB 1078 by Representatives Pellicciotti, Klippert, Orwall, Hayes, Goodman, Stokesbary, Chapman, McCabe, Kilduff, Hudgins, Jinkins, Koster, Ortiz-Self, Bergquist, Stanford, Griffey, Hargrove, Smith, Tarleton, Harmsworth, Dolan, Ormsby, Muri, Van Werven, Kraft, Fey, Slatter, McBride, Gregerson and Macri

AN ACT Relating to human trafficking, prostitution, and commercial sexual abuse of a minor; amending RCW 9A.04.080, 9.68A.100, 9.68A.101, and 9A.88.060; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1189 by House Committee on Health Care & Wellness (originally sponsored by Representatives Short, Cody, Schmick and Kloba)

AN ACT Relating to clarifying existing exemptions from the massage therapy law; and amending RCW 18.108.050.

Referred to Committee on Health Care.

HB 1195 by Representatives Kilduff, Rodne, Goodman, Hayes and Muri

AN ACT Relating to surrender of person under surety's bond; and amending RCW 10.19.160.

Referred to Committee on Law & Justice.

HB 1198 by Representatives Harris, Cody and Riccelli

AN ACT Relating to substance abuse monitoring for podiatric physicians and surgeons; and adding a new section to chapter 18.22 RCW.

Referred to Committee on Health Care.

SHB 1199 by House Committee on Judiciary (originally sponsored by Representatives Irwin, Jinkins, Goodman, Rodne, Hayes, Muri, Frame, Stokesbary and Stambaugh)

AN ACT Relating to allowing youth courts to have jurisdiction over transit infractions; and amending RCW 3.72.005, 3.72.010, 3.72.020, 3.72.030, and 3.72.040.

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

HB 1221 by Representatives Rodne, Goodman, Klippert, Kilduff, Jinkins, Barkis, Muri and Hudgins

AN ACT Relating to the solemnization of marriages by commissioners of courts of limited jurisdiction; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

SHB 1257 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Taylor, Fitzgibbon and Buys)

AN ACT Relating to the release of wild beavers; and amending RCW 77.32.585.

Referred to Committee on Natural Resources & Parks.

HB 1278 by Representatives Macri, DeBolt, Cody, Rodne, Wylie, Jinkins, Harris, Short and Farrell

AN ACT Relating to enactment of the physical therapy licensure compact; amending RCW 18.74.050, 18.74.090, 18.74.150, and 43.70.320; adding new sections to chapter 18.74 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1283 by Representatives Chapman, Orcutt, Nealey and Lytton

AN ACT Relating to eliminating the collection of anticipated taxes and assessments; amending RCW 84.56.345 and 84.40.042; and repealing RCW 58.08.040.

Referred to Committee on Local Government.

HB 1285 by Representatives Graves, Jinkins, Goodman, Rodne, Shea, Muri, Haler, Kilduff, Klippert, Orwall and Kirby
AN ACT Relating to oath requirements for interpreters in legal proceedings; and amending RCW 2.42.050 and 2.43.050.

Referred to Committee on Law & Justice.

HB 1373 by Representatives Bergquist, Barkis, Blake, Vick and Kirby

AN ACT Relating to the means of communication between a buyer or lessee and an auto dealer during the "bushing" period; and amending RCW 46.70.180.

Referred to Committee on Transportation.

HCR 4400 by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton

Naming the building at 1063 Capitol Way "The Helen Sommers Building."

Referred to Committee on State Government.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5788 which had been designated to the Committee on Commerce, Labor & Sports and referred to the Committee on Law & Justice.

MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Monday, February 13, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY SIXTH DAY, FEBRUARY 13, 2017

2017 REGULAR SESSION

THIRTY SIXTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, February 13, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 9, 2017

SB 5341 Prime Sponsor, Senator King: Modifying monetary penalties imposed for infractions relating to mobile and manufactured home installation. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 8, 2017

SB 5580 Prime Sponsor, Senator O'Ban: Concerning professionals qualified to examine individuals in the mental health and substance use disorder treatment systems. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5580 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Padden.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

Department of Commerce – “*Electric Utility Resource Planning, 2016 Report*” pursuant to 19.280 RCW, report date December 1, 2016;

Department of Commerce – “*Building Communities Fund Report 2016*” pursuant to 43.63A.125 RCW, report date December 1, 2016;

Department of Revenue – “*Clean Alternative Fuel Vehicle Data, July 2015 - December 2016*” pursuant to 82.08.809 RCW, report date January 17, 2017;

Department of Social & Health Services – “*BHO/Early Adopter Integration of Behavioral Health, June 1, 2016-August 31, 2016*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date October 31, 2016;

Department of Social & Health Services – “*Forensic Admissions and Evaluations, Performance Targets*” pursuant to 10.77.068 RCW, report date January 31, 2017; and

Department of Transportation – “*On-the-Job Training Support Services Program, 2016 Annual Report*” pursuant to 47.01.435 RCW, report date January 1, 2016.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 9, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID L. AMMONS, appointed February 9, 2017, for the term ending December 31, 2020, as Member of the Public Disclosure Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on State Government as Senate Gubernatorial Appointment No. 9249.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MESSAGE FROM THE GOVERNOR

February 7, 2017

To the Honorable Lt. Governor Cyrus Habib,
President of the Senate,
and the Senate of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or

pardon that he has granted since the adjournment of the 2016 Regular and Special Sessions of the 64th Legislature, copies of which are attached.

Sincerely,

/s/Nicholas W. Brown
General Counsel

cc: David Postman, Chief of Staff

**CONDITIONAL COMMUTATION
OF
JOSIAH MALIK RASHID**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2012, Josiah Malik Rashid, a juvenile, was found guilty of FIRST DEGREE ROBBERY, RESIDENTIAL BURGLARY with a FIREARM ENHANCEMENT, and SECOND DEGREE UNLAWFUL FIREARM POSSESSION in King County Superior Court, Cause No. 11-C-02231-1, and sentenced to 87 total months of confinement, after he and his associates broke into an acquaintance's house, and engaged in an armed robbery in March 2011.

WHEREAS, Mr. Rashid has been incarcerated since March 2011 and has served 55 months in confinement. He is scheduled to be transferred to an adult correctional facility for the remaining seven months of his sentence.

WHEREAS, Mr. Rashid accepts full responsibility for his conduct in this incident, and he expresses remorse. He has been in the custody of the Juvenile Rehabilitation Administration at the Green Hill School since 2012, and he has paid all of the restitution owed to the victims. While in detention, Mr. Rashid has also seized every opportunity to improve himself. He earned his high school diploma in July 2014, and he has already earned approximately 10 credits toward his college degree.

WHEREAS, Mr. Rashid has taken advantage of vocational opportunities and work readiness programs. He works two jobs, and has excelled; in one of those roles, he has worked over 3,000 hours and was named Employee of the Year.

WHEREAS, in September 2015, the Clemency and Pardons Board reviewed Mr. Rashid's clemency petition, which included several letters of support from Juvenile Rehabilitation Administration personnel, family, friends, and community members. The King County Prosecuting Attorney's Office does not oppose Mr. Rashid's clemency petition.

WHEREAS, at his hearing, Mr. Rashid described the strong support network that will help him successfully reintegrate into the community. He has received offers for employment upon his release, and he has been offered a place to live. Moreover, Mr. Rashid has already been accepted into local colleges, where he intends to further his education.

WHEREAS, at the time of his crime in 2011, Mr. Rashid had just turned 16 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, studies also demonstrate that youth incarcerated in an adult correctional facility face an increased risk of negative peer influence. If Mr. Rashid were to be placed into an adult correctional facility for the remaining seven months of his sentence, after he ages out of the Juvenile Rehabilitation Administration, he may suffer a setback in his rehabilitation and therefore pose a greater risk to the community upon release. The potential harm that Mr. Rashid could experience in an adult facility, on a sentence imposed for a crime he committed as a youth, greatly outweighs any value to the community in Mr. Rashid's being incarcerated for seven months in an adult facility.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Rashid's sentence prior to January 29, 2016, the date Mr. Rashid ages out of the Juvenile Rehabilitation Administration and would otherwise be transferred to DOC custody.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Josiah Malik Rashid's sentence for his 2012 FIRST DEGREE ROBBERY, RESIDENTIAL BURGLARY with a FIREARM ENHANCEMENT, and SECOND DEGREE UNLAWFUL FIREARM POSSESSION convictions, conditioned on his written agreement to comply with all terms outlined by the Juvenile Rehabilitation Administration and DOC in a transition plan.

Under this transition plan, Mr. Rashid will be transferred from Green Hill School to the Oakridge Community Facility as soon as space is available. While at the Oakridge Community Facility, Mr. Rashid will attend Pioneer Human Services' Roadmaps to Success job training program.

Throughout the remainder of his custody under the Juvenile Rehabilitation Administration, Mr. Rashid must obey all laws and comply with the orders of his counselors and supervisors at the Green Hill School and Oakridge Community Facility. On January 29, 2016, Mr. Rashid will be released from the Juvenile Rehabilitation Administration to serve a 12-month term of community custody under DOC supervision.

While on community custody, Mr. Rashid shall:

1. Obey all laws;
2. Follow all DOC conditions and obey orders issued by his community corrections officer (CCO);
3. Be subject to polygraph examinations during the first six months of his community custody;
4. Participate in educational, vocational, or job readiness programs, and if not enrolled in school or employed, participate in a work crew as directed by his CCO;
5. Be subject to testing for alcohol or drugs, including marijuana, spice, or mind and mood altering drugs that are not prescribed by a licensed medical doctor;
6. Not associate with known gang members, criminal associations, or his co-defendants unless he receives the approval of his CCO;

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7. Be subject to geographic travel restrictions as determined by his CCO;
8. Be subject to new chemical dependency assessments in the community setting, and follow recommendations given by the chemical dependency program;
9. Not visit bars and taverns, unless he receives approval of his CCO;
10. Not possess firearms, ammunition, or dangerous weapons;
11. Live in a residence approved by his CCO. Mr. Rashid must notify his CCO within one business day of any residence change, and new residences must receive DOC approval.

PROVIDED, that Mr. Rashid shall remain under the supervision of the DOC and explicitly follow conditions established by that agency during the term of his community custody.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the DOC and may result in the termination of this conditional commutation as provided below. The Department may require Mr. Rashid to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Rashid if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Rashid is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington or, during the period of his 12-month supervision, violates the conditions of this conditional commutation as determined by the Governor, this conditional commutation is revoked and the sentence of the court reinstated, whereupon Mr. Rashid will be immediately returned to a corrections facility as the DOC Secretary deems appropriate. The DOC shall provide a written report to the Governor regarding any violation of this conditional commutation. A written notice of the Governor's intent to revoke the conditional commutation will be mailed to the most recent address Mr. Rashid has provided to the Office of the Governor or, if Mr. Rashid is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice Mr. Rashid submits a sworn statement made under penalty of perjury that he has complied with all conditions of this commutation, the Governor shall appoint a hearing officer.

The hearing officer will provide Mr. Rashid an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the conditional commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive decision on whether Mr. Rashid has violated the conditions of this conditional commutation.

ADDITIONALLY PROVIDED, that Mr. Rashid may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this conditional commutation has been violated if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this conditional commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Rashid may abscond if not detained. If detained, Mr. Rashid will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 10th day of November, A.D., two thousand and fifteen.

SEAL

/s/Jay Inslee

Governor of Washington

BY THE GOVERNOR

/s/Mark Neary

Asst. Secretary of State

**AMENDED CONDITIONAL COMMUTATION
OF
JOHN RAY STEWART**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, John Ray Stewart was convicted on November 20, 1998, of First Degree Attempted Robbery and First Degree Burglary under King County Superior Court Cause No. 97-1-05832-1 and sentenced to serve Life Without the Possibility of Parole as required by Washington's Persistent Offender Accountability Act, the so-called "Three Strikes" law.

WHEREAS, the crimes leading to these final strike convictions occurred on July 29, 1997. Mr. Stewart burglarized a home, fought with the homeowner's two sons who chased him, and then tried to steal a vehicle belonging to one of the sons.

WHEREAS, the crime that led to Mr. Stewart's first strike conviction occurred on May 7, 1990. Mr. Stewart was convicted of Second Degree Assault after he and a co-defendant began beating hitchhikers after the hitchhikers refused their demand for money and started calling for help.

WHEREAS, the crime that led to Mr. Stewart's second strike conviction occurred on September 9, 1991. Mr. Stewart pleaded guilty to First Degree Manslaughter after he and a co-defendant went to a residential property to steal marijuana and the co-defendant shot and killed a man who was on the premises.

WHEREAS, Mr. Stewart has also been convicted of other crimes, including Forgery in 1996 for signing the name of the owner on charge slips for a credit card that did not belong to him; Third Degree Assault in 1987 after using a knife during a drug dispute and cutting a man on the side of the neck; and Violation of the Uniform Controlled Substance Act in 1990 by possession of valium without a physician's prescription.

WHEREAS, in 2003, while in prison at the Washington State Penitentiary, Mr. Stewart met inmate Steven F. Sherer, who had been convicted of the murder of his wife. Mr. Sherer stated to Mr. Stewart and another inmate that he wanted to kill King County Deputy Prosecutor Marilyn Brenneman, who prosecuted the case against Mr. Sherer. He also stated he wanted to burn down the house of a key witness. Mr. Stewart contacted the King County Prosecutor's Office and reported the threats. He then assisted the police investigation that identified steps Mr. Sherer had taken to hire a person being released from prison to carry out his plan, and testified against Mr. Sherer at trial. A detective in the Major Crimes Unit of the King County Sheriff's Office wrote that Mr. Stewart "testified in trial knowing his own safety within the penitentiary would be sacrificed." The detective wrote that Mr. Stewart never asked for or received any financial reimbursement

for his assistance, but that Mr. Stewart's motivation was to balance the wrong he had committed in his life by helping to thwart a scheme to murder a deputy prosecutor. The King County Prosecuting Attorney's Office confirmed that no benefit was conferred upon Mr. Stewart for his actions in this matter, and that Mr. Stewart simply asked to be protected without having to spend the rest of his life in solitary confinement. Mr. Stewart did spend about one year in solitary confinement for his own safety.

WHEREAS, the retired deputy prosecutor who was the target of Mr. Sherer's threat of murder for hire wrote: "I do believe that Mr. Stewart's act in reporting the attempted murders may have saved the lives of several people." She also stated: "I think that Mr. Stewart's action in this matter indicates someone with a conscience and courage." The witness against Mr. Sherer in his murder trial noted he planned to have her home burned while her family was sleeping. She wrote: "Thanks to John, the lives of three people, including me, were saved and a terrible crime was prevented before anything bad could happen."

WHEREAS, during his incarceration Mr. Stewart has earned his G.E.D., completed programs in Victim Awareness and Anger Management, participated in Narcotics Anonymous, and has been employed as a utility worker running the "wax crew" within the institution.

WHEREAS, following Mr. Stewart's Clemency and Pardons Board hearing on November 1, 2007, the Board issued a unanimous 4-0 recommendation in support of a commutation of his Life Without the Possibility of Parole sentence. Governor Gregoire denied Mr. Stewart's petition at that time, but invited him to repetition the Board in 2011.

WHEREAS, following Mr. Stewart's Clemency and Pardons Board hearing on December 9, 2011, the Board voted 2 - 2 on whether to recommend commutation of his Life Without the Possibility of Parole sentence. Two Board members believed Mr. Stewart's conduct in helping to prevent serious harm to the witness and her family and to the deputy prosecuting attorney at risk to his own personal safety was extraordinary. These Board members recommended a commutation. Two Board members expressed concern about Mr. Stewart's conduct and description of a 2010 fight with another inmate that led to an infraction, expressed concern about Mr. Stewart's readiness to return to society, and stated that a risk assessment needed to be conducted to provide reassurance there is not a substantial risk that Mr. Stewart would reoffend.

WHEREAS, on January 14, 2013, Governor Gregoire granted Mr. Stewart a Conditional Commutation on the remainder of his sentence, contingent on, among other things, his successful completion of a work release program and then an 18 month term of community custody. Before completing his work release program, on August 1, 2015, Mr. Stewart received a major infraction for fighting. Consequently, Mr. Stewart was terminated from his work release program. Mr. Stewart waived his right to a hearing to challenge the accusations against him and conceded that he violated the terms of his Conditional Commutation.

WHEREAS, having reviewed the Department of Corrections' reports describing the events of August 1, 2015, I have determined that Mr. Stewart has violated the terms of the Conditional Commutation granted by Governor Gregoire in 2013.

WHEREAS, Mr. Stewart is now 46 years old. Mr. Stewart has been incarcerated on King County Superior Court Cause No. 97-1-05832-1 for over 18 years.

WHEREAS, Section 5 of Initiative 593 indicated that nothing in this act shall ever be interpreted or construed as to reduce or eliminate the power of the governor to grant a pardon or clemency to any offender on an individual case-by-case basis."

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the State of Washington under Article III Section 9 of the Washington State Constitution, RCW 9.94A.885 and RCW 9.95.260, hereby grant to John Ray Stewart an Amended Conditional Commutation of his sentence. Mr. Stewart shall remain incarcerated until no later than January 1, 2017, and during his incarceration he must complete a work release program and a Department of Corrections-approved mental health counseling program; upon successful completion of those assignments and his release from incarceration, Mr. Stewart must serve an 18 month term of community custody.

Mr. Stewart shall:

1. Enter, abide by all rules of, and successfully complete six months in the Department of Corrections Work Release program;
2. Report regularly to a community corrections officer as directed by the Department of Corrections;
3. Participate in Department of Corrections-approved education, employment and community service;
4. Receive prior approval from the Department of Corrections for living arrangements and residence location;
5. Notify the Department of Corrections prior to any changes of address or employment;
6. Remain in the geographic area as directed by the community corrections officer;
7. Not possess, receive, ship, or transport a firearm, ammunition, or explosives;
8. Not possess or use any controlled substances without a prescription from a licensed practicing physician;
9. Abstain from alcohol and marijuana consumption and possession;
10. Submit to regular and random urinalysis and breathalyzer testing, as directed by the community corrections officer;
11. Participate in substance abuse and chemical dependency evaluation as directed by the community corrections officer and successfully complete and abide by all conditions of recommendations from such evaluation;
12. Participate in chemical dependency and substance abuse support groups, as directed by the community corrections officer;
13. Not associate with any drug users or dealers;
14. Not associate with any individuals who participated in the commission of any of the offenses that resulted in his sentencing under the Persistent Offender Accountability Act;
15. Have no direct contact with any of his victims or their families;
16. Participate in electronic monitoring, if deemed appropriate by the community corrections officer;
17. Comply with all standard conditions, recommendations, and instructions of community placement as directed by the community corrections officer; and

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18. Pay any remaining legal financial obligations required by the Washington State sentencing court.

Olympia on this 10th day of November, A.D., two thousand and fifteen.

PROVIDED, that Mr. Stewart shall remain under the supervision of the Department of Corrections and explicitly follow conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by the Department of Corrections, to include total confinement under Department of Corrections' policies and rules, and may result in the termination of this Conditional Commutation as provided below. The Department may require Mr. Stewart to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Stewart if he violates a condition.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
ISMAEL BALTAZAR JUAN**

To All to Whom These Presents Shall Come, Greetings:

ADDITIONALLY PROVIDED, that Mr. Stewart shall have no direct contact with any of his victims or their families at any time, either before or after he has served this commuted sentence.

WHEREAS, in 2000, Ismael Baltazar Juan pleaded guilty to two counts of INDECENT LIBERTIES in Pierce County Superior Court, Cause No. 00-1-03172, and was sentenced to 89 months of confinement with 83 months suspended, and \$610 in legal financial obligations. These charges arose after a then-20 year old Mr. Baltazar Juan approached a woman and began inappropriately touching her outside of a convenience store.

ADDITIONALLY PROVIDED, that in the event Mr. Stewart is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington or violates the conditions of this Conditional Commutation as determined by the Governor, this Conditional Commutation is revoked and the sentence of the court reinstated, whereupon Mr. Stewart will be immediately returned to the Washington Corrections Center or any such facility as the Secretary of the Department of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Governor regarding any substantial or sustained violations of this Conditional Commutation. A written notice of the Governor's intent to revoke the Conditional Commutation will be mailed to the most recent address Mr. Stewart has provided to the Office of the Governor or, if Mr. Stewart is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice,

WHEREAS, Mr. Baltazar Juan accepts full responsibility for his past conduct and expresses remorse, and he has satisfied all the conditions of his judgment and sentence. He has completed a 36-month sexual offender treatment program, and he has paid off all of his legal financial obligations. In 2013, Mr. Baltazar Juan underwent several risk assessments, and it was determined that he is a low risk to reoffend.

Mr. Stewart submits a sworn statement made under penalty of perjury that he has complied with all conditions of this commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Stewart an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive decision on whether Mr. Stewart has violated the conditions of this Conditional Commutation.

WHEREAS, Mr. Baltazar Juan is a Guatemalan immigrant. Since his crime, Mr. Baltazar Juan has participated in reprogramming and now better understands and appreciates the cultural differences between his native Guatemala and the United States. These convictions on Mr. Baltazar Juan's record now subject him to deportation to Guatemala, where he has no family or employment prospects.

ADDITIONALLY PROVIDED, that Mr. Stewart may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Stewart may abscond if not detained. If detained, Mr. Stewart will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

WHEREAS, in December 2014, the Clemency and Pardons Board reviewed Mr. Baltazar Juan's clemency petition, which included numerous letters of support from family, friends, and members of the community. Testimony before the Board was that in the 15 years since his crime, Mr. Baltazar Juan has married and is now raising four children. He also works over 40 hours a week, and has quit consuming alcohol. Also, the victim in this case was contacted and did not oppose Mr. Baltazar Juan's clemency petition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Baltazar Juan be granted a full pardon. The Board stressed that it was particularly concerned about the negative effects that would result if Mr. Baltazar Juan were to be deported, leaving his wife and four young children without a husband and father.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Ismael Baltazar Juan this FULL AND UNCONDITIONAL pardon of his conviction for two counts of INDECENT LIBERTIES, in Pierce County Superior Court, Cause No. 00-1-03172-8, so that he may remain with his family.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 19TH day of November, A.D., two thousand and fifteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
MARIE DENISE CLARK**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999, Marie Denise Clark pleaded guilty to THIRD DEGREE ASSAULT in Clark County Superior Court, Cause No. 98-1-02335-0, and was sentenced to 81 days in jail. This charge arose after a then-18 year old Ms. Clark, in a schizophrenic episode, attempted to stab her father with a kitchen knife.

WHEREAS, Ms. Clark accepts full responsibility for her past conduct and expresses remorse. At the time of the incident, she was not yet clinically diagnosed as schizophrenic, and later medical examinations determined that she was not cognitively aware of her actions during the knife attack.

WHEREAS, since this incident, Ms. Clark has found a medical regimen that has remedied her schizophrenia. She takes medication and has not exhibited any violent behavior since this single episode in 1998. Her longtime doctor believes that her condition has been in remission for at least the last five years.

WHEREAS, in March 2015, the Clemency and Pardons Board reviewed Ms. Clark's clemency petition, which included letters of support from her doctor and members of the community. Testimony before the Board was that Ms. Clark would like to pursue her faith by becoming a sister in her church, but the felony on her record limits her, pursuant to the policies of her church. Furthermore, Ms. Clark has attempted to volunteer at a local hospital, only to be rejected because of this conviction.

WHEREAS, the victim in this case, her father, fully supports Ms. Clark's clemency petition, and the Clark County Prosecuting Attorney does not oppose it. Ultimately, the Clemency and Pardons Board voted unanimously to recommend that Ms. Clark be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Marie Denise Clark this FULL AND UNCONDITIONAL pardon of her conviction for THIRD DEGREE ASSAULT, in Clark County Superior Court, Cause No. 98-1-02335-0, so that she may pursue her religious calling and volunteer work in her community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington be affixed at Olympia on this 25th day of November A.D., two thousand and fifteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**CONDITIONAL COMMUTATION
OF
DAVID CORNELIUS CONYERS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, David Cornelius Conyers was found guilty of four counts of SECOND DEGREE ROBBERY in June 1995, King County Superior Court Cause No. 94-C-07842-5. Mr. Conyers had entered a series of convenience stores, pretending to be armed, and he demanded money from store personnel. He never physically harmed his victims.

WHEREAS, this offense qualified Mr. Conyers as a "Three Strikes" persistent offender and resulted in a life sentence. He had twice earlier been convicted of similar offenses. At 21 years old, he was the youngest person in Washington to be sentenced under our persistent offender statute, and he has been incarcerated since November 21, 1994.

WHEREAS, Mr. Conyers has never been convicted of a Class A felony. He has also not had any serious infractions while in custody since 2007.

WHEREAS, Mr. Conyers accepts full responsibility for his past criminal conduct and expresses remorse. He acknowledges that he has matured significantly since he was first incarcerated as a young man over 20 years ago. He has earned his GED while in prison, and he has also completed numerous job skills and substance abuse courses.

WHEREAS, in September 2015, the Clemency and Pardons Board reviewed Mr. Conyers' clemency petition, which included several letters of support from friends, family, and other community members. Mr. Conyers' sentencing judge and King County Prosecuting Attorney Dan Satterberg both expressed strong support for Mr. Conyers.

WHEREAS, the testimony before the Board was that Mr. Conyers' advocate network will support him and help him transition to life outside of prison. Pioneer Health Services has offered to provide Mr. Conyers transitional housing and job skills to help him reconnect to the community and its transition programs.

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WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Conyers' sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE David Cornelius Conyers' sentence for his four 1995 convictions for SECOND DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in an in-custody transition plan ending no later than June 1, 2017, that must include successful completion of a six to nine month work release program.

Following his release from custody, Mr. Conyers shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Mr. Conyers will comply with any conditions set forth by the DOC and its community corrections officers. These conditions shall include, but not be limited to the following:

Mr. Conyers shall:

1. Obey all laws and follow standard DOC conditions for supervision;
2. Report as directed and be available for contact with the DOC;
3. Abide by written or verbal instructions issued by DOC, and comply with all community custody conditions as directed by DOC;
4. Remain in a geographic area as directed by DOC;
5. Notify and receive prior approval from DOC for living arrangements and residence locations, as well as employment changes;
6. Obtain legal employment, but not be employed at any bars, taverns, or places where alcohol is a predominate feature in the business enterprise, as determined by DOC;
7. Participate on DOC work crews or in DOC programming as directed by his community corrections officer, if he is unable to find legal employment;
8. Obtain a drug and alcohol assessment from a certified provider and follow all treatment recommendations;
9. Participate regularly in NA/AA as directed by DOC, and abstain from using or possessing alcohol and drugs, including marijuana, spice, or other mind and mood altering substances, unless prescribed by a licensed medical doctor;
10. Complete community stress and anger management programming to mitigate aggression;
11. Complete the *Thinking for a Change* program;
12. Not possess, receive, ship, or transport any explosive device, dangerous weapons, ammunition, or firearms;
13. Have no direct or indirect contact with any victims and/or their families;
14. Not associate with his co-defendants, known gang members, individuals with criminal records, or anti-social persons, unless approved by DOC;
15. Report any contact with law enforcement, or arrests, to DOC within one business day of the incident;

PROVIDED, that Mr. Conyers shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by the DOC and may result in the termination of this Conditional Commutation as provided below. If

Mr. Conyers is taken into custody following any alleged violation, DOC shall hold a

Community Custody Hearing. DOC may also require Mr. Conyers to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Conyers if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Conyers violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, where- upon Mr. Conyers will be immediately returned to any such facility as the Secretary of the DOC deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation will then be mailed

to the most recent address Mr. Conyers has provided to the Office of the Governor or, if

Mr. Conyers is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Conyers submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Conyers an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Conyers has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Conyers is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Conyers will be immediately returned to any such facility that the Secretary of the DOC deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Conyers may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Conyers may abscond if not detained. If detained, Mr. Conyers will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 1st day of December A.D., two thousand and fifteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**CONDITIONAL COMMUTATION
OF
WILLEEN RAYE BALLARD**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2004, Willeen Raye Ballard was convicted of THIRD DEGREE ASSAULT, FIRST DEGREE THEFT, and FIRST DEGREE POSSESSION OF STOLEN PROPERTY in King County Superior Court, Cause No. 02-1-08642-6, and sentenced to 25 years in prison, after she and an associate confronted an elderly woman in a car, forcibly removed the woman from the car, and then drove off in the car.

WHEREAS, Ms. Ballard has faced tremendous adversity in her life; she was a victim of domestic sexual abuse at a young age and was forced to the streets where she was subjected to violence and victimized in the sex trade. She accepts full responsibility for her conduct in this incident, and she expresses remorse. She has paid off nearly \$20,000 in legal financial obligations. And, since 2011, she has received no serious infractions. Ms. Ballard also seizes opportunities to improve herself while in prison. She has completed various college courses, seminars, and other self-improvement programs.

WHEREAS, the Clemency and Pardons Board reviewed Ms. Ballard's clemency petition, which included several letters of support from her family and other community members. The victim's family expressed no opposition to Ms. Ballard's petition, and the King County Prosecuting Attorney's Office testified in full support of her petition.

WHEREAS, Ms. Ballard met a man that she is engaged to marry and begin a life with, outside of prison. She also wants to become an active parent in her teenage son's life. She also wants to complete her college education at The Evergreen State College and begin an at-risk youth program in Thurston County.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor CONDITIONALLY COMMUTE Ms. Ballard's sentence based upon a transition plan directed by the Department of Corrections (DOC). And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Willeen Raye Ballard's sentence for her 1994 THIRD DEGREE ASSAULT, FIRST DEGREE THEFT, and FIRST DEGREE POSSESSION OF STOLEN PROPERTY convictions, conditioned on her agreement to comply with all terms outlined by the DOC in a transition plan. Under this

transition plan, Ms. Ballard will complete a nine-month in-custody transition period, in which she must successfully complete a work-release program. During the work-release phase of this transition, Ms. Ballard must attend weekly substance abuse programs. This initial in-custody phase of her transition must terminate no later than October 1, 2016.

Following the in-custody portion of her transition, Ms. Ballard will serve an additional 12 months of community custody, to end no later than October 1, 2017. During her time in custody and on community supervision, Ms. Ballard will comply with any conditions set by DOC and its community corrections officers. These conditions shall include, but not be limited to the following:

Ms. Ballard shall:

1. Obey all laws and follow standard DOC conditions for supervision;
2. Report regularly to her community corrections officer as directed by DOC;
3. Participate in DOC-approved education, employment, and/or community service programs;
4. Receive prior approval from DOC for living arrangements, residence locations, and residence location changes;
5. Allow community corrections officers to conduct home, employment, and stakeholder visits as DOC deems appropriate;
6. Remain in a geographical area as determined by her community corrections officer;
7. Not possess or consume any controlled substances without a prescription;
8. Receive support regarding abstinence from alcohol or drugs, and complete a substance abuse evaluation and/or treatment as prescribed by her community corrections officer.
9. Participate regularly in NA/AA as directed by DOC, and abstain from using or possessing alcohol and drugs, including marijuana, spice, or other mind and mood altering substances, unless prescribed by a licensed medical doctor;
10. Submit to regular and/or random urinalysis and breathalyzer testing as directed by DOC;
11. Not have direct or indirect contact with the victim or victim's family;
12. Notify DOC prior to any changes in address or employment;
13. Not possess, receive, or transport a firearm;
14. Receive mental health services as recommended by DOC; and
15. Not frequent areas of prostitution.

PROVIDED, that Ms. Ballard shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of her community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Ms. Ballard is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Ms. Ballard to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Ms. Ballard if she violates a condition.

ADDITIONALLY PROVIDED, that in the event Ms. Ballard violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation

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may be revoked or amended and the sentence of the court reinstated, whereupon Ms. Ballard will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation will then be mailed to the most recent address Ms. Ballard has provided to the Office of the Governor or, if Ms. Ballard is in custody, to her place of detention. If within 14 calendar days of the mailing of the notice, Ms. Ballard submits a sworn statement made under penalty of perjury that she has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Ms. Ballard an opportunity to be heard and to present witnesses and documentary evidence that she has met all conditions upon which the Conditional Commutation is granted.

The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Ms. Ballard has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Ms. Ballard is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Ms. Ballard will be immediately returned to any such facility that the Secretary of the DOC deems appropriate.

ADDITIONALLY PROVIDED, that Ms. Ballard may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe she has violated the above conditions of this Conditional Commutation, reason to be concerned that she would pose a risk to any person or to the community, or that there is a possibility that Ms. Ballard may abscond if not detained. If detained, Ms. Ballard will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe she has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 11th day of December A.D., two thousand and fifteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**CONDITIONAL COMMUTATION
OF
PAUL RIVERS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Paul Rivers was found guilty of SECOND DEGREE ROBBERY in May 1994, King County Superior Court Cause No. 93-1-06019-6. He confronted an espresso bar manager and, unarmed though claiming to be carrying a weapon, ordered

the manager to turn over a bag of money that he was taking to the bank. Mr. Rivers then snatched the bag from the manager and fled.

WHEREAS, this offense qualified Mr. Rivers as a "Three Strikes" persistent offender and resulted in a life sentence. He had twice earlier been convicted of participating in similar second degree robberies, and he was also convicted of an earlier second degree assault.

WHEREAS, at the time of sentencing, the trial judge that sentenced Mr. Rivers expressed that he would have sentenced him to five years in prison for this offense, but the law required a life sentence. The standard range maximum sentence for Mr. Rivers' crime would have been 10 years; instead, Mr. Rivers has been incarcerated over 20 years.

WHEREAS, Mr. Rivers accepts full responsibility for his conduct in this incident and expresses remorse. He acknowledges that substance abuse contributed substantially to his past criminal conduct, and he has since completed a chemical dependency treatment program and other self-help programs to help him overcome his addiction and other challenges.

WHEREAS, in September 2015, the Clemency and Pardons Board reviewed Mr. Rivers' clemency petition, which included several letters of support from friends, family, and other community members. Former Supreme Court Justice Richard Sanders and King County Prosecuting Attorney Dan Satterberg both expressed strong support for Mr. Rivers.

WHEREAS, the testimony before the Board was that Mr. Rivers' advocate network will support him emotionally and help him transition to life outside of prison. His support includes promises to help Mr. Rivers secure employment, housing, transportation, as well as offers of general financial support.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Rivers' sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of *the* Clemency and Pardons Board and hereby COMMUTE Paul Rivers' sentence for his 1994 conviction for SECOND DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in an in-custody transition plan ending no later than June 1, 2017, that will include successful completion of a work release program. Following his release from custody, Mr. Rivers shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Mr. Rivers will comply with any conditions set forth by DOC and its community corrections officers.

These conditions shall include, but not be limited to *the* following:

Mr. Rivers shall:

1. Obey all laws and follow standard DOC conditions for supervision;
2. Report as directed and be available for contact with DOC;
3. Abide by written or verbal instructions issued by DOC, and comply with all community custody conditions as directed by DOC;
4. Remain in a geographic area as directed by DOC;
5. Notify and receive prior approval from DOC for living arrangements and residence locations, as well as employment changes;
6. Obtain legal employment, but not be employed at any bars, taverns, or places where alcohol is a predominate feature in the business enterprise, as determined by DOC;
7. Participate on DOC work crews or in DOC programming as directed by his community corrections officer, if he is unable to find legal employment;
8. Obtain a drug and alcohol assessment from a certified provider and follow all treatment recommendations;
9. Abstain from using or possessing alcohol and drugs, including marijuana, spice, or other mind and mood altering substances, unless prescribed by a licensed medical doctor;
10. Complete community stress and anger management programming to mitigate aggression;
11. Complete the *Thinking for a Change* and *Fare Start* programs, if he is eligible to enroll;
12. Not possess, receive, ship, or transport any explosive device, dangerous weapons, ammunition, or firearms;
13. Have no direct or indirect contact with any victims and/or their families;
14. Not associate with his co-defendants, known gang members, or individuals with criminal records, unless approved by DOC;
15. Report any contact with law enforcement, or arrests, to DOC within one business day of the incident;

PROVIDED, that Mr. Rivers shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody.

Violation of any of the above conditions shall result in sanctions as deemed appropriate by the DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Rivers is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Rivers to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Rivers if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Rivers violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Rivers will be immediately returned to any such facility as the Secretary of the DOC deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation will then be mailed to the most recent address Mr. Rivers has provided to the Office of the Governor or, if Mr. Rivers is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Rivers submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The

hearing officer will provide Mr. Rivers an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Rivers has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Rivers is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Rivers will be immediately returned to any such facility that the Secretary of the DOC deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Rivers may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Rivers may abscond if not detained. If detained, Mr. Rivers will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 11th day of December, A.D., two thousand and fifteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
ANDREW DONALD MICHELL**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, Andrew Donald Michell pleaded guilty to FIRST DEGREE BURGLARY, RESIDENTIAL BURGLARY, and three counts of FIRST DEGREE ROBBERY in Pierce County Superior Court, Cause No. 95-1-04964-0, after Mr. Michell, who as a 16-year old in 1995, drove accomplices to multiple residences to conduct robberies, and at one robbery site, one of Mr. Michell's accomplices assaulted two victims.

WHEREAS, Mr. Michell accepts full responsibility for his past conduct and expresses remorse. At the time of the crime, he was 16 years old. Since that time, the scientific and criminal justice communities have learned a significant amount about juvenile brain development and the difficulty juveniles have in engaging in behavior control, often leading to transient rashness, proclivity for risk, and inability to assess the full consequences of one's actions. For Mr. Michell, a psychological evaluation found that he suffered from serious clinical depression, and that he was emotionally immature for his age, such that his criminal activity

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reflected his difficulty in dealing with his anger and self-hatred rather than any development of criminal responsibility.

WHEREAS, since this crime, Mr. Michell earned his GED and completed many self-improvement programs. In 2001, after considering these factors, Governor Gary Locke commuted Mr. Michell's sentence nine months before his scheduled release.

WHEREAS, in March 2015, the Clemency and Pardons Board reviewed Mr. Michell's petition for a pardon, which included letters of support from numerous members of the community. Testimony before the Board was that since Mr. Michell was released from prison, he has done extensive volunteer work domestically and internationally. He has also received invitations to speak to different groups to share his story; but, some of these invitations require Mr. Michell to travel to countries that prohibit the entry of individuals with felony records.

WHEREAS, one of the victims in this case supports Mr. Michell's petition, and the other victims have not opposed it. And, the Clemency and Pardons Board did not oppose Mr. Michell's clemency petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Andrew Donald Michell this FULL AND UNCONDITIONAL pardon of his convictions for FIRST DEGREE BURGLARY, RESIDENTIAL BURGLARY, and three counts of FIRST DEGREE ROBBERY in Pierce County Superior Court, Cause No. 95-1-04964-0, so that he may share his story and volunteer in countries that currently bar his entry due to these felony convictions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 11th day of December, A.D., two thousand and fifteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
ERWIN LUIS LECAROS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2000, Erwin Luis Lecaros pleaded guilty to THIRD DEGREE ASSAULT- DOMESTIC VIOLENCE in King County Superior Court, Cause No. 00-1-07376-0 SEA, and was sentenced to 30 days in jail, with \$500 in legal financial obligations. This charge arose after Mr. Lecaros shoved and then struck his then-wife.

WHEREAS, Mr. Lecaros accepts full responsibility for his past conduct and expresses remorse, and he has satisfied all the conditions of his judgment and sentence, including paying off his legal financial obligations. He has also successfully completed a domestic violence batterers' treatment program.

WHEREAS, Mr. Lecaros is a Peruvian immigrant. In 2007, Mr. Lecaros became a legal U.S. resident. He also volunteers to assist U.S. Citizenship and Immigration Services with fraud detection investigations.

WHEREAS, in December 2014, the Clemency and Pardons Board reviewed Mr. Lecaros' clemency petition, which included numerous letters of support from family, friends, and members of the community. Testimony before the Board was that Mr. Lecaros was working as a certified nursing assistant at the time of this criminal offense; but, since then, he has been unable to secure permanent employment in that line of work due to this conviction. Instead, he has only been able to work in lower-paying professions, creating challenges for him as he raises his teenage daughter.

WHEREAS, the victim in this case fully supports Mr. Lecaros' clemency petition, and attended his hearing; and, the King County Prosecuting Attorney's Office has expressed that it does not oppose the petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Lecaros be granted a full pardon. The Board stressed that it believed that this criminal incident was an aberration, and that Mr. Lecaros will be in a better position to provide for his daughter and support her into her college years if he can find employment in more lucrative fields.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Erwin Luis Lecaros this FULL AND UNCONDITIONAL pardon of his conviction for THIRD DEGREE ASSAULT- DOMESTIC VIOLENCE, in King County Superior Court, Cause No. 00-1-07376-0 SEA.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 11th day of December, A.D., two thousand and fifteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
LAURIE GEORGE FIDEE**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1989, Laurie George Fidee pleaded guilty to misdemeanor CRIMINAL ASSAULT in Tacoma Municipal Court, Cause No. A78246. He served three days in jail and paid \$260 in legal financial obligations. This conviction stemmed from an altercation between Mr. Fidee and his then-girlfriend.

WHEREAS, Mr. Fidee accepts responsibility for his conduct, and he has satisfied all the conditions of his judgment and sentence, including paying off the \$260 in legal financial obligations.

WHEREAS, Mr. Fidee has had no criminal convictions in 20 years. Following this incident, he married and now is raising four children. He also served 20 years in the United States Army, and has since retired after multiple combat deployments and earning the rank of Sergeant First Class.

WHEREAS, in September 2015, the Clemency and Pardons Board reviewed Mr. Fidee's petition for a pardon. Mr. Fidee told the Board that this conviction has prevented him from being offered work as an armed security guard, a position for which he is otherwise qualified to serve.

WHEREAS, neither the Tacoma City Attorney, nor the victim in this case, expressed an opinion regarding Mr. Fidee's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Anderson be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Laurie George Fidee this FULL AND UNCONDITIONAL pardon of his conviction for misdemeanor CRIMINAL ASSAULT, in Tacoma Municipal Court, Cause No. A78246, so that he may fully pursue his professional goals and employment opportunities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of June, A.D., two thousand and sixteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**CONDITIONAL COMMUTATION
OF
VERNELL TEYNAC HENNINGS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Vernell Teynac Hennings was found guilty of SECOND DEGREE ROBBERY in December 1994, King County Superior Court Cause No. 94-1-04494-1. Mr. Hennings

had entered a video rental store with a screwdriver, approached the cashier, and demanded money. No one was physically harmed during the offense.

WHEREAS, this offense qualified Mr. Hennings as a "Three Strikes" persistent offender and resulted in a life sentence. His other strike offenses were also robberies.

WHEREAS, Mr. Hennings has not had any serious in-custody infractions since 2003, and is now considered a low risk to reoffend based on the Static Risk Assessment.

WHEREAS, Mr. Hennings accepts full responsibility for his past criminal conduct and expresses remorse. He earned his GED while in prison, and in 2003, he began attending Narcotics Anonymous and has since achieved sobriety.

WHEREAS, in December 2015, the Clemency and Pardons Board reviewed Mr. Hennings' clemency petition, which included several letters of support from family and community members, including former Department of Corrections (DOC) Secretary Eldon Vail.

WHEREAS, King County Prosecuting Attorney Dan Satterberg also expressed strong support for Mr. Hennings, saying that Mr. Hennings' crime, if charged today, would have yielded a sentence less than five years.

WHEREAS, the testimony before the Board was that Mr. Hennings' family and friends will support him and help him transition to life outside of prison. Mr. Hennings' wife has visited him in prison hundreds of times over his incarceration and has committed to sheltering and emotionally supporting him during his transition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Hennings' sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Vernell Teynac Hennings' sentence for his 1994 conviction for SECOND DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in an in-custody transition plan ending October 1, 2017, that must include successful completion of a six month work-release program. Following his release from custody, Mr. Hennings shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Mr. Hennings must comply with any conditions set forth by the DOC and its community corrections officers. These conditions shall include, but not be limited to the following:

Mr. Hennings shall:

1. Obey all laws and follow standard DOC conditions for supervision;
2. Report as directed in person by DOC as per its minimum contact standards or as otherwise determined

by his CCO.

3. Abide by written or verbal instructions issued by DOC, and comply with all community custody conditions as directed by DOC;
4. Remain in a geographic area as directed by DOC and be subject to travel restrictions as determined by DOC;
5. Notify and receive prior approval from DOC for living arrangements and residence locations, within one business day of residence changes;
6. Obtain legal employment throughout the course of community supervision, unless in DOC approved intervention programming;
7. Participate in substance or chemical dependency treatment and follow program recommendations; if inpatient treatment is required, participate in it as the preferred option;
8. Not use alcohol or other controlled substances, and be subject to testing for alcohol or drugs, including marijuana, spice, or mind and mood altering drugs that are not prescribed by a licensed medical doctor;
9. Not visit bars or taverns, unless approved by DOC;
10. Enroll and complete the *Thinking for a Change* program;
11. Not possess, receive, ship, or transport any explosive device, dangerous weapons, ammunition, or firearms;
12. Report any contact with law enforcement, or arrests, to DOC within one business day of the incident;

PROVIDED, that Mr. Hennings shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Hennings is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Hennings to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Hennings if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Hennings violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Hennings will be immediately returned to any such facility as the Secretary of the DOC deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Hennings has provided to the Office of the Governor or, if Mr. Hennings is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Hennings submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Hennings an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Hennings has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Hennings is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Hennings will be immediately returned to any such facility that the Secretary of the DOC deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Hennings may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Hennings may abscond if not detained. If detained, Mr. Hennings will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of June, A.D., two thousand and sixteen.

SEAL

/s/Jay Insole
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
AISEN SENG BOUNTHONG**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1991, Aisen Seng Bounthong pleaded guilty to FIRST DEGREE ASSAULT in King County Superior Court, Cause No. 90-C-00195-9. He was sentenced to 8.5 years in jail, and \$6,466.72 in legal financial obligations. This charge arose after a then-18 year old Mr. Bounthong and his friends stole a car, and while Mr. Bounthong was driving, his friends fired multiple shots from the vehicle, striking a victim.

WHEREAS, Mr. Bounthong accepts responsibility for his conduct, and he has served his sentence and has so far paid off almost \$4,000 in legal financial obligations.

WHEREAS, following his release from prison in 1999, Mr. Bounthong has had no further criminal convictions. He is now married and has a four year old child. He succeeded in community custody, maintains steady employment, and by all accounts is a great father, husband, employee, and member of the community. He has been sober since 2008.

WHEREAS, in June 2015, the Clemency and Pardons Board reviewed Mr. Bounthong's petition for a pardon, which described Mr. Bounthong's difficult transition to America: he fled war-torn Laos as a 12 year old, spent time living in a refugee camp, and then lost his father at a young age, leaving him to raise his family. Because of this 25 year old conviction, Mr. Bounthong has a

"deportable" status, meaning he is eligible for deportation at any time.

WHEREAS, neither the King County Prosecuting Attorney or any victims oppose Mr. Bounthong's petition. The Clemency and Pardons Board voted unanimously to recommend that Mr. Bounthong be granted a full pardon, reasoning that Mr. Bounthong's deportation to Laos, where he has no connections and would be considered unfriendly by the current regime, would disrupt his family and leave his wife and child to support themselves.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Aisen Seng Bounthong this FULL AND UNCONDITIONAL pardon of his conviction for FIRST DEGREE ASSAULT, in KING County Cause No. 90-C-00195-9.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of June, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
MERCEDES MAPA SISON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2004, Mercedes Mapa Sison pleaded guilty to THIRD DEGREE ASSAULT - DOMESTIC VIOLENCE, in Pierce County Superior Court, Cause No. 03-1-05991-1. She was sentenced to three days in jail and one year of community custody. She was also ordered to complete a domestic violence treatment program and pay \$710 in legal financial obligations. This charge arose after Ms. Sison and her then - husband had an altercation in their home and she accidentally stabbed him with a kitchen knife as he lunged at her.

WHEREAS, Ms. Sison accepts responsibility for her conduct, and she has satisfied all the conditions of her first-time offender judgment and sentence.

WHEREAS, this is the only conviction on Ms. Sison's record. At the time of this incident, she was a recent immigrant from the Philippines, and she had experienced physically and emotionally abusive relationships. She divorced her husband in 2004, and since then, she has served as the lone provider for her daughters.

WHEREAS, in September 2015, the Clemency and Pardons Board reviewed Ms. Sison's petition for a pardon, which included numerous letters of support from members of the community. The

Board suggested that given the fact pattern involving her assault charge, Ms. Sison would likely have been able to raise an affirmative defense had she not opted to plead guilty. This conviction now prevents Ms. Sison from receiving State recognition as the legal caregiver to her disabled adult daughter.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Ms. Sison be granted a full pardon. The victim submitted a letter of support for Ms. Sison's petition, and the Pierce County Prosecutor does not oppose her petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Mercedes Mapa Sison this FULL AND UNCONDITIONAL pardon of her conviction for THIRD DEGREE ASSAULT-DOMESTIC VIOLENCE, in Pierce County Cause No. 03-1-05991-1, so that she may receive legal recognition as the caretaker for her disabled adult daughter.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of June, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
DANIEL LAURENCE HUNT**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1990, Daniel Laurence Hunt pleaded guilty to THIRD DEGREE THEFT in Spokane County Superior Court, Cause No. 90-1-01745-2 and was sentenced to 10 days in jail and a \$176 fine. This gross misdemeanor charge arose after Mr. Hunt participated as an accomplice in a non-violent theft of property owned by an acquaintance.

WHEREAS, Mr. Hunt accepts full responsibility for his past conduct and expresses remorse, and he has satisfied all the conditions of his judgment and sentence.

WHEREAS, Mr. Hunt has had no further convictions since 1990. He has maintained steady employment throughout his adult life and now works in law enforcement as a sergeant in the Blue Mound Police Department in Texas. This conviction on Mr. Hunt's record, though, limits his potential for advancement within his profession.

WHEREAS, in June 2015, the Clemency and Pardons Board reviewed Mr. Hunt's pardon petition, which included numerous letters of support from law enforcement personnel; and, the Office

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of the Spokane County Prosecuting Attorney does not oppose his petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Hunt be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Daniel Laurence Hunt this FULL AND UNCONDITIONAL pardon of his conviction for THIRD DEGREE THEFT, in Spokane County Cause No. 90-1-01745-2, so that he may fully pursue his professional goals and employment opportunities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of June, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
KENNY BUCK ANDERSON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1993, a jury found Kenny Buck Anderson guilty of THIRD DEGREE ASSAULT in Franklin County Superior Court, Cause No. 93-1-50168-3. He was sentenced to 30 days in jail, with 27 of those days converted to community service, as well as \$975.75 in legal financial obligations. This charge arose after Mr. Anderson made physical contact with a security guard in the parking lot of a store following a brief confrontation.

WHEREAS, Mr. Anderson accepts responsibility for his conduct, and he has satisfied all the conditions of his judgment and sentence, including paying off the \$975.75 in legal financial obligations.

WHEREAS, this is the only conviction on Mr. Anderson's record. He has earned his associate's degree in nursing and has built a successful career as a paramedic and first responder. Mr. Anderson is currently enrolled in a bachelor's degree nursing program, but this conviction limits his career options in the medical nursing field.

WHEREAS, in June 2015, the Clemency and Pardons Board reviewed Mr. Anderson's petition for a pardon, which included numerous letters of support from professional colleagues and others. The Board questioned whether the fact pattern that resulted in this conviction should have ever been charged as a felony.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Anderson be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Kenny Buck Anderson this FULL AND UNCONDITIONAL pardon of his conviction for THIRD DEGREE ASSAULT, in Franklin County Cause No. 93-1-50168-3, so that he may fully pursue his professional goals and employment opportunities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of June, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**CONDITIONAL COMMUTATION
OF
ROBERT JAMES KING**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, a jury found Robert James King guilty of ATTEMPTED SECOND DEGREE ASSAULT in 1997, Snohomish County Superior Court Cause No. 96-1-01035-3. Mr. King and a co-defendant had entered an apartment, tied up the apartment's occupants, and stolen cash and drugs. Exiting that apartment, Mr. King was confronted by police. During the confrontation with police, Mr. King unsuccessfully attempted to pull a firearm from his coat.

WHEREAS, this offense qualified Mr. King as a "Three Strikes" persistent offender and resulted in a life sentence.

WHEREAS, Mr. King has served almost 20 years on his sentence.

WHEREAS, Mr. King has had no serious infractions since 2000, and according to the Department of Corrections (DOC), at 63 years old, is considered a low risk to reoffend.

WHEREAS, Mr. King accepts full responsibility for his past criminal conduct and expresses remorse; he has apologized and paid all of his legal financial obligations. He has taken personal development courses in prison and has worked in numerous capacities there.

WHEREAS, in June 2016, the Clemency and Pardons Board reviewed Mr. King's clemency petition, which included several letters of support from fellow inmates who describe the positive influence that Mr. King is on them. Also, Snohomish County

Prosecuting Attorney Mark Roe does not oppose Mr. King's petition, and no victims expressed any opposition.

WHEREAS, the testimony before the Board was that Mr. King's family and friends will support and help him transition to life outside of prison. Mr. King has received offers from family to live with them once he transitions out of custody.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. King's sentence.

WHEREAS, since his clemency hearing, Mr. King has been diagnosed with serious health issues and is undergoing significant medical treatment. Mr. King is already approved for Medicaid assistance upon his release. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Robert James King's sentence for his 1997 conviction for ATTEMPTED SECOND DEGREE ASSAULT, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan that includes immediate release from custody. Following his release from custody, Mr. King shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Mr. King must comply with any conditions set forth by DOC and its community corrections officers (CCO). These conditions shall include, but not be limited to the following:

Mr. King shall:

1. Obey all laws and abide by all written or verbal instructions issued by his CCO;
2. Be available for contact with his assigned CCO as directed, and consent to DOC home or hospital visits to monitor compliance with supervision. These visits include access for visual inspection of all areas of the residence in which Mr. King has exclusive or joint control or access.
3. Allow DOC staff unrestricted access to his residence or hospital room, to include the securing of dangerous animals.
4. Obtain written permission from his CCO before traveling outside his county of residence.
5. Obtain permission from his CCO before changing residences, even for one night.
6. Not own, possess, receive, ship, or transport firearms, ammunition or explosives.
7. Not possess body armor.
8. Not threaten, obstruct, or assault staff.
9. Comply with any facility rules and regulations.
10. Not consume, possess, or distribute controlled substances without a valid physician's prescription.
11. Be subject to search and seizure of person, residence, automobile, or other personal property if DOC finds reasonable cause to believe he has violated the conditions or requirements of his community supervision.

12. Enter into and successfully complete DOC programming and/or treatment as directed.

PROVIDED, that Mr. King shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. King is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. King to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. King if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. King violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. King will be immediately returned to any such facility as the Secretary of the DOC deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. King has provided to the Office of the Governor or, if Mr. King is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. King submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. King an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. King has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. King is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. King will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. King may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. King may abscond if not detained. If detained, Mr. King will be provided a preliminary hearing as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 12th day of September, A.D., two thousand and sixteen.

SEAL

/s/Jay Inslee

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**REVOCATION OF CONDITIONAL COMMUTATION
OF
JOSIAH MALIK RASHID**

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
FREDERICK STANLEY KUBASTA**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1951, Frederick Stanley Kubasta was found guilty of SECOND DEGREE BURGLARY in Island County Superior Court, Cause No. 1539, and was sentenced to 12 months in prison. This conviction arose after then-18-year old Mr. Kubasta and two associates entered an empty cabin and stole property and drank alcohol from the refrigerator.

WHEREAS, Mr. Kubasta accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions of his judgment and sentence.

WHEREAS, Mr. Kubasta has not been convicted of a crime in the 65 years since this conviction. He has raised two children and maintained steady employment throughout his adult life until retiring. This conviction on Mr. Kubasta's record, though, prevents him from traveling to Canada to visit his ailing 92-year old sister, who resides in Vancouver, British Columbia.

WHEREAS, in September 2016, the Clemency and Pardons Board reviewed Mr. Kubasta's petition for a pardon. No victims objected to his petition, nor did the Island County Prosecuting Attorney.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Kubasta be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Frederick Stanley Kubasta this FULL AND UNCONDITIONAL pardon for his 1951 conviction for SECOND DEGREE BURGLARY in Island County Cause No. 1539.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 10th day of October, A.D., two thousand and sixteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2012, Josiah Malik Rashid, a juvenile, was found guilty of FIRST DEGREE ROBBERY, RESIDENTIAL BURGLARY with a FIREARM ENHANCEMENT, and SECOND DEGREE UNLAWFUL FIREARM POSSESSION in King County Superior Court, Cause No. 11-C-02231-1, and sentenced to 87 total months of confinement, after he and his associates broke into an acquaintance's house and engaged in an armed robbery in March 2011.

WHEREAS, in September 2015, the Clemency and Pardons Board reviewed Mr. Rashid's clemency petition, which included several letters of support from Juvenile Rehabilitation Administration personnel, family, friends, and community members. Moreover, the King County Prosecuting Attorney's Office did not oppose Mr. Rashid's clemency petition.

WHEREAS, at his hearing, Mr. Rashid described the strong support network he had in place to help him successfully reintegrate into the community. He received offers for employment upon his release, and he had been offered a place to live. Additionally, Mr. Rashid had already been accepted into local colleges, where he intended to further his education.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Mr. Rashid's sentence prior to January 29, 2016, the date Mr. Rashid was scheduled to age out of the Juvenile Rehabilitation Administration and be transferred to DOC custody.

WHEREAS, at the time of his crime in 2011, Mr. Rashid was just 16 years old. The scientific and criminal justice communities have documented the difficulty the juvenile brain has in engaging in behavior control, often leading juveniles to exhibit a transient rashness, proclivity for risk, and inability to assess the full consequences of their actions.

WHEREAS, on November 10, 2015, I granted Mr. Rashid a commutation, conditioned on Mr. Rashid's compliance with numerous defined terms. These conditions required Mr. Rashid to, among other things, obey all laws and follow all DOC conditions and orders issued by his community corrections officer. Prior to receiving this commutation, Mr. Rashid agreed to its terms in writing.

WHEREAS, on March 21, 2016, Mr. Rashid failed to report a change of employment. And on March 23, 2016, Mr. Rashid failed to report as directed by his community corrections officer. Following an April 1, 2016, hearing, a DOC hearings officer found that these actions violated the terms of his community supervision. I reviewed these alleged violations of his Conditional Commutation but declined to pursue a revocation at that time. Instead, I ordered DOC to review Mr. Rashid's transition plan to adjust it to improve his chances to successfully reintegrate into the community.

WHEREAS, on August 9, 2016, following a physical dispute at the home of the mother of his months-old child, as police were detaining Mr. Rashid, he hit and damaged a police vehicle. Following an August 23, 2016, hearing, a DOC hearings officer

found that this action violated the terms of his community supervision.

WHEREAS, DOC reports state that Mr. Rashid has experienced a "difficult time adjusting to supervision," and has been "unable to succeed in living a productive and crime free lifestyle," citing his continuous contacts with police and arrests for domestic-violence related incidents. His conduct has resulted in multiple violations of his community supervision.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington under RCW 10.01.120, revoke Mr. Rashid's conditional commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 28th day of October, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Kim Wyman
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
APRIL LARREE GIPSON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1992, April Larree Gipson was found guilty of SECOND DEGREE ROBBERY in King County Superior Court, Cause No. 92-C-04068-5. This conviction occurred after Ms. Gipson, along with four others, visited a home and aimed a gun at two of the residents of that home, demanding that the residents turn over a telephone.

WHEREAS, Ms. Gipson accepts full responsibility for her role in this matter and expresses remorse. She has satisfied all the conditions of her judgment and sentence, including serving 135 days in jail and paying over \$1,200 in legal financial obligations.

WHEREAS, Ms. Gipson is a single mother to six children. She works as a licensed practical nurse, and desires to advance in her nursing career by becoming a hospice nurse. She volunteers extensively in her community, through her church and the Boys & Girls Club.

WHEREAS, in August 2003, Ms. Gipson obtained a certificate of rehabilitation from King County Superior Court.

WHEREAS, in September 2016, the Clemency and Pardons Board reviewed Ms. Gipson's petition for a pardon. Testimony at the hearing explained that in her role as a nurse, Ms. Gipson is limited in the work she can do. She estimates that, over her career, this conviction's presence on her record has cost her at least eight job opportunities. It also precludes her from attending school field trips with her family.

WHEREAS, the King County Prosecuting Attorney's Office enthusiastically supports Ms. Gipson's petition. The victims have not expressed any opposition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Ms. Gipson be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to April Larree Gipson this FULL AND UNCONDITIONAL pardon for her 1992 conviction for SECOND DEGREE ROBBERY in King County Cause No. 92-C-04068-5.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 28th day of October, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JOSEPH MARTIN KING**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2000, Joseph Martin King was found guilty of SECOND DEGREE ASSAULT in Spokane County Superior Court, Cause No. 00-1-00271-9, and was sentenced to 6 months in jail and 12 months of probation. This conviction arose after Mr. King threw chairs and lunged at his ex-wife with a knife.

WHEREAS, Mr. King accepts full responsibility for his past conduct and expresses remorse. He has satisfied all the conditions of his judgment and sentence, completed courses in anger management, and has had no criminal convictions since 2007.

WHEREAS, Mr. King has attained his bachelor's and master's degrees. He is currently pursuing his doctorate, but many potential employers will not hire him because of his record.

WHEREAS, in March 2016, the Clemency and Pardons Board reviewed Mr. King's petition for a pardon. The Spokane Prosecuting Attorney and Spokane County Sheriff both support Mr. King's petition. No victims objected to his petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. King be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Joseph Martin King this FULL AND UNCONDITIONAL pardon for his 2000 conviction for SECOND DEGREE ASSAULT in Spokane County Cause No. 00-1-00271-9.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 20th day of December, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
REBEKAH GERMAINE CLEMENT-MAINE**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998, Rebekah Germaine Clement-Maine was found guilty of two counts of FOURTH DEGREE ASSAULT in Cowlitz County District Court, Cause Nos. C00095285 and C00094064. These misdemeanor convictions arose after Ms. Clement-Maine was twice involved in domestic violence disputes in her home with her then-husband.

WHEREAS, Ms. Clement-Maine accepts full responsibility for her role in these two instances and expresses remorse. She has satisfied all the conditions of her judgment and sentence.

WHEREAS, Ms. Clement-Maine has been sober for over 17 years. She has raised a family and works as a caretaker, providing elder care nursing services to various clients. These are the only convictions on Ms. Clement-Maine's record.

WHEREAS, in September 2016, the Clemency and Pardons Board reviewed Ms. Clement-Maine's petition for a pardon. Testimony at the hearing explained that in her role as a nurse, Ms. Clement-Maine is subject to recurring background checks and must disclose these domestic violence assault convictions to each new potential client. The convictions preclude her from working in nursing homes or working directly for the Washington Department of Social and Health Services.

WHEREAS, the Cowlitz County Prosecuting Attorney's Office has not expressed any opposition to Ms. Clement-Maine's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Ms. Clement-Maine be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Rebekah Germaine Clement-Maine this FULL AND UNCONDITIONAL pardon for her two 1998 convictions for FOURTH DEGREE ASSAULT in Cowlitz County Cause Nos. C00095285 and C00094064.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 20th day of December, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JANE ELLEN ADAMS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1994, Jane Ellen Adams pleaded guilty to MISDEMEANOR THEFT in Benton County District Court, Cause No. K62423. This conviction stemmed from an incident in which Ms. Adams, then 19 years old, shoplifted \$200 worth of merchandise from a Kennewick craft store.

WHEREAS, Ms. Adams accepts full responsibility for her past conduct and expresses remorse. She has paid her legal financial obligations. Also, in the 22 years since this offense, Ms. Adams has not been involved in any criminal conduct.

WHEREAS, since this incident, Ms. Adams has enjoyed steady employment. She has pursued her education, earning associate's, bachelor's, and master's degrees. She is now pursuing a doctorate degree, with hopes of becoming a university professor.

WHEREAS, in June 2016, the Clemency and Pardons Board reviewed Ms. Adams' clemency petition, which included letters of support and a personal statement that demonstrates her commitment to her giving back to her community. Testimony before the Board was that Ms. Adams seeks this pardon in order to improve her current employment opportunities and also to allow her to begin a career in higher education.

WHEREAS, neither the victim in this matter nor the Benton County Prosecutor's Office has expressed any opposition to Ms. Adams' clemency petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jane Ellen Adams this FULL AND UNCONDITIONAL

pardon of her conviction for MISDEMEANOR THEFT, in Benton County District Court, Cause No. K62423.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 20th day of December, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
GREGORY FIORE CLEMENTZ**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1995, Gregory Fiore Clementz pleaded guilty to OBSTRUCTION OF A LAW ENFORCEMENT OFFICER in Pierce County District Court, Cause No. 95C002582. This conviction stemmed from an incident in which Mr. Clementz, then 19 years old, lied to law enforcement to assist a hiding friend who had a warrant out for his arrest.

WHEREAS, Mr. Clementz accepts full responsibility for this conduct and expresses remorse. He has paid his legal financial obligations. Also, since 1995, Mr. Clementz has not been convicted of any crimes.

WHEREAS, between 2009 and 2014, Mr. Clementz served his country in the Army National Guard as a helicopter mechanic. He has also pursued his education, earning bachelor's and master's degrees. He is now seeking to become a military chaplain in the United States Air Force.

WHEREAS, over the past two decades, Mr. Clementz has devoted himself to his community, volunteering and counseling and mentoring others.

WHEREAS, in June 2016, the Clemency and Pardons Board reviewed Mr. Clementz's clemency petition, which included a letter from the United States Air Force explaining that the Air Force Recruiting Service Chaplain Corps requires that an applicant's criminal convictions be expunged or pardoned before that applicant may be deemed qualified to apply for the program.

WHEREAS, the Pierce County Prosecuting Attorney's Office does not oppose Mr. Clementz's petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Gregory Fiore Clementz this FULL AND UNCONDITIONAL pardon of his conviction for OBSTRUCTION OF A LAW ENFORCEMENT AGENT, in Pierce County District Court, Cause No. 95C002582.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 20th day of December, A.D., two thousand and sixteen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
CHAO XING CHEN**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2002, Chao Xing Chen was found guilty of FIRST DEGREE ASSAULT, FOURTH DEGREE ASSAULT, SECOND DEGREE UNLAWFUL FIREARM POSSESSION, and FELONY HARASSMENT in King County Superior Court, Cause No. 01-1-00349-2, and was sentenced to 180 months in prison and \$500 in legal financial obligations. This conviction arose after Mr. Chen, in 2001, confronted his ex-girlfriend with a knife, held her throat and threatened to kill her; days later, he approached her with a handgun, and as she drove away, he shot at her, missing her vehicle.

WHEREAS, Mr. Chen accepts full responsibility for his conduct and expresses remorse. He has satisfied all the conditions of his judgment and sentence, serving as a model prisoner for over 13 years.

WHEREAS, Mr. Chen's family immigrated to the United States from China when he was 12 years old.

WHEREAS, in December 2015, the Clemency and Pardons Board reviewed Mr. Chen's petition for a pardon. Testimony at the hearing explained that Mr. Chen is on an immigration hold at a federal detention center, and these felonies on his record make him deportable to China, where he has no familial connections and does not speak the language. A pardon would give him a stronger chance to fight his deportation.

WHEREAS, the King County Prosecuting Attorney does not oppose Mr. Chen's petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that Mr. Chen be granted a full pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Chao Xing Chen this FULL AND UNCONDITIONAL pardon for his 2002 convictions for FIRST DEGREE ASSAULT, FOURTH DEGREE ASSAULT, SECOND DEGREE

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UNLAWFUL FIREARM POSSESSION, and FELONY HARASSMENT in King County Cause No. 01-1-00349-2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 20th day of December, A.D., two thousand and sixteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**CONDITIONAL COMMUTATION
OF
LE'TAXIONE**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998 Le'Taxione (Ernest A. Carter) was found guilty of two counts of FIRST DEGREE ROBBERY, Pierce County Superior Court Cause No. 97-1-04547-1. In 1997, Le'Taxione entered and then, pretending he had a weapon, held up a Tacoma Subway, before then holding up an AM/PM. Between these two robberies, Le'Taxione took roughly \$200 from the cashiers.

WHEREAS, this offense qualified Le'Taxione as a "Three Strikes" persistent offender and resulted in a life sentence. In addition to this conviction, Le'Taxione was convicted of assaulting a police officer in California in 1983, and also attempted murder with a firearm in 1990 in Oregon.

WHEREAS, Le'Taxione has served almost 20 years on his sentence.

WHEREAS, Le'Taxione accepts full responsibility for his past criminal conduct and expresses remorse. While in prison, he has taken personal development courses, and he has earned his GED. He has not had a serious infraction in six years, and he now commits much of his time to mentoring young incarcerated individuals, helping them to transition out of gang activity.

WHEREAS, in December 2015, the Clemency and Pardons Board reviewed Le'Taxione's clemency petition, which included several letters of support and certificates demonstrating the programming that he has completed while incarcerated. Also, no victims expressed any opposition to Le'Taxione's petition.

WHEREAS, the testimony before the Board was that Le'Taxione is erroneously classified as a persistent offender because the law on comparable out-of-state offenses has evolved since his conviction; and, his earlier conviction in California, under today's law, would not be considered comparable to a Washington strike offense. But he is time-barred from correcting his sentence because his former attorney failed to timely challenge the legality of it.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Le'Taxione's sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Le'Taxione's sentence for his 1998 conviction for two counts of FIRST DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Le'Taxione will be released from prison no later than January 1, 2018. During this period, Le'Taxione must complete DOC-recommended chemical dependency treatment and employment or vocational programming. And during his last six months in custody, Le'Taxione must successfully complete a DOC-approved work release program. Following his release from custody, Le'Taxione shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Le'Taxione must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Le'Taxione shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.
2. Be available for contact with DOC and his assigned CCO as directed, and consent to DOC home or hospital visits and or searches, to also include searches of his person or automobiles, to monitor compliance with supervision. These visits must include access for visual inspection of all areas of the residence in which Le'Taxione has exclusive or joint control or access, and includes the securing of dangerous animals.
3. Obtain legal verifiable employment or enroll in educational programming, and report it to his CCO.
4. Obtain written permission from his CCO before traveling outside his county of residence.
5. Obtain permission from his CCO before changing residences, even for one night.
6. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons. He may not possess body armor.
7. Report to his CCO all law enforcement contacts within 24 hours of occurrence.
8. Not consume, possess, or distribute alcohol or controlled substances without a valid physician's prescription.
9. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless he receives approval from his CCO.
10. Obtain a Narcotics Anonymous sponsor and attend regular meetings as recommended by his CCO.
11. Obtain a chemical dependency evaluation and follow all treatment recommendations.
12. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
13. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting his CCO.

14. Enroll in, and successfully complete DOC's Thinking for a Change program and any other programming or treatment as directed by DOC.

PROVIDED, that Le'Taxione shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Le'Taxione is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Le'Taxione to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Le'Taxione if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Le'Taxione violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Le'Taxione will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Le'Taxione has provided to the Office of the Governor or, if Le'Taxione is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Le'Taxione submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Le'Taxione an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Le'Taxione has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Le'Taxione is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Le'Taxione will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Le'Taxione may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Le'Taxione may abscond if not detained. If detained, Le'Taxione will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 21st day of December, A.D., two thousand and sixteen.

SEAL

/s/Jay Inlee

Governor of Washington

BY THE GOVERNOR

/s/Mark Neary

Asst. Secretary of State

**CONDITIONAL COMMUTATION
OF
GARY MELBERT THOMAS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1999 Gary Melbert Thomas was found guilty of five counts of SECOND DEGREE ROBBERY, King County Superior Court Cause No. 98-1-06914-3. In 1998, an unarmed Mr. Thomas entered several Seattle-area banks, each time threatening the tellers and demanding cash.

WHEREAS, this offense qualified Mr. Thomas as a "Three Strikes" persistent offender and resulted in a life sentence. In addition to this conviction, Mr. Thomas has been convicted of multiple robberies and a burglary, dating back to the early 1970s.

WHEREAS, Mr. Thomas has served almost **18** years on this matter.

WHEREAS, Mr. Thomas accepts full responsibility for his past criminal conduct and expresses remorse. He has taken personal development courses in prison, and he now teaches art classes to individuals as part of the University Behind Bars program.

WHEREAS, much of Mr. Thomas' past criminal behavior resulted from his 30-year addictions to heroin and crack cocaine; he has now been sober for 10 years, after completing several sobriety and re-integration programs. Mr. Thomas is now almost 70 years old and is suffering from stage-four liver disease as well as a chronic heart condition.

WHEREAS, in June 2016, the Clemency and Pardons Board reviewed Mr. Thomas' clemency petition, which included several letters of support and certificates demonstrating the programming that he has completed while incarcerated.

WHEREAS, the testimony before the Board was that Mr. Thomas has been provisionally accepted for a one-year stay at Seadrunar, a long-term residential drug and alcohol treatment center in Seattle, upon his release from custody. There, while undergoing intensive substance abuse treatment, he will also receive vocational training and life coaching assistance.

WHEREAS, the King County Prosecuting Attorney supports Mr. Thomas' clemency petition. The victims of his crimes have not expressed any opposition to Mr. Thomas' petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Thomas' sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of

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the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Mr. Thomas' sentence for his 1999 conviction on five counts of SECOND DEGREE ROBBERY, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Mr. Thomas will be released from prison no later than January 1, 2018. Before his release, he must complete employment or vocational programs, or other DOC-recommended programs aimed at preparing him for transition to the community. At a point during the last six months of custody, Mr. Thomas shall complete a work-release assignment. Following his release from custody, Mr. Thomas shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Mr. Thomas must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Mr. Thomas shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.
2. Participate in a treatment assessment and follow DOC treatment recommendations and instructions. He must complete recommended treatment programming at Seadrunar.
3. Be available for contact with DOC and his assigned CCO as directed, and consent to DOC home or hospital visits and or searches to monitor compliance with supervision. These visits include access for visual inspection of all areas of the residence in which Mr. Thomas has exclusive or joint control or access.
4. Obtain legal employment or enroll in educational programming, upon approval of his residence treatment provider and/or completion of his treatment.
5. Obtain written permission from his CCO before traveling outside his county of residence.
6. Obtain permission from his CCO before changing residences, even for one night.
7. Not open a bank account or enter a bank without consulting his CCO and having a verifiable legitimate reason.
8. Be subject to polygraph testing as required by his CCO.
9. Not own, possess, receive, ship, or transport firearms, ammunition or dangerous weapons.
10. Report to his CCO all law enforcement contacts within 24 hours of occurrences.
11. Not consume, possess, or distribute controlled substances without a valid physician's prescription.
12. Not visit bars and taverns, unless he receives approval from his CCO.
13. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
14. Not associate with known criminals, gangs or individuals that have a criminal history without first consulting his CCO.
15. Enroll and successfully complete DOC's Thinking for a Change program, as well as other DOC programming as recommended by his CCO.

PROVIDED, that Mr. Thomas shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Thomas is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Thomas to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Thomas if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Thomas violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Thomas will be immediately returned to any such facility as the Secretary of the DOC deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Thomas has provided to the Office of the Governor or, if Mr. Thomas is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Thomas submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Thomas an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Thomas has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Thomas is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Thomas will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Thomas may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Thomas may abscond if not detained. If detained, Mr. Thomas will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 21st day of December, A.D., two thousand and sixteen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

**CONDITIONAL COMMUTATION
OF
TRACY HOGGATT**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, Tracy Lynn Hoggatt was found guilty of FIRST DEGREE BURGLARY and BAIL JUMPING in Cowlitz County Superior Court Cause Nos. 95- 1-00539-7 and 96-1-00036-9. In 1995, Mr. Hoggatt, while armed, broke into a victim's home to steal their property when they were out of the house.

WHEREAS, this burglary conviction was Mr. Hoggatt's "Third Strike" offense under Washington's persistent offender statute, and he was sentenced to life without the possibility of parole.

WHEREAS, Mr. Hoggatt accepts full responsibility for his past criminal conduct and expresses remorse. While in prison, he has taken steps to turn his life around and developed a strong sense of empathy. He has completed numerous personal development programs. And though he collected numerous infractions early in his prison sentence, he has not had a serious infraction since 2004.

WHEREAS, in March 2016, the Clemency and Pardons Board reviewed Mr. Hoggatt's clemency petition, which included several letters of support from friends, family, and supporters in the community.

WHEREAS, the testimony before the Board was that if Mr. Hoggatt were to be sentenced today, he would receive a sentence in the standard range of less than ten years. Also, a friend has offered to help him transition to the community by providing a place to live.

WHEREAS, the Cowlitz County Prosecuting Attorney has expressed no opposition to Mr. Hoggatt's petition. And the victims have not expressed any opposition to the petition.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Hoggatt's sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Tracy Lynn Hoggatt's sentence for his 1996 conviction for FIRST DEGREE BURGLARY and BAIL JUMPING in Cowlitz County Superior Court Cause Nos. 95-1-00539-7 and 96-1-00036-9, conditioned on his written agreement

to comply with all terms outlined by the DOC in a transition plan in which Mr. Hoggatt will be released from prison on August 1, 2018. During his last six months in custody, Mr. Hoggatt must successfully complete a DOC-approved work release program. Following his release from custody, Mr. Hoggatt shall serve 18 months of DOC community supervision. During this period under DOC custody and supervision, Mr. Hoggatt must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Mr. Hoggatt shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.
2. Complete a treatment assessment and follow recommendations resulting from that assessment.
3. Be available for regular contact with DOC and his assigned CCO as directed, and consent to DOC home visits and or searches, to include searches of his person or automobiles. These visits must include access for visual inspection of all areas of the residence in which Mr. Hoggatt has exclusive or joint control or access.
4. Enroll in educational programming or obtain legal, verifiable CCO-approved employment.
5. Obtain permission from his CCO before changing residences, even for one night.
6. Not travel outside of his county of residence without prior written approval from his CCO.
7. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons.
8. Not possess stolen property.
9. Not operate a motor vehicle without a valid driver license and proper insurance.
10. Report to his CCO all law enforcement contacts within 24 hours of occurrence.
11. Not consume, possess, or distribute alcohol or controlled substances without a valid physician's prescription.
12. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless he receives approval from his CCO.
13. Obtain an Alcoholics Anonymous/Narcotics Anonymous sponsor and attend regular meetings as recommended by his CCO.
14. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
15. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting his CCO.
16. Enroll in, and successfully complete DOC's Thinking for a Change program and any other programming or treatment as directed by DOC.

PROVIDED, that Mr. Hoggatt shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Hoggatt is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Hoggatt to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Hoggatt if he violates a condition.

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ADDITIONALLY PROVIDED, that in the event Mr. Hoggatt violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Hoggatt will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Hoggatt has provided to the Office of the Governor or, if Mr. Hoggatt is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Hoggatt submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Hoggatt an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Hoggatt has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Hoggatt is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Hoggatt will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Hoggatt may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Hoggatt may abscond if not detained. If detained, Mr. Hoggatt will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 16th day of January, A.D., two thousand and seventeen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**CONDITIONAL COMMUTATION
OF
SHAWN ORNDORFF**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 2002, a jury found Shawn Anthony Orndorff guilty of FIRST DEGREE BURGLARY, SECOND DEGREE ASSAULT OF A CHILD, UNLAWFUL FIREARMS POSSESSION, and two counts of SECOND DEGREE ASSAULT in Kitsap County Superior Court Cause No. 02-1-00860-5. In 2002, Mr. Orndorff broke into a family's home while armed, and he assaulted multiple victims. For this offense, Mr. Orndorff was sentenced to over 22 years in prison and almost \$3,000 in legal financial obligations.

WHEREAS, Mr. Orndorff has served over 14 years on his sentence, and he has paid his legal financial obligations in full.

WHEREAS, Mr. Orndorff accepts full responsibility for his past criminal conduct and expresses remorse. While in prison, he has earned his associate's degree, and has pursued vocational training. He has not had a serious infraction in over ten years.

WHEREAS, in March 2016, the Clemency and Pardons Board reviewed Mr. Orndorff's clemency petition, which included several letters of support from friends, fellow incarcerated individuals, and members of the community, including a former prison corrections officer.

WHEREAS, the testimony before the Board was that Mr. Orndorff is trained in welding and fabrication and plans to become an industrial machine mechanic upon release. He has eight children and five grandchildren, and he plans to marry when he is released.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Orndorff's sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Shawn Anthony Orndorff's sentence for his 2002 conviction for FIRST DEGREE BURGLARY, SECOND DEGREE ASSAULT OF A CHILD, UNLAWFUL FIREARMS POSSESSION, and two counts of SECOND DEGREE ASSAULT in Kitsap County Superior Court Cause No. 02-1-00860-5, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Mr. Orndorff will be released from prison on August 1, 2018. During his last six months in custody, Mr. Orndorff must successfully complete a DOC- approved work release program. Following his release from custody, Mr. Orndorff shall serve 18 months of DOC community supervision. During this period under DOC custody and supervision, Mr. Orndorff must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

- Mr. Orndorff shall:
1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.

2. Be available for contact with DOC and his assigned CCO as directed, and consent to DOC home visits and or searches, to include searches of his person or automobiles. These visits must include access for visual inspection of all areas of the residence in which Mr. Orndorff has exclusive or joint control or access.
3. Obtain legal verifiable employment or enroll in educational programming, and report it to his CCO.
4. Obtain written permission from his CCO before traveling outside his county of residence.
5. Obtain permission from his CCO before changing residences, even for one night.
6. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons. He may not possess body armor.
7. Report to his CCO all law enforcement contacts within 24 hours of occurrence.
8. Not consume, possess, or distribute alcohol, marijuana, or other controlled substances without a valid physician's prescription.
9. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless he receives approval from his CCO.
10. Obtain a chemical dependency evaluation and follow all treatment recommendations.
11. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
12. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting his CCO.
13. Not operate a motor vehicle without a valid driver's license or proper insurance.
14. Enroll in, and successfully complete DOC's Thinking for a Change program and any other programming or treatment as directed by DOC.

PROVIDED, that Mr. Orndorff shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Orndorff is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require

Mr. Orndorff to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Orndorff if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Orndorff violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Orndorff will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Orndorff has provided to the Office of the Governor or, if Mr. Orndorff is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Orndorff submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Orndorff an

opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Orndorff has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Orndorff is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Mr. Orndorff will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Orndorff may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Orndorff may abscond if not detained. If detained, Mr. Orndorff will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 18th day of January, A.D., two thousand and seventeen.

SEAL

/s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**CONDITIONAL COMMUTATION
OF
DAVID MICHAEL SHIRLEY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996 a jury found David Michael Shirley guilty on two counts of FIRST DEGREE ASSAULT, Snohomish County Superior Court Cause No. 96-1-00306-3. In 1993, Mr. Shirley drove down a highway with an associate of his, and when they identified a car that they believed was driven by an individual who had earlier vandalized their car, Mr. Shirley's associate fired a gun at the other car, striking the driver in the arm.

WHEREAS, for this offense, a Snohomish County Superior Court sentenced Mr. Shirley to 33 years in prison. He has since served 23 years in custody on this offense.

WHEREAS, between 1994 and 2008, Mr. Shirley received 30 serious infractions for matters involving controlled substances and threats, but he has not had any serious infractions since 2008.

WHEREAS, Mr. Shirley accepts full responsibility for his criminal conduct, expresses remorse, and has apologized. While in custody, he has completed several programs, including drug

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counseling; he has also earned his GED and is taking college courses.

WHEREAS, in June 2016, the Clemency and Pardons Board reviewed Mr. Shirley's clemency petition, which included several letters of support, including letters from corrections center staff who spoke to the positive change that they have witnessed in Mr. Shirley, as well as the strong influence that he has had on other incarcerated individuals.

WHEREAS, the testimony before the Board was that Mr. Shirley has a strong family support base and, upon release from custody, they have committed to providing him housing, transportation, and employment to help him transition to the community. Mr. Shirley has crafted a 10-year release plan detailing his plans reintegrating to society.

WHEREAS, the Snohomish County Prosecuting Attorney does not oppose Mr. Shirley's clemency petition. The victims of this offense have not expressed any opposition to Mr. Shirley's petition.

WHEREAS, the Department of Corrections has assessed Mr. Shirley and believes he is a low risk to reoffend.

WHEREAS, the Clemency and Pardons Board voted unanimously to recommend that the Governor commute Mr. Shirley's sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Mr. Shirley's sentence for his 1996 conviction for two counts of FIRST DEGREE ASSAULT, conditioned on his written agreement to comply with all terms outlined by the DOC in a transition plan in which Mr. Shirley will be released from prison no later than January 1, 2018. During this last year of custody, Mr. Shirley shall complete a work-release assignment. Following his release from custody, Mr. Shirley shall serve 24 months of community custody under DOC supervision. During this period under DOC custody and supervision, Mr. Shirley must comply with any conditions set forth by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Mr. Shirley shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or his CCO.
2. Participate in a chemical dependency evaluation and follow DOC-recommended treatment.
3. Be available for contact with DOC and his assigned CCO as directed, and consent to DOC home or hospital visits and or searches to monitor compliance with supervision. These visits include access for visual inspection of all areas of the residence in which Mr. Shirley has exclusive or joint control or access.
4. Obtain legal employment or enroll in educational programming, and report it to his CCO.

5. Obtain written permission from his CCO before traveling outside his county of residence.
6. Obtain permission from his CCO before changing residences, even for one night.
7. Be subject to polygraph testing as required by his CCO.
8. Not own, possess, receive, ship, or transport firearms, ammunition or dangerous weapons.
9. Not receive income from illegal or criminal means.
10. Report to his CCO all law enforcement contacts within 24 hours of occurrences.
11. Not consume, possess, or distribute controlled substances without a valid physician's prescription.
12. Not visit bars and taverns, unless he receives approval from his CCO.
13. Obtain a Narcotics Anonymous sponsor and attend regular meetings as recommended by his CCO.
14. Be subject to regular drug urinalysis and alcohol breath analysis as directed by his CCO.
15. Not associate with known criminals, gangs or individuals that have a criminal history without first consulting his CCO.
16. Enroll in, and successfully complete, anger management programming as well as DOC's Thinking for a Change program.

PROVIDED, that Mr. Shirley shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of his community custody. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Mr. Shirley is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Mr. Shirley to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Mr. Shirley if he violates a condition.

ADDITIONALLY PROVIDED, that in the event Mr. Shirley violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Mr. Shirley will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation may then be mailed to the most recent address Mr. Shirley has provided to the Office of the Governor or, if Mr. Shirley is in custody, to his place of detention. If within 14 calendar days of the mailing of the notice, Mr. Shirley submits a sworn statement made under penalty of perjury that he has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Mr. Shirley an opportunity to be heard and to present witnesses and documentary evidence that he has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Mr. Shirley has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Mr. Shirley is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be

revoked and the sentence of the court reinstated, whereupon Mr. Shirley will be immediately returned to any such facility that the DOC Secretary deems appropriate.

ADDITIONALLY PROVIDED, that Mr. Shirley may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe he has violated the above conditions of this Conditional Commutation, reason to be concerned that he would pose a risk to any person or to the community, or that there is a possibility that Mr. Shirley may abscond if not detained. If detained, Mr. Shirley will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe he has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 18th day of January, A.D., two thousand and seventeen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Greg Lane
Deputy Secretary of State

**CONDITIONAL COMMUTATION
OF
JACQUELINE MARIE FLETCHER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1996, a jury found Jacqueline Marie Fletcher guilty of five counts of SECOND DEGREE ROBBERY in Snohomish County Superior Court, Cause No. 96-1-00379-9, after she entered and then robbed numerous Snohomish County business establishments over a two-week period. These convictions resulted in her "Third Strike" under Washington's persistent offender accountability act; accordingly, Ms. Fletcher is serving a life sentence, without the possibility of parole.

WHEREAS, Ms. Fletcher is remorseful, accepts responsibility, and has apologized for her behavior. While in prison, Ms. Fletcher has earned her GED and has participated in several self-improvement programs, including Narcotics Anonymous.

WHEREAS, in December 2015, the Clemency and Pardons Board reviewed Ms. Fletcher's clemency petition, which included several letters of support from friends and community members.

WHEREAS, the testimony before the Board was that Ms. Fletcher will have a strong support network ready to assist her in transitioning to the community. She has already received offers for housing and transportation upon her release and hopes to complete her college work to become a counselor and life coach.

WHEREAS, had Ms. Fletcher not been sentenced under the persistent offender accountability act, she likely would have received a standard range sentence of less than ten years. She has now served over 20 years on this sentence.

WHEREAS, the Snohomish County Prosecuting Attorney's Office does not oppose Ms. Fletcher's petition, nor do any of the victims.

WHEREAS, the Clemency and Pardons Board unanimously voted to recommend that the Governor commute Ms. Fletcher's life sentence. And,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the involved crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Jay Inslee, by virtue of the power vested in me as Governor

of the state of Washington, adopt the recommendation of the Clemency and Pardons Board and hereby COMMUTE Jacqueline Marie Fletcher's sentence for her five 1996 convictions for SECOND DEGREE ROBBERY, conditioned on her agreement to comply with all terms outlined by the Department of Corrections in a transition plan. Under this transition plan, the initial in-custody phase of her transition must terminate on August 1, 2018, and during this time, Ms. Fletcher must participate in positive programming as assigned by DOC to prepare her for transition to the community. Ms. Fletcher will then serve an additional 18 months on community supervision. During her time in custody and on community supervision, Ms. Fletcher will comply with any conditions set by DOC and its community corrections officers (CCOs). These conditions shall include, but not be limited to the following:

Ms. Fletcher shall:

1. Obey all laws and abide by all written or verbal conditions, prohibitions, or instructions issued by DOC or her CCO.
2. Complete a treatment assessment and follow recommendations resulting from that assessment.
3. Be available for regular contact with DOC and her assigned CCO as directed, and consent to DOC home visits and searches, to include searches of her person, personal property, or automobiles. These visits must include access for visual inspection of all areas of the residence in which Ms. Fletcher has exclusive or joint control or access.
4. Enroll in educational programming or training, or obtain legal, verifiable CCO- approved employment.
5. Obtain permission from her CCO before changing residences, even for one night.
6. Remain in a geographical area as directed by her CCO, and not travel outside of her county of residence without her CCO's prior written approval.
7. Not own, possess, receive, ship, or transport firearms, ammunition, explosives, or dangerous weapons.
8. Not possess stolen property.
9. Not operate a motor vehicle without a valid driver license and proper insurance.
10. Report to her CCO all law enforcement contacts within 24 hours of occurrence.
11. Not consume, possess, or distribute alcohol or controlled substances without a valid physician's prescription.
12. Not visit bars, taverns, or other establishments in which alcohol is the primary item being served, unless she receives approval from her CCO.
13. Be subject to regular drug urinalysis and alcohol breath analysis as directed by her CCO.

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- 14. Not associate with known criminals, gangs or individuals that have a criminal or gang history without first consulting her CCO.
- 15. Enroll in, and successfully complete DOC's Thinking for a Change program and any other programming or treatment as directed by DOC.

PROVIDED, that Ms. Fletcher shall remain under DOC supervision and explicitly follow the conditions established by that agency during the term of her community supervision. Violation of any of the above conditions shall result in sanctions as deemed appropriate by DOC and may result in the termination of this Conditional Commutation as provided below. If Ms. Fletcher is taken into custody following any alleged violation, DOC shall hold a Community Custody Hearing. DOC may also require Ms. Fletcher to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants or detain Ms. Fletcher if she violates a condition.

ADDITIONALLY PROVIDED, that in the event Ms. Fletcher violates any of the conditions of this Conditional Commutation, as determined by the Governor, this Conditional Commutation may be revoked or amended and the sentence of the court reinstated, whereupon Ms. Fletcher will be immediately returned to any such facility as the DOC Secretary deems appropriate. If any such violation occurs, DOC shall provide a written report to the Governor regarding the violation. A written notice of the Governor's intent to review the alleged violations and revoke or amend the Conditional Commutation will then be mailed to the most recent address Ms. Fletcher has provided to the Office of the Governor or, if Ms. Fletcher is in custody, to her place of detention. If within 14 calendar days of the mailing of the notice, Ms. Fletcher submits a sworn statement made under penalty of perjury that she has, in fact, complied with all conditions of this Conditional Commutation, the Governor shall appoint a hearing officer. The hearing officer will provide Ms. Fletcher an opportunity to be heard and to present witnesses and documentary evidence that she has met all conditions upon which the Conditional Commutation is granted. The hearing officer shall present findings of fact and a transcript of the hearing to the Governor for the Governor's final and conclusive determination on whether Ms. Fletcher has violated the conditions of this Conditional Commutation.

ADDITIONALLY PROVIDED, that in the event Ms. Fletcher is convicted anywhere at any time of any offense the elements of which would classify the crime as a gross misdemeanor or felony in the state of Washington, this Conditional Commutation may be revoked and the sentence of the court reinstated, whereupon Ms. Fletcher will be immediately returned to any such facility that the DOC Secretary deems appropriate:

ADDITIONALLY PROVIDED, that Ms. Fletcher may be detained pending judicial disposition of any new criminal charge or a final determination of whether a condition of this Conditional Commutation has been violated, if the Governor determines there are reasonable grounds to believe she has violated the above conditions of this Conditional Commutation, reason to be concerned that she would pose a risk to any person or to the community, or that there is a possibility that Ms. Fletcher may abscond if not detained. If detained, Ms. Fletcher will be provided a preliminary hearing, as promptly as convenient after arrest, to determine whether there are reasonable grounds to believe she has violated the above conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 30th day of January, A.D., two thousand and seventeen.

SEAL /s/Jay Inslee
Governor of Washington

BY THE GOVERNOR

/s/Mark Neary
Asst. Secretary of State

MOTION

On motion of Senator Fain, and without objection, the pardons and commutations by the Governor were held at the desk.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 1121,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5079.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5804 by Senators Fain, Palumbo, Bailey and Billig
AN ACT Relating to the creation of an animal abuse registry; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5805 by Senators Frockt and Carlyle
AN ACT Relating to the application of landmark or historic preservation regulations with regard to school district property; and amending RCW 28A.335.090.

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

SB 5806 by Senators Cleveland, Rivers, Wilson, Hobbs, Chase and Nelson

AN ACT Relating to preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river; amending RCW 43.157.030; reenacting and amending RCW 43.157.010; adding a new section to chapter 43.157 RCW; adding a new section to chapter 47.01 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 5807 by Senator King

AN ACT Relating to clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe; amending RCW 46.16A.175; reenacting and amending RCW 46.16A.030; and prescribing penalties.

Referred to Committee on Transportation.

SB 5808 by Senators Warnick, Chase, Walsh, Brown, Becker, Short and Bailey

AN ACT Relating to agritourism; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

MOTION

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

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Tuesday, February 14, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTY SEVENTH DAY, FEBRUARY 14, 2017

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THIRTY SEVENTH DAY**NOON SESSION**Senate Chamber, Olympia
Tuesday, February 14, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 2017

SB 5014 Prime Sponsor, Senator Pearson: Concerning determination of the benchmark rate in Snohomish county for certain community residential services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 13, 2017

SB 5221 Prime Sponsor, Senator Fain: Creating the interstate medical licensure compact. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5253 Prime Sponsor, Senator Cleveland: Addressing the Washington state health insurance pool. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 13, 2017

SB 5338 Prime Sponsor, Senator Wilson: Concerning registration enforcement for off-road vehicles and snowmobiles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5349 Prime Sponsor, Senator Cleveland: Concerning elder justice centers. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5349 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 13, 2017

SB 5382 Prime Sponsor, Senator Liias: Authorizing the issuance of identicards at a reduced cost to applicants who are under the age of eighteen and without a permanent residence address. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5402 Prime Sponsor, Senator Liias: Creating the Cooper Jones bicyclist safety advisory council. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5413 Prime Sponsor, Senator Cleveland: Concerning physician limited licenses. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5436 Prime Sponsor, Senator Becker: Expanding patient access to health services through telemedicine by further defining where a patient may receive the service. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5457 Prime Sponsor, Senator Becker: Expanding patient access to health services through telemedicine and store and forward technology by requiring parity in payment for services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Chair; Fain; Mullet and O'Ban.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5508 Prime Sponsor, Senator Hawkins: Authorizing two-year registration periods for certain vehicles while maintaining existing annual vehicle registration fee amounts. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5508 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5649 Prime Sponsor, Senator Hawkins: Modifying the eligibility requirements for certain counties to form a regional transportation planning organization. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 13, 2017

SB 5736 Prime Sponsor, Senator Brown: Concerning the expansion of nutrition programs for older adults. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5809 by Senators Rivers and Pedersen
AN ACT Relating to judicial stabilization trust account surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5810 by Senator Padden
AN ACT Relating to adding attempted murder to the list of offenses that may be prosecuted at any time after their commission; and amending RCW 9A.04.080.

Referred to Committee on Law & Justice.

SB 5811 by Senator O'Ban
AN ACT Relating to expanding use of the involuntary treatment act to combat heroin abuse; adding a new section to chapter 71.05 RCW; creating a new section; and providing an effective date.

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

SB 5812 by Senators Liias, Cleveland, Sheldon, Hasegawa, Palumbo and Saldaña
AN ACT Relating to wheelchair-accessible for hire vehicles; amending RCW 46.72.010; adding a new section to chapter 81.72 RCW; and adding a new chapter to Title 46 RCW.

Referred to Committee on Transportation.

SHB 1079 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Klippert, Goodman, Stokesbary, Kilduff, Chapman, McCabe, Hudgins, Jinkins, Ortiz-Self, Bergquist, Stanford, Griffey, Hargrove, Smith, Tarleton, Harmsworth, Ormsby, Muri, Van Werven, Kraft, Fey, Slatter, Sawyer, McBride and Gregerson)

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AN ACT Relating to no-contact orders for human trafficking and promoting prostitution-related offenses; reenacting and amending RCW 26.50.110; adding new sections to chapter 9A.40 RCW; adding new sections to chapter 9A.88 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1121 by House Committee on Environment (originally sponsored by Representatives Muri, Fitzgibbon, Short, Peterson, Fey, Smith, Kagi, Barkis, McBride, Farrell, Wilcox, Jinkins, Haler, Stanford, Gregerson, Kilduff, Tarleton, Tharinger and Pollet)

AN ACT Relating to the frequency of Puget Sound action agenda implementation strategy and science work plan updates; amending RCW 90.71.010, 90.71.280, 90.71.290, and 90.71.310; and adding a new section to chapter 90.71 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5809 which had been designated to the Committee on Ways & Means and referred to the Committee on Law & Justice.

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, February 15, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
 Wednesday, February 15, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Nicholas Ames and Mr. Timothy Coleman, presented the Colors. Page Miss Emma Jane Craig led the Senate in the Pledge of Allegiance. The prayer was offered by Pastor Dan Panter of McKenzie Road Baptist Church, Olympia.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 2017

SB 5005 Prime Sponsor, Senator Padden: Identifying certain water rights held by municipal water suppliers as water rights available for municipal water supply purposes. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Brown; Honeyford; Pearson and Short.

MINORITY recommendation: Do not pass. Signed by Senators Wellman; McCoy and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Takko.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5046 Prime Sponsor, Senator Hasegawa: Providing public notices of public health, safety, and welfare in a language other than English. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5046 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5099 Prime Sponsor, Senator Bailey: Concerning crimes against vulnerable persons. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5099 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5251 Prime Sponsor, Senator Takko: Concerning tourism marketing. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5254 Prime Sponsor, Senator Fain: Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5263 Prime Sponsor, Senator Warnick: Concerning the procurement of seeds by state agencies. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5269 Prime Sponsor, Senator Warnick: Concerning WAC 173-563-020(4) and 173-531A-060 regarding the processing of applications for Columbia river water right permits to clarify legislative intent to ensure that the rules can be

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implemented as written. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; Pearson; Short and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Chase, Ranking Minority Member; McCoy and Van De Wege.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5281 Prime Sponsor, Senator Angel: Concerning rules for on-site sewage systems. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5364 Prime Sponsor, Senator Palumbo: Removing disincentives to the voluntary formation of regional fire protection service authorities by establishing parity, equalizing certain provisions with existing laws governing fire protection districts, and clarifying the formation process. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5430 Prime Sponsor, Senator Pearson: Concerning notice to a victim when a registered out-of-state sex offender moves to Washington. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5431 Prime Sponsor, Senator Warnick: Concerning the protection of composting from nuisance lawsuits. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5431 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Short; Takko and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5433 Prime Sponsor, Senator Miloscia: Concerning informed decision making for death with dignity decisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5502 Prime Sponsor, Senator Becker: Modifying Washington state's motion picture and film industries tax credit. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5502 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; McCoy; Pearson; Short; Takko and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Chase, Ranking Minority Member and Honeyford.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5615 Prime Sponsor, Senator Sheldon: Authorizing the development of new manufactured housing communities outside of urban growth areas under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5628 Prime Sponsor, Senator Takko: Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5786 Prime Sponsor, Senator Walsh: Creating a business and occupation tax exemption for certain sales of commercial fertilizer, agricultural crop protection products, and

seed. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short and Takko.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Ways & Means.

February 14, 2017

SJM 8008 Prime Sponsor, Senator Chase: Requesting Congress to reform the harbor maintenance tax. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short and Takko.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

February 14, 2017

SGA 9184 MICHAEL S. SHIOSAKI, appointed on May 2, 2016, for the term ending December 31, 2017, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 14, 2017

SGA 9230 MICHAEL R. DELLER, reappointed on December 28, 2016, for the term ending December 31, 2019, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 14, 2017

SGA 9232 DANICA READY, appointed on January 5, 2017, for the term ending December 31, 2019, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

February 14, 2017

SGA 9234 KATHRYN GARDOW, appointed on January 9, 2017, for the term ending December 31, 2019, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5813 by Senator Padden

AN ACT Relating to crimes against minors; amending RCW 9A.40.100, 9.68A.070, 9.68A.050, and 9.68A.060; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5814 by Senator Chase

AN ACT Relating to asphalt pavement sealer products; and amending RCW 70.295.010.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5815 by Senators Rivers, Cleveland, Becker and Ranker

AN ACT Relating to the hospital safety net assessment; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.050, 74.60.090, 74.60.100, 74.60.120, 74.60.130, 74.60.150, 74.60.160, 74.60.901, and 74.60.902; adding a new section to chapter 74.60 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5816 by Senator Rivers

AN ACT Relating to designating Sasquatch the official cryptid or crypto-animal of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

SB 5817 by Senators Rossi, O'Ban, Becker, Miloscia and Fain

AN ACT Relating to nullifying the imposition of certain taxes within regional transit authority boundaries; amending RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175;

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adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 5818 by Senators Saldaña and Frockt

AN ACT Relating to providing public assistance to certain victims of human trafficking; amending RCW 74.08A.120; reenacting and amending RCW 74.04.005; adding a new section to chapter 74.04 RCW; and adding a new section to chapter 74.09 RCW.

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

SB 5819 by Senators King and Hobbs

AN ACT Relating to the board of pilotage commissioners; amending RCW 88.16.035, 88.16.061, and 88.16.090; reenacting and amending RCW 43.79A.040 and 43.84.092; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5820 by Senators Wilson, Bailey, Rossi and Zeiger

AN ACT Relating to financial assistance; amending RCW 28B.92.060; and creating a new section.

Referred to Committee on Higher Education.

SB 5821 by Senator Chase

AN ACT Relating to funding the state need grant by repealing tax preferences; amending RCW 82.04.540; repealing RCW 82.04.650; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5822 by Senators Baumgartner, Braun, Rossi, Sheldon, Angel, Becker, Wilson, Schoesler, Bailey, Ericksen, Warnick, King, Honeyford, Brown, Padden, Short, Fortunato, Walsh, Fain, O'Ban, Hawkins, Zeiger and Rivers

AN ACT Relating to improving workers' compensation system costs and administration and worker outcomes through modification of procedures for claims to self-insureds, clarification of recovery in third-party legal actions, clarification of occupational disease claims, and lowering age barriers for structured settlements; amending RCW 51.24.030, 51.24.050, 51.24.060, 51.08.140, 51.32.180, 51.28.055, 51.04.063, and 51.14.130; and creating new sections.

Referred to Committee on Commerce, Labor & Sports.

SB 5823 by Senator Cleveland

AN ACT Relating to ensuring quality ambulance services for medicaid beneficiaries by applying the medicare payment rate for ambulance services furnished under medicaid by providers of ambulance services; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5824 by Senators McCoy, Hobbs, Takko and Chase

AN ACT Relating to conducting a comprehensive study of aerial imagery needs for state agencies and local governments intended to provide officials with the information needed for day-to-day business workflow and decision-making tasks; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

SB 5825 by Senators Mullet, Hobbs and Takko

AN ACT Relating to addressing the state's paramount duty to fully fund K-12 education by creating a new partnership between the state and local school districts; amending RCW 84.52.053, 84.36.381, 28A.545.070, 28A.500.010, 28A.500.050, 28A.320.330, 28A.505.140, 28A.505.100, 28A.400.200, 28A.150.260, and 28A.150.390; reenacting and amending RCW 28A.150.260; adding new sections to chapter 84.52 RCW; adding new sections to chapter 28A.500 RCW; adding a new section to chapter 43.09 RCW; creating new sections; repealing RCW 28A.500.020, 28A.500.030, and 84.52.0531; and providing effective dates.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Hasegawa moved adoption of the following resolution:

SENATE RESOLUTION
8614

By Senators Hasegawa, Brown, Hobbs, Schoesler, Wellman, Chase, Takko, Rivers, Honeyford, Wilson, Hawkins, Padden, Miloscia, Zeiger, Keiser, Fain, Saldaña, Conway, and Darneille

WHEREAS, Seventy-five years ago, on February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which deprived all Japanese-Americans of their constitutional liberties without due process of law, and which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 13,000 Japanese-American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese-Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family; allowed them only two suitcases of personal belongings; and transported them to hastily constructed detention centers, like Camp Harmony located in the horse stalls on the grounds of the Washington State Fair in Puyallup where they were held until more permanent concentration camps could be built in more remote locations, like Hunt, Idaho (Minidoka) and Tule Lake, California, which is where most Japanese-Americans from the Puget Sound region were held; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese-Americans who were deemed untrustworthy and disloyal to the United States even though no evidence was ever presented to support such distrust; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese-Americans; and, from within those American concentration camps where they and their families were incarcerated, surrounded by barbed wire and armed guards, thousands responded to questions of their loyalty and patriotism by volunteering to serve in the segregated Army unit known as the 442nd Regimental Combat Team, which went on to amass a battle record unmatched in United States military history earning 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, a Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, 9,486 Purple Hearts, and a total of 16 decorations from the governments of France and Italy; and

WHEREAS, Equally loyal and patriotic Japanese-Americans fought to protect our constitutional rights and liberties through dissent, like Minoru Yasui; Fred Korematsu; and University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and challenging the constitutionality of the exclusion and incarceration orders. Korematsu and Hirabayashi were eventually awarded the Presidential Medal of Freedom for their principled actions and sacrifices; and

WHEREAS, In 1982, the Congressional Commission on Wartime Relocation and Internment of Civilians found "no military or security reason for the internment" of persons of Japanese ancestry. Rather, it found the denial of constitutional rights "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, In 1976, President Gerald Ford rescinded Executive Order 9066 saying, "I call upon the American people to affirm with me this American Promise—that we have learned from the tragedy of that long-ago experience forever to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated"; and

WHEREAS, In 1979, newly elected Washington State Congressman Mike Lowry introduced H.R. 5977: The Civil Liberties Act of 1988, which was signed 10 years later by President Ronald Reagan who said, "So what is most important in this bill has less to do with property than with honor, for here, we admit a wrong. Here we reaffirm our commitment as a nation to equal justice under the law."; and

WHEREAS, In 2010, the United States Congress recognized the unparalleled record of Nisei soldiers by awarding the Congressional Gold Medal to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service (MIS) of the U.S. Army who fought in the Pacific Theater as interpreters and code breakers; and

WHEREAS, Throughout Washington State, survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps continue to live their golden years in quiet contrast to their extraordinary acts of patriotism, conscience, and valor;

NOW, THEREFORE, BE IT RESOLVED, That on this auspicious occasion of the 75th Anniversary of the signing of Executive Order 9066, the Washington State Senate, along with the people of Washington State, pause to acknowledge and reflect on the significance of Executive Order 9066 and its effect in denying constitutional freedoms and protections. We also reflect on our democracy's greatness in recognizing the need to correct

this failure, the need for constant vigilance to protect our constitutional rights and freedoms; and

BE IT FURTHER RESOLVED, That we recognize the Japanese-American internees, constitutional protectors, and World War II veterans from the state of Washington; honor their patience, heroism, sacrifice, and loyalty; and remember the lessons, rights, and responsibilities that come with the phrase, "liberty and justice for all"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Nisei Veterans Committee, the Military Intelligence Service-Northwest Association, the Japanese-American Citizens League National and Seattle Chapter, the Japanese Cultural & Community Center of Washington State, the Japanese American National Museum, and the Wing Luke Museum of the Asian Pacific American Experience.

Senators Hasegawa, Brown, Conway, Pearson, Hobbs and Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

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

MOTION

On motion of Senator Hasegawa and without objection, at the urging of the President and his colleagues, the remarks by Senator Hasegawa on Senate Resolution No. 8614 were spread upon the journal.

Senator Hasegawa: "Thank you Mr. President. Thank you for allowing the full reading of the resolution, I apologize for its length, but this is a particularly auspicious occasion being the seventy fifth anniversary of the signing of Executive Order 9066, which as you know incarcerated all Americans of Japanese descent and anyone of Japanese descent during World War II.

I appreciate this body reviewing this resolution every year because it truly is meant to keep us in mind of what can happen if we are not constantly vigilant to protect our civil rights and civil liberties.

We've heard all the great stories about the Nisei veterans who enlisted from behind barbed-wire in the American concentration camps, and they are very heart breaking and heart warming at the same time, but I don't want to get into the war stories right now. What I think is most important is the constitutionality arguments behind recognizing this resolution, because we are in a very perilous time right now. I have heard some top-level government officials say that the Japanese internment can set a precedent for more contemporary actions against certain groups, and this raises huge alarm bells for me personally and for my entire community and it should for every American here.

We, as the resolution said, can never let it happen again. If we don't learn from our history, we are doomed to the fate to repeat it. President Ford was, and it says in the resolution, but I don't think I can restate it often enough, he says 'I call upon the American people to affirm with me this American promise, that we have learned from the tragedy of that long ago experience forever to treasure liberty and justice for each individual American and resolve that this kind of action shall never again be repeated.'

Those are not just hollow words. That is our president upholding the Constitution and we live in a country, thank God, that recognizes and has the strength of character to acknowledge when we have done something that wasn't exactly right. The

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American government has issued the apology to the Japanese-American community but it should actually issue it to the entire American public because it is every one of us that suffers when anyone suffers. I would like to, Mr. President if I could just read a couple of quotes from a couple of the heroes of the Japanese American community who actually took the courageous stand to oppose, at that time, in a time of war hysteria, and as the commission on investigating the causes of the incarceration said was 'a failure of political leadership' at that time? If I may Mr. President?"

President Habib: "The Senator may proceed."

Senator Hasegawa: "Thank you. So Min Yasui said, well excuse me Min Yasui was actually jailed for breaking the curfew. His jailing was ultimately overturned. Fred Korematsu another one of the heroes of the community, one of the last things he said was, 'I will never forget my government treating me like this and I really hope this will never happen to anyone else because of the way they look, if they look like the enemy of our country.' He also urged others to protest, but not with violence, and don't be afraid to speak up. One person can make a difference even if it takes forty years. Another hero of our community, Gordon Hirabayashi who was actually a University of Washington student said, 'I would also say that if you believe in something, if you think the Constitution is a good one, and if you think the Constitution protects you, you better make sure that the Constitution is actively operating, and in other words, constant vigilance, otherwise it is a scrap of paper.' We had the Constitution to protect us in 1942. It didn't because the will of the people wasn't behind it. We have to believe in the Constitution if we are going to stand for anything as Americans. And that means we have to stand up to protect the rights of every one of us. And you know, I really feel like I have had the privilege of getting to know the other forty-eight members and the Lieutenant Governor here on the Senate floor. And I believe that we are all people of good conscience and it has really been a privilege to get to know you that way. And we don't let the politics divide us about 'They're Republicans or, We're Democrats! But, you know when we get to know each other as individuals, that's when we build relationships and truly start to understand how precious each one of us is and if we deny the rights of any one of us we are all hurting. So at this point in time, I truly appreciate this body considering this resolution, but more than that, for standing up to protect the Constitution in making sure that these things that happened to my community back in 1942-1945. My entire family lived through it. They were in the Puyallup Fairgrounds. They served in WWII. They served in the Korean War. I appreciate and want to thank you for standing up and honoring and remembering what the Constitution stands for by adopting this resolution. Thank you Mr. President."

MOTION

At 10:33 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator Liias announced a meeting of the Democratic caucus immediately.

Senator Becker announced a meeting of the Majority Coalition caucus immediately.

The Senate was called to order at 10:58 a.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 5270, by Senators Hawkins, Takko and Pearson

Concerning expiration dates affecting the department of natural resources' contract harvesting program.

The measure was read the second time.

MOTION

On motion of Senator Hawkins, the rules were suspended, Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hawkins spoke in favor of passage of the bill.

Senators Pearson, Schoesler, Nelson and Baumgartner spoke on the bill.

REMARKS BY SENATOR LIIAS

Senator Liias: "Thank you Mr. President. Also rising in opposition to this bill. I think the most troubling part is that he is trying to ban sunset, which I think is, I mean, if the sun is always shining and there is no darkness, how would we pass bills? That is my question. So, I think we should vote no."

REPLY BY THE PRESIDENT

President Habib: "You are speaking to a blind presiding officer Senator Liias. So, I don't know."

MOTION

On motion of Senator Fain, Senator Ericksen was excused.

MOTION

On motion of Senator Saldaña, Senators Billig and Van De Wege were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Billig, Ericksen and Van De Wege

SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hawkins: “Well thank you Mr. President. It is my understanding that there is a long tradition here in the Senate of offering a gift from your district and so I am pleased to do that this morning despite some of the floor speeches that we heard ribbing me on my bill. We have the good pages here to deliver these. These are applets and cotlets, which some of you are probably pretty familiar with, produced out of Cashmere in my home district. These have been produced since 1920. Those of you probably know the 12th District is well known for our tree fruit and so I just wanted to share these applets and cotlets with you all. But more importantly with them is a card with a photo from the district and I have personalized a message to each one of you because I want you all to know that I really enjoy the opportunity to serve with you. For those of you that I do know, really, I have enjoyed the opportunity to get to know you even better and those of you that I don’t yet know, I look forward to working with you more closely and getting to know you in the months and the years ahead. And so, additionally, we have some fresh honeycrisp apples from the 12th District and I have some of my colleagues, freshmen senators, who are helping to distribute those for us today, so please enjoy those. These honeycrisp apples are from my home district. They are actually from my personal stash in my office, so please enjoy those and thank you again for the opportunity to serve.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Senator Hawkins. The President feels uncomfortable since you have just provided a gift, reminding you to always address your remarks to the presiding officer. That said, thank you for the gifts and now that we know you have a quote ‘personal stash’ in your office, we will all bear that in mind. Thank you and would the body join me in congratulating Senator Hawkins? Congratulations Senator Hawkins.”

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. I apologize that I forgot that you live in darkness. I just wanted to assure you that no one is eating apples on the floor right now in violation of Senate rules. I just wanted to give you that advisory, just to help you out. I am looking around, I literally see no one eating an apple on the floor. They are all just holding them on their desks waiting for floor session to be over. Senator Miloscia is not chewing vigorously right now.”

PERSONAL PRIVILEGE

Senator Darneille: “I wanted to personally thank the good Senator for bringing such a delicious treat to us in the form of these applets and cotlets that are with us from eastern Washington. These are made in Cashmere Washington which is the home of my mom and all my mom’s peeps. She grew up in Cashmere and I just want to note that this was quite telling that a town as known so distinctively for a product like this that was brought to us by Armenian immigrants. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Sheldon: “Well thank you Mr. President. We all appreciate Senator Hawkins and his gift here today and we always take our senators, as freshman will learn, for whatever they say we take it verbatim and I appreciate to receive these applets and cotlets and you mentioned that these were produced in 1920, so I really think that it would be nice to get a fresh box once in a while.”

PERSONAL PRIVILEGE

Senator King: “Well I did eat an apple on the floor today that the good senator provided. It was a very good apple but, I have to tell you, the apples from the Yakima Valley are much better.”

SECOND READING

SENATE BILL NO. 5129, by Senators Hunt, Fain, Zeiger, Mullet and Palumbo

Concerning charter school students participating in interschool athletics and extracurricular activities.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

Senators Zeiger, Mullet, Rolfes, Keiser and Fain spoke on the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5129.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5129 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Baumgartner

Excused: Senators Billig, Ericksen and Van De Wege

SENATE BILL NO. 5129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hobbs: “So it took a lot to get Senator Hunt to come to the Senate. Many of us had to go over there and talk to him and convince him, and Mr. President, if you don’t mind, I would like to read from my text messages I had with him?”

Mr. President: “Senator may proceed.”

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Senator Hobbs: "Thank you. So, Me: 'You should come over to the Senate Sam. Hunt: 'I don't know I have it pretty good here.' Me: 'What do you mean?' Hunt: 'Well for one I am a chair and the other, we don't have to think over here. Everything is decided for me' -this is his words. This is not me, this is his words. I have a lot of respect for the House. Me: 'You need to come over here man.' Hunt: 'Why? What are the benefits?' Me: 'Nap time.' Hunt: 'Good, because in my advanced age I need the rest and if I actually have to think and make decisions, I really need to take naps.' - Again his words. Me: 'Bigger office.' Hunt: 'I like the bigger office but can I get close to the bathroom?' Me: 'I think we could work that out for you.' Hunt: 'Hey you might not know this but I am a big Mariners fan and I don't want to miss a lot of these games.' Me: 'Hey don't worry because we in the Senate are highly efficient around here and effective, and you shouldn't miss any of the evening games or weekend games like the place you're at now. However, I can't guarantee that we will be done before baseball season.' So, congratulations Senator Hunt. I am glad you are here, looking forward to your gift."

PERSONAL PRIVILEGE

Senator Hunt: "I have done it twice and I haven't said, 'Mr. Speaker' yet. I feel good. Thank you for all of the hazing and things and I tried to get the motion passed that I wouldn't be considered a freshman in caucus but it was overwhelmingly defeated. I do have some gifts that are coming around. You got donuts in the caucus today, which came from a local minority-owned business called Heavenly Donuts. They have two locations here in town and they do a very good job of making their own donuts, not a wide chain, I think they have five stores around Washington and Oregon. Also, you are getting a bar of soap from Alaffia which is a locally owned company in Tumwater. They produce soaps, lotions, various other beauty needs. The interesting thing about Alaffia is the owners, Olowo-n'djo and Rose met in the Peace Corps in Togo and they moved to Olympia and they set up their company here, and they make soaps and lotions as I said, and they return a good deal of their profits to Togo for maternal care, education projects. They've built ten schools with the money they've made from their company, 7,800 bicycles. They also do reforestation and they provide eyeglasses for people in Togo as well as maternal health. So it is a good locally owned business that is ecologically free trade and I hope you enjoy the soap and it is something that won't add calories like the donuts do. So thank you and I hope you enjoy it."

REMARKS BY THE PRESIDENT

President Habib: "Thank you. Why don't we have the Senate thank Senator Hunt for his gifts and congratulate him on joining the wiser, more deliberative, body?"

The Senate rose and recognized new senate member, Senator Sam Hunt.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Washington State University and National Football League players Mr. Devard Darling, founder of the As One Foundation, Katy, Texas and Mr. Marcus Trufant, founding member of the Trufant Family Foundation, who were seated in the gallery.

Mr. President: "Both men have done a great deal to assist retiring football players enter into the postseason life, as one

might say, and other initiatives to help youth throughout the state."

SECOND READING

SENATE BILL NO. 5230, by Senators Wilson, Palumbo, Braun, Mullet, Baumgartner, Takko, Brown, Keiser, King, Miloscia, Chase, Walsh, Warnick, Hobbs, Angel, Becker, Hasegawa, Hawkins, Padden, O'Ban, Sheldon and Bailey

Concerning licensing and regulatory requirements of small business owners.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 5230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson spoke in favor of passage of the bill.

Senators Mullet, Warnick, Keiser and Angel spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5230.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5230 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Billig, Erickson and Van De Wege

SENATE BILL NO. 5230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Wilson: "Thank you. In honor of your tradition in the Senate, which is kind of a weird one to me, but that is ok I will play along. I want to present to you a few gifts from the 17th District and, well, Amazon. By the way it only took twenty-two hours to get it here, so that is pretty impressive. First is from the 17th District is a hat, a water bottle, sunscreen, and lip balm in a very special package. So you might wonder what all these things have in common. Well first this is not an omen, but I suspect we are going to be here for a while and into the summer months, so think of this as a survivor kit. So, first of all, and most importantly, the hat it is represented by the biggest and best locally-owned cabinet company in the 17th District, and I might say the state and maybe the country. And these are specifically to keep the sun off your head as you walk from committee to committee. Secondly, the water bottle, again directly reported from the 17th District, again from this magnificent small business, to make sure you stay very well hydrated during these long dry sessions, as well as helping you keep cool in an otherwise hot

atmosphere. And then being that there will be summer months you must protect your skin from the hot sun that you will only experience as you walk from committee to committee. And then fourth is the lip balm for all those tattered and chapped lips that you will experience after the months and months of flapping floor speeches such as this one. So thank you very much and I look forward to working with all of you in the coming years. Thank you.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Wilson. A round of applause for Senator Wilson.”

The Senate rose in recognition of new senate member, Senator Lynda Wilson.

SECOND READING

SENATE BILL NO. 5316, by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown, Zeiger and Wilson

Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

The measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

Senators Hunt, Padden, Nelson, Pedersen and Takko spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Billig, Ericksen and Van De Wege

SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fortunato: “Mr. President, in keeping with the traditions of the Senate, I have a small gift from one of our butchers in our district. We have a large hunting population in our district, and this is one of the best butchers to do beef jerky and elk jerky, etc. Unfortunately we didn’t have enough elk

jerky for everybody so everybody gets beef jerky. This will go well with some of the other gifts you have received like: beef jerky and applets and cotlets; beef jerky and soap; beef jerky and some other miscellaneous gifts which you may receive in the future. So thank you very much Mr. President. I hope you enjoy your little crunchy gift there.”

REMARKS BY THE PRESIDENT

President Habib: “Would the Senate please recognize and thank Senator Fortunato for his generosity and welcome him to the state Senate?”

The Senate rose in recognition of new senate member, Senator Phil Fortunato.

MOTION

On motion of Senator Saldaña, Senator Ranker was excused.

PERSONAL PRIVILEGE

Senator Hasegawa: “I just want to question whether or not this is actually a product of the 31st District that was just passed out? I noticed that it was teriyaki beef jerky. Sounds like it came from either the 11th or the 37th district unless this is false representation.”

REMARKS BY THE PRESIDENT

President Habib: “The Senator will not impugn the origin of the jerky.”

SECOND READING

SENATE BILL NO. 5138, by Senators Palumbo, Kuderer, Fain, Billig and Rossi

Concerning metropolitan park districts.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5138 was substituted for Senate Bill No. 5138 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Palumbo spoke in favor of passage of the bill.

Senator Short and Liias spoke on final passage of the bill.

POINT OF INQUIRY

Senator Fain: “Thank you, Mr. President. I was wondering if the good Senator Palumbo would yield to a question?”

Senator Palumbo: “Yes.”

Senator Fain: “Just out of curiosity, how many elected offices have you tried to get in the last few years?”

Senator Palumbo: “No comment.”

REPLY BY THE PRESIDENT

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President Habib: “Senator Palumbo, you are entitled to deny Senator Fain one of your gifts as a result of that.”

Senators Nelson and Schoesler spoke on the final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

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

Voting nay: Senators Baumgartner and Hasegawa

Excused: Senators Billig, Ericksen, Ranker and Van De Wege

SUBSTITUTE SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Palumbo: “I just wanted to talk about the gift a little bit and the tradition. They are going to be passing them out. We’ve got some individual bags here. Please make sure, staff, that you do not give one to Senator Fain. That would be helpful. I just want to say quickly what an honor it is to actually be standing here. So, for those of you who don’t know, I am quite a little social media guy, and on twitter there is a group of walegnerd hashtag people that have been following you for years. Many of you actually know this on this side. And we watch TVW relentlessly. And to be able to stand here, I am still a little awestruck. This is really a humbling experience being on this floor with all of you and as I’ve learned it is actually a family that you don’t really know from the outside until you get here. Regardless of party affiliation, there is clearly a family here. So I just want to say that it is really a pleasure to be here. Regarding the bags that are coming out right now, I am not sure if they put the ice cream in it or not, but if not, they are in the women’s lounge in the caucus room over here, and I have to apologize to Mark Mullet because it is Snoqualmie ice cream. What I am trying to do here in this bag is highlight a lot of the rural small businesses that are in the area of the district where I live. I live in Maltby. It is kind of an often-forgotten part of our district. It doesn’t actually have a city council or anything representing it other than me, Derek, Shelly, and our county councilmember Sam Lowe. And there are a lot of really great small businesses, and the main one you see in here today is from the Maltby Café, which is a cinnamon bun and people from all around the region actually come to our area specifically to have breakfast at the Maltby Café. And it is one of the things that drives our economy in our local area there. Tom has been a wonderful friend of mine and on any given day, if you show up at the Maltby Café in the morning, you will find all the pillars of our local rural community. All the small business owners have breakfast together at the bar there. It is just a really great meeting place and absolutely wonderful

food. So I hope you enjoy that. There is also a beer from Diamond Knot, which is brewed in Mountlake Terrace which is in the west part of my district. And as I mentioned Snoqualmie ice cream which is in, sorry Mark, which is in the Maltby area. And finally it wouldn’t be a gift from the 1st, and you wouldn’t really have a feel for the 1st, if you didn’t have your own personalized I-405 ETL (Express Toll Lane) ticket for violating the toll lane. So I hope you all enjoy that as well. Thank you very much.”

PERSONAL PRIVILEGE

Senator Mullet: “So I just want everyone in this body to know the progress that Senator Palumbo has made in the last month, because we sat here on January 9th and, I kid you not, a simple noonan from Senator Frockt as he went up and tried to repeat like eight words from a Supreme Court Justice and he completely screwed that whole thing up. Yet today, just one month later, he was able to get through an entire floor speech. Well done.”

PERSONAL PRIVILEGE

Senator Hobbs: “Yes Mr. President I would like to first of all congratulate Senator Palumbo on making it to the Senate. I mean he spent six years trying to get here. So, you know you deserve to be here. A lot of people know that he loves TVW. He watches it all the time, and we know that because, and this is true on the other side of the aisle, many of us have received his text messages constantly telling us, or asking us what’s going on. ‘I can’t wait to get there.’ And so that leads me to another point TVW is really upset now that he no longer watches. Their viewership has dropped by a third. But the good news is, and I just found this out, is that their streaming has been way up since Senator Palumbo can’t help but watch himself constantly. And so thank you for doing that. The good news in all this, is that I won’t, and Senator Fain won’t, and others will not be receiving his annoying text messages about what’s going on here because we are already here at one a.m. or two a.m. from the comfort of your own home. No, Senator Palumbo, you will have to suffer with the rest of us here at one a.m. or two a.m. in ‘the dead of the night’ that Senator Schoesler likes to say a lot. But thank you for coming here and welcome to the Senate.”

PERSONAL PRIVILEGE

Senator Baumgartner: “I just wanted to extend a warm greeting to Senator Palumbo. First of all don’t feel too bad about comments about taking six years to get here. That is far better than some of us who have spent six years trying to leave here. And also, I voted no on your bill. Disappointed that the yoga bill did not make it. That would have been the best freshman bill of all time, so we will work on that one. But I do appreciate your gift and I also never want to lose that sense of appreciation and wonder of some extent of what a privilege it is to be here and I appreciated you in your previous life, your pre-senate life of how much attention you paid to this body. If all of our citizens even did it half as much as you did we would have a better government. So it is great to have you on board.”

PERSONAL PRIVILEGE

Senator Becker: “Thank you, Mr. President. Well I would first of all like to thank Senator Palumbo for this winter ale. It is the biggest bottle of ale I have ever seen. I would also like to ask Mr. President for permission to drink this out of my blue cup

that we were given. And we won't lie. We will tell you that we are drinking it."

REMARKS BY THE PRESIDENT

President Habib: "We will see how bad things get."

PERSONAL PRIVILEGE

Senator Liias: "I would just like to thank Senator Palumbo for handing out beer from my district, from the Diamond Knot Brewing Company in Mukilteo. I think he's mixed the lines up a little bit. I do appreciate his analogy of the Senate as a family. Since you are new I just wanted to clue the Senator in on some of the characters here in the Legislature. We've got the crazy uncle that makes alcohol in his garage, that's Senator Takko. So if you ever need some homemade alcohol, he's the person to talk to. There is that cousin that is like a good lawyer that can give you good legal advice, look at your will, if you have a business, that is Senator Pedersen, so if you have any legal questions just in caucus or on the floor you can bring a will by and he will take a look at it. Then we've got the aunt with an eccentric hobby, that is Senator Becker. She likes to grind rocks and she'll tell you all about it, so if you want to learn about eccentric hobbies she will tell you. And then we've got the grumpy grandpa that really, secretly, deep down loves you and that is Senator King, so when he barks at you it is just because he wants you to stand up straight and do your homework on time, but he really does love you deep down."

REMARKS BY THE PRESIDENT

President Habib: "Then we've got the chatty floor leader who is always trying to get a TVW award with every point of personal privilege."

SECOND READING

SENATE BILL NO. 5207, by Senators Kuderer, Miloscia, Frockt, Zeiger, Hobbs, Keiser, Chase and Hunt

Concerning the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Liias, Nelson, Fain and Takko spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Billig, Ericksen and Van De Wege

SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kuderer: "I just want to tell everyone how happy I am to be here in the Senate, I was actually told when I was over in the House that coming over here would be a bit like a morgue and that I was really going to hate it. So, I thought what kind of gift could I get that would maybe liven the place up a bit, so I did what any well-educated, thinking person would do and I bought a lot of beer. The beer comes from the Bellevue Brewing Company which is in my district. And I know you all think that my district is just Microsoft but it is much, much more than that. And the Bellevue Brewing Company, I am a founding member, though most of you know that I traditionally drink wine, but I do like the occasional craft beer. This place started five years ago with the goal of also donating a good portion of the proceeds to helping children in all aspects of their lives, especially education. I invite you all to come there. You know Senator Baumgartner, We have four different kinds of beer, one of which has a high alcoholic content. Before you came over and said that you were going to hear my bill, I was going to suggest you select that particular bottle and then I was going to ask that you hear my bill. Senator Takko, I better not find the empty in one of the mouths of those animals on your wall or we may end up having to call you Senator Tacky. But I hope that you all enjoy it. There are four different kinds of beer including a citrus beer which I understand is infused with orange and nuts that might appeal to my friends on the other side of the aisle. Sorry I couldn't resist. Anyway, I would also like to invite you all to come to my district and I will personally give you a tour of the Bellevue Brewing Company. I think you will enjoy seeing the district and learning a little more about it and having a cold brew. And if you don't drink, then may I suggest that now might be a good time to start or you can always re-gift it and I am always volunteering to be that person if you like to re-gift. So thank you very much."

PERSONAL PRIVILEGE

Senator Hunt: "I would like to remind, I don't know if you all know it, but when we came over from the House we had to go to the Speaker's office and surrender our GPS chip."

PERSONAL PRIVILEGE

Senator Becker: "Now we have two bottles we can drink out here on the floor. Can we use the glass and the cup now?"

REMARKS BY THE PRESIDENT

President Habib: "We are nearly done Senator, so...Would the Senate please join me in congratulating Senator Kuderer and thanking her for her gift? Welcome to the state Senate."

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The Senate rose in recognition of new senate member, Senator Patty Kuderer.

SECOND READING

SENATE BILL NO. 5069, by Senators Walsh, Frockt, O'Ban, Zeiger, Chase, Hasegawa, Conway and Palumbo

Providing associate degree education to enhance education opportunities and public safety.

MOTIONS

On motion of Senator Walsh, Substitute Senate Bill No. 5069 was substituted for Senate Bill No. 5069 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Substitute Senate Bill No. 5069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Walsh spoke in favor of passage of the bill.

Senators Pedersen, Padden, Fain, Darneille, O'Ban, Liias, Hasegawa and Nelson spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Billig, Eriksen and Van De Wege

SUBSTITUTE SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Walsh: "I just wanted to say that I am so pleased to be aboard this august body. I have been in the House, for twenty-four years prior to this, and, just like the good Senator Hunt, I was a little reluctant to leave a longtime, longstanding family in the House but I am feeling very familial here and I want to thank you all for that. I would also like to correct Senator O'Ban. We also have the best community college in my district in the nation. I will be handing out not sweet onion sausage, not Walla Walla sweet onions, but some delicious wine from Prosser in my district that actually the person, the good Representative in the House who replaced me, this is his winery and his wine and I hope you enjoy it. And, that being said, this august body of the Senate that I had always heard fairly negative things about, well I think they were right. It's kind of like the blind leading the blind. Oh! I'm sorry, Mr. President. Please forgive me."

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President. After twenty years in the Senate, this has probably been one of my best days. I've got a hat, I've got a water bottle, I got liquor. What am I going to do with all this liquor? I don't even drink anymore. My God, this is better than going to the ninth order of business. What a day. I have to say though, as a point of personal privilege is unique to the particular member that stands, as a former member of the Democratic Caucus and a member with the Majority Coalition Caucus I have some unique experiences and we have referred to food here quite a bit through the day and a lot of the gifts are certainly food but the Democratic Caucus has changed quite a bit. Senator Mullet has brought ice cream and pizza to the caucus and that has changed a lot. When I was there we usually had tofu and bean sprouts. They were brought in when there was a tough subject and people were getting cranky and needed something to eat. That was great but of all the gifts we've received today I have to single out one as being an experience that I have had before and is absolutely the best gift and it is right here. This small bar of soap made by Alaffia that Senator Hunt brought us because if you take this in your hand, find your bar of soap, put it to your nose and breathe very deeply. That is what we did in the Democratic Caucus all the time when we had a tough issue. It might be transportation, it might be school funding, but aromatherapy was always the go-to thing to do when you couldn't solve a problem. So when we are working on the McCleary decision this year keep this right on your desk and always think aromatherapy. It'll always solve it."

PERSONAL PRIVILEGE

Senator Liias: "I was just going to encourage the good Senator from the 35th that I hear Senator Rivers is actually bringing aromatherapy into your caucus as well so I think that you guys will be a lot calmer on the floor."

PERSONAL PRIVILEGE

Senator Becker: "I really welcome the kind lady from the 16th District and I am really glad that I have two bottles of beer and a bottle of wine and I am really excited. If you will let us drink it out of this cup on the floor we will never have to worry about anything. Thank you."

PERSONAL PRIVILEGE

Senator Hunt: "Mr. Speaker, Point of Personal Privilege."

REMARKS BY THE PRESIDENT

President Habib: "OOOOOOOh. Again this is why we don't have freshmen haze other freshman."

Senator Hunt: "*Representative* Short asked me to do that. Thank you, *Mr. President.*"

PERSONAL PRIVILEGE

Senator Hunt: "You know I serve on the oral history committee of the legislature and I just wanted to share a little bit of history. I started in this august body as a staffer way back in 1980 when this body was I think, all but one male. And the tradition in those days when you passed your first bill was every member got a cigar. How times have changed!"

REMARKS BY THE PRESIDENT

President Habib: “Would the Senate please join me in thanking Senator Walsh for these gifts from the lovely and highly educated 16th Legislative District and welcome her to the state Senate?”

The Senate rose in recognition of new senate member, Senator Maureen Walsh.

MOTION

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

MESSAGE FROM THE HOUSE

February 15, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1130,

SUBSTITUTE HOUSE BILL NO. 1160,
HOUSE BILL NO. 1182,
HOUSE BILL NO. 1262,
HOUSE BILL NO. 1329,
HOUSE BILL NO. 1337,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

At 12:28 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, February 16, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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THIRTY NINTH DAY**NOON SESSION**Senate Chamber, Olympia
Thursday, February 16, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 2017

SB 5043 Prime Sponsor, Senator Angel: Concerning collection agency transaction fees for processing electronic payments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5043 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules.

February 14, 2017

SB 5066 Prime Sponsor, Senator Miloscia: Concerning state budgeting through zero-based budget reviews. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Conway; Fain; Keiser; Miloscia; Padden; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Darneille and Hasegawa.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5078 Prime Sponsor, Senator Pearson: Concerning impacts from wildlife damage. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senators Van De Wege, Ranking Minority Member and McCoy.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5142 Prime Sponsor, Senator Kuderer: Concerning educational interpreters. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5146 Prime Sponsor, Senator Liias: Allowing public transportation benefit area authorities to use job order contracts and procedure. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5155 Prime Sponsor, Senator Billig: Concerning suspension and expulsion of kindergarten and early elementary school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5183 Prime Sponsor, Senator Rolfes: Concerning career and technical education funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5198 Prime Sponsor, Senator Becker: Concerning fire suppression methodologies. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senators Van De Wege, Ranking Minority Member and McCoy.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5201 Prime Sponsor, Senator O'Ban: Concerning individuals receiving both employment and community access services. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5228 Prime Sponsor, Senator Honeyford: Concerning the definition of hydraulic project in relation to the hydraulic project approval permits. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senators Van De Wege, Ranking Minority Member and McCoy.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5247 Prime Sponsor, Senator Zeiger: Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules.

February 14, 2017

SB 5262 Prime Sponsor, Senator King: Modifying the weight limitation for certain vessels exempt from the pilotage act. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5276 Prime Sponsor, Senator Bailey: Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5276 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5293 Prime Sponsor, Senator Darneille: Concerning court-based and school-based efforts to promote attendance and reduce truancy. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5293 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5318 Prime Sponsor, Senator Hunt: Promoting agriculture science education in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5325 Prime Sponsor, Senator Zeiger: Clarifying the authority of a nurse working in a school setting. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

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Referred to Committee on Rules for second reading.

February 14, 2017

SB 5346 Prime Sponsor, Senator Walsh: Creating a legislative page scholarship program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5348 Prime Sponsor, Senator Fain: Concerning students who receive special education services who earn certificates of individual achievement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5370 Prime Sponsor, Senator Becker: Concerning federal funding programs requiring changes in state law. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget and Keiser.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5384 Prime Sponsor, Senator Fortunato: Concerning the development of cooperative agreements to expand recreational access on privately owned lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senators Van De Wege, Ranking Minority Member and McCoy.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5404 Prime Sponsor, Senator Rivers: Permitting the possession and application of topical sunscreen products at schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5434 Prime Sponsor, Senator Rivers: Concerning the addition of services for long-term placement of mental health patients in community hospitals that voluntarily contract and are certified by the department of social and health services. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5435 Prime Sponsor, Senator Rivers: Specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5443 Prime Sponsor, Senator Brown: Concerning fiscal notes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5456 Prime Sponsor, Senator Braun: Concerning unpaid accounts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

MINORITY recommendation: Do not pass. Signed by Senator Kuderer.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5474 Prime Sponsor, Senator Pearson: Initiating proactive steps to address elk hoof disease. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5485 Prime Sponsor, Senator Billig: Collecting data on hunger in Washington state. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5485 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5512 Prime Sponsor, Senator Becker: Placing state hospitals under the licensing authority of the department of health. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5512 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Padden and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle and Hunt.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5522 Prime Sponsor, Senator Palumbo: Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5546 Prime Sponsor, Senator Hawkins: Concerning proactively addressing wildfire risk by creating a forest health treatment assessment. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5546 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5577 Prime Sponsor, Senator Conway: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5577 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules.

February 14, 2017

SB 5595 Prime Sponsor, Senator Billig: Concerning maintaining the quarterly average census method for calculating state hospital reimbursements. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5605 Prime Sponsor, Senator Walsh: Aligning the office of the superintendent of public instruction's background check authority with that of the department of early learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5605 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5609 Prime Sponsor, Senator Darneille: Addressing resource limitations for public assistance. Reported by Committee on Human Services, Mental Health & Housing

SB 5629 Prime Sponsor, Senator Angel: Creating and establishing the rights and duties for title insurance rating and advisory organizations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5610 Prime Sponsor, Senator Darneille: Addressing the sentencing of juveniles. Reported by Committee on Human Services, Mental Health & Housing

SB 5641 Prime Sponsor, Senator Keiser: Changing nomenclature for first-class and second-class school districts. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MAJORITY recommendation: That Substitute Senate Bill No. 5641 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules.

February 14, 2017

SB 5613 Prime Sponsor, Senator Darneille: Addressing confinement in juvenile rehabilitation facilities for juveniles convicted in adult court. Reported by Committee on Human Services, Mental Health & Housing

SB 5655 Prime Sponsor, Senator Angel: Concerning the delivery of insurance notices and documents by electronic means. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5613 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MAJORITY recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules.

February 14, 2017

SB 5614 Prime Sponsor, Senator Darneille: Concerning diversion agreements and counsel and release agreements. Reported by Committee on Human Services, Mental Health & Housing

SB 5675 Prime Sponsor, Senator Mullet: Addressing the minimum operating requirements and the review of plans necessary to be included in the small business retirement marketplace. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MAJORITY recommendation: That Substitute Senate Bill No. 5675 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

SB 5680 Prime Sponsor, Senator Fain: Simplifying small securities offerings. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

February 14, 2017

SB 5749 Prime Sponsor, Senator Darneille: Concerning paperwork reduction in order to improve the availability of mental health services to protect children and families. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

February 14, 2017

SB 5797 Prime Sponsor, Senator Mullet: Concerning services and processes available when residential real property is abandoned or in foreclosure. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5043; Senate Bill No. 5247; Senate Bill No. 5577; Senate Bill No. 5610; and Senate Bill No. 5613 which were designated to the Committee on Rules and were each referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5826 by Senators Hobbs, Zeiger, O'Ban, Conway and Fain
AN ACT Relating to eligibility for veteran or national guard tuition waivers; and amending RCW 28B.15.621.

Referred to Committee on Higher Education.

SB 5827 by Senators Braun and Rolfes
AN ACT Relating to definitions and reporting requirements for municipalities receiving lodging tax revenues; and amending RCW 67.28.080 and 67.28.1816.

Referred to Committee on Ways & Means.

SB 5828 by Senator Palumbo
AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals; adding a new section to chapter 49.60 RCW; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 42 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SB 5829 by Senators Fain and Keiser
AN ACT Relating to paid family leave; and amending RCW 49.78.010.

Referred to Committee on Commerce, Labor & Sports.

SB 5830 by Senator Chase
AN ACT Relating to sexual violence crime fees; reenacting and amending RCW 43.84.092; adding a new chapter to Title 82 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 5831 by Senator Darneille
AN ACT Relating to assessing the needs of girls and young women concurrently involved in the juvenile justice and child welfare systems; and creating new sections.

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

SB 5832 by Senator Wilson
AN ACT Relating to creating an academic bill of rights; adding a new chapter to Title 28B RCW; creating a new section; and prescribing penalties.

Referred to Committee on Higher Education.

SB 5833 by Senators Honeyford, Frockt and Braun
AN ACT Relating to the minimum retirement allowance under the teachers' retirement system, plan 1; and amending RCW 41.32.4851.

Referred to Committee on Ways & Means.

SB 5834 by Senator Baumgartner
AN ACT Relating to licensing of bonded spirits warehouses; amending RCW 66.24.640; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5835 by Senators Keiser, Baumgartner, Fain, Conway, Cleveland, Rivers, Kuderer, Braun and Rossi
AN ACT Relating to promoting healthy outcomes for pregnant women and infants; amending RCW 74.09.480; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5836 by Senators Fain, Cleveland, Baumgartner, Keiser and Braun
AN ACT Relating to enhancing enforcement of the equal pay act; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SB 5837 by Senators Saldaña, Hawkins, Hobbs and Hasegawa
AN ACT Relating to expanding high occupancy vehicle lane access to blood-collecting or distributing establishment vehicles; and amending RCW 46.61.165 and 47.52.025.

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Referred to Committee on Transportation.

Referred to Committee on State Government.

SB 5838 by Senators Rossi, Kuderer, Palumbo, Braun, Hunt, Fain, O'Ban, Hawkins, Brown, Sheldon, Rivers, Zeiger, Angel, Bailey, Honeyford, Miloscia, Walsh, Wilson, Becker, Warnick, Mullet and Hobbs
AN ACT Relating to the capital construction of and bonding for addressing the facilities maintenance backlog for the state parks and recreation commission; and adding a new chapter to Title 79A RCW.

HB 1182 by Representatives Stokesbary, Ryu, Stambaugh, Pettigrew, Cody, Harris, Sells and Kilduff
AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways & Means.

Referred to Committee on Commerce, Labor & Sports.

SB 839 by Senators Carlyle, Cleveland, Chase, Kuderer, Conway, Darneille, Frockt, Ranker, Saldaña, Rolfes, Hasegawa, Pedersen, McCoy, Takko, Nelson and Hunt
AN ACT Relating to repealing a tax preference for prescription drug warehousing firms to invest in rural and high-need area opioid use disorder treatment and support infrastructures; adding new sections to chapter 70.12 RCW; adding a new section to chapter 82.32 RCW; repealing RCW 82.04.272; and declaring an emergency.

HB 1262 by Representatives McBride, Dye, Peterson, McCabe, Riccelli, Gregerson, Fey, Dolan, Muri and Lovick
AN ACT Relating to accessible parking spaces for people with disabilities; adding a new section to chapter 19.27 RCW; and providing an effective date.

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

Referred to Committee on Transportation.

SJR 8206 by Senators Braun, Takko, Pearson, Fortunato, Schoesler and Bailey
Amending the Constitution to preserve the right to hunt and fish.

HB 1329 by Representatives McCabe, Sells and Young
AN ACT Relating to monetary penalties imposed for infractions relating to mobile and manufactured home installation; amending RCW 43.22A.190; and prescribing penalties.

Referred to Committee on Natural Resources & Parks.

Referred to Committee on Commerce, Labor & Sports.

SHB 1130 by House Committee on Higher Education (originally sponsored by Representatives Haler, Pollet and Ryu)
AN ACT Relating to making the customized training program permanent; amending RCW 28B.67.020 and 28B.67.030; repealing RCW 28B.67.902; providing an effective date; and declaring an emergency.

HB 1337 by Representatives Riccelli, Harris, Cody, Jinkins, Tharinger, Robinson, Goodman, Ormsby and Ortiz-Self
AN ACT Relating to the interstate medical licensure compact; amending RCW 43.70.250; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

Referred to Committee on Health Care.

MOTION

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

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, February 17, 2017.

CYRUS HABIB, President of the Senate

SHB 1160 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Springer, Kilduff and Pollet)
AN ACT Relating to recommendations of the sunshine committee; amending RCW 42.56.250; reenacting and amending RCW 42.56.230 and 42.56.270; adding a new section to chapter 42.56 RCW; and repealing RCW 39.26.030.

HUNTER G. GOODMAN, Secretary of the Senate

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, February 17, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Fain, and without objection, the Standing Committees were granted special leave to meet during the day's floor session.

MOTION

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

MESSAGE FROM THE HOUSE

February 16, 2017

MR. PRESIDENT:
The House has passed:

HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1209,
HOUSE BILL NO. 1615,
HOUSE BILL NO. 1718,
SUBSTITUTE HOUSE BILL NO. 1738,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5840 by Senator Palumbo
AN ACT Relating to simplifying business and occupation tax administration; amending RCW 82.32.045; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.4451; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5841 by Senator Cleveland
AN ACT Relating to worker safety on roadways and roadsides; amending RCW 46.61.100, 46.61.212, 46.61.215, and 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

SB 5842 by Senator Kuderer
AN ACT Relating to the Washington toxic horsemeat prevention act.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SB 5843 by Senators Schoesler and Nelson
AN ACT Relating to authorizing waivers of legislative mailing restrictions in response to manifest error; amending RCW 42.52.185; and declaring an emergency.

Referred to Committee on State Government.

HB 1071 by Representatives Kirby and Vick
AN ACT Relating to repealing an expiration date for legislation enacted in 2015 regarding pawnbroker fees and interest rates; and repealing 2015 c 294 s 2 (uncodified).

Referred to Committee on Financial Institutions & Insurance.

SHB 1209 by House Committee on Business & Financial Services (originally sponsored by Representatives Bergquist, Vick, Kirby, J. Walsh and Blake)
AN ACT Relating to municipal access to local financial services; amending RCW 39.58.010 and 39.58.105; and repealing RCW 39.58.240.

Referred to Committee on Financial Institutions & Insurance.

HB 1615 by Representatives Kloba, Clibborn, Rodne, Doglio, Stanford and Jinkins
AN ACT Relating to relocation assistance for persons displaced by agency property acquisitions; and amending RCW 8.26.035, 8.26.045, and 8.26.055.

Referred to Committee on Transportation.

HB 1718 by Representatives Jenkin, Kirby, Barkis, Vick, Stanford, Nealey, Springer, Fey and Condotta
AN ACT Relating to creating a special permit for certain wine auctions; and reenacting and amending RCW 66.20.010.

Referred to Committee on Commerce, Labor & Sports.

SHB 1738 by House Committee on Environment (originally sponsored by Representatives Doglio, Jenkin and Tarleton)
AN ACT Relating to continuing to protect water quality by aligning state brake friction material restrictions with the requirements of a similar nationwide agreement; and amending RCW 70.285.030, 70.285.050, and 70.285.100.

Referred to Committee on Energy, Environment & Telecommunications.

FORTIETH DAY, FEBRUARY 17, 2017

2017 REGULAR SESSION

MOTION

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

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8618

By Senator O'Ban

WHEREAS, The United States of America was founded on the principles embodied in our Declaration of Independence: That all men are created equal and endowed by their creator with certain unalienable rights, including life, liberty, and the pursuit of happiness; and

WHEREAS, The purpose of government, as defined by our Declaration, is to secure these rights; and

WHEREAS, Black Americans were denied these rights by the practice of slavery, starting in 1619 when the first African immigrants were brought in captivity to Jamestown, Virginia; and

WHEREAS, In order to create a union of United States, compromises were made by the colonies and slavery continued to deny black Americans their individual rights and dignity, split families, and debase the American values enshrined in the Declaration; and

WHEREAS, The abolitionist sentiments that were present at the founding of the country multiplied under the influence of the American spiritual revival of the 1820s known as the second great awakening, leading to the creation of religious organizations dedicated to changing culture and law in order to bring about emancipation; and

WHEREAS, Despite violent threats and actions against them, these abolitionist organizations continued exercising their religious freedoms and rights of conscience; uniting freedmen, former slaves, women, and white abolitionists in the anti-slavery cause; and

WHEREAS, Abraham Lincoln was nominated by his new party as their nominee for president in 1860; and

WHEREAS, President Abraham Lincoln, whose direct influence on and connection to Washington state was noted in Senate Resolution 8623 in February of 2009, refused to allow further expansion of slavery or the dissolution of the union; and

WHEREAS, An eighth of our population was in bondage and that bondage was concentrated in the southern part of the United States, and fierce interests sought to strengthen, perpetuate, and extend this interest slavery even at the cost of a civil war; and

WHEREAS, In 1863, when confronted with rebellion, President Lincoln issued the Emancipation Proclamation as a wartime measure to free slaves in rebel territory, and acted upon his belief that a "government cannot endure, permanently half slave and half free" by urging his party in 1864 to approve a platform that read in part, "the principles of Republican Government, justice and the National safety demand its slavery's utter and complete extirpation from the soil of the Republic; and

WHEREAS, In order to ensure the sacrifices of the Union would not be in vain, and that the nation would resolve the issue

of slavery once and for all in favor of emancipation, President Lincoln worked tirelessly to ensure the passage of the 13th Amendment to the Constitution of the United States, which abolished slavery forever in the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 152nd anniversary of the Congress of the United States passing the 13th Amendment on January 31, 1865, and celebrate this milestone on the path to the realization of the principle expressed in the Declaration that "all men are created equal."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8619

By Senator O'Ban

WHEREAS, The institution of slavery denied men and women of color basic rights enshrined in our nation's founding document, the Declaration of Independence; and

WHEREAS, Controversy over slavery resulted in the bloodiest war in U.S. history, resulting in the deaths of an estimated 2.5 percent of the population or 504 deaths for every day of the war; and

WHEREAS, In an effort to guarantee the union would be preserved, its sacrifices would not be in vain, and that slavery would never taint or divide the nation again, President Abraham Lincoln issued the Emancipation Proclamation in 1863 and fought tirelessly and strategically for the passage of the 13th Amendment to the U.S. Constitution, which banned slavery from the United States forever; and

WHEREAS, The assassination of Abraham Lincoln brought to the presidency Vice President Andrew Johnson, who lacked commitment to the civil rights of the former slaves of the South; and

WHEREAS, President Johnson failed to stand up to efforts within the former confederacy to repress the rights of black Americans through the enactment of "Black Codes" and other discriminatory legislation and practices; and

WHEREAS, Congressional leadership forced a reconstruction agenda that expanded civil rights and the promise of a more equal union; and

WHEREAS, The agenda of that era included the ratification of the 13th, 14th, and 15th Amendments to the U.S. Constitution, which abolished slavery, ensured the citizenship of former slaves, guaranteed equal protection under the law, and proclaimed the right of citizens to vote regardless of race, color, or previous condition of servitude; and

WHEREAS, Over the objections of President Johnson, Congress passed a series of Reconstruction Acts in an attempt to build a more equal union; and

WHEREAS, The Reconstruction era led to numerous historic elections within the United States including more than 1,500 African-American officeholders, including fourteen members of Congress, six lieutenant governors, and more than six hundred state legislators throughout the south; and

WHEREAS, The Reconstruction era led to the election of the first African-American member of Congress, Joseph Hayne Rainey, who served with distinction for the state of South Carolina, fought for civil rights and against the terrorist violence of the Ku Klux Klan, and became the first African-American to preside over the United States House of Representatives by stepping in for Speaker James G. Blaine in April of 1874; and

WHEREAS, Also among the notable individuals elected were Hiram Revels of Mississippi, a veteran of the Civil War who became the first African-American senator in 1870; and Blanche K. Bruce, a former sheriff and sergeant at arms for the Mississippi State Senate, who became the second African-American elected to the U.S. Senate in 1874; men whose accomplishments are even more remarkable considering that since then, no African-American man or woman has represented a southern state in the U.S. Senate until 2013 when Tim Scott was elected in South Carolina; and

WHEREAS, The Reconstruction era is a key chapter to understanding the story of freedom for all Americans in the United States and is essential to the understanding of the story of freedom for African-Americans in particular; and

WHEREAS, The Reconstruction era was cut short by the compromised election of 1878, and the failure to follow through and ensure the success and continuation of Reconstruction era civil rights efforts diminished the progress of racial equality for the next one hundred years; and

WHEREAS, The flame of hope from the Reconstruction era faded but never died and was carried by later champions of freedom until it blazed again in the challenge of Dr. Martin Luther King Jr., who called upon the nation to honor the "promissory note" in the "words of the Constitution and the Declaration of Independence," and would culminate in an end to segregation and state-sanctioned discrimination;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 150th anniversary of the passage of the First Reconstruction Act, which passed over President Johnson's veto on March 2, 1867.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

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

MOTION

At 10:03 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of receiving reports of the standing committees later in the day pursuant to Senate Concurrent Resolution No. 8400.

AFTERNOON SESSION

The Senate was called to order at 3:01 p.m. by President Habib.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 16, 2017

SB 5029 Prime Sponsor, Senator Padden: Creating a criminal no-contact order for human trafficking and promoting

prostitution-related offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5041 Prime Sponsor, Senator Baumgartner: Concerning consumer protections for military service members on active duty. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5064 Prime Sponsor, Senator Fain: Concerning freedom of expression rights of students at public schools and institutions of higher education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5073 Prime Sponsor, Senator Frockt: Concerning recommendations from the joint legislative task force on the use of deadly force in community policing. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5073 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel and Wilson.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5094 Prime Sponsor, Senator Palumbo: Preventing breed-based dog regulations. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5094 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Palumbo and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Takko, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5120 Prime Sponsor, Senator Carlyle: Concerning employment after public service in state government. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Kuderer and Pearson.

MINORITY recommendation: Do not pass. Signed by Senator Hunt, Ranking Minority Member.

Referred to Committee on Rules.

February 16, 2017

SB 5132 Prime Sponsor, Senator Rivers: Expanding the powers of liquor enforcement officers. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5145 Prime Sponsor, Senator Lias: Equalizing differences in the distillery and winery industries by authorizing certain sales of spirits carrying a private label exclusive to a restaurant or private club that is a licensed spirits retailer. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; King; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5165 Prime Sponsor, Senator Ericksen: Concerning snack bar licenses. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; King; Rossi; Saldaña and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

SB 5174 Prime Sponsor, Senator Angel: Amending the consumer protection act to prohibit labor organizations from engaging in unfair or deceptive acts or practices. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5196 Prime Sponsor, Senator Warnick: Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; Pearson; Short; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member and McCoy.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5208 Prime Sponsor, Senator Warnick: Creating the Washington rural jobs act. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; Pearson; Short; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member and McCoy.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5222 Prime Sponsor, Senator Hasegawa: Requiring prime contractors to bond the subcontractors portion of retainage upon request. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5223 Prime Sponsor, Senator Miloscia: Concerning safe injection sites in Washington state. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5223 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5233 Prime Sponsor, Senator Mullet: Concerning the employee status of language translators and interpreters. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5233 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5238 Prime Sponsor, Senator Warnick: Requiring that cursive writing be taught in common schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5256 Prime Sponsor, Senator Fain: Concerning sexual assault protection orders. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5258 Prime Sponsor, Senator Zeiger: Creating the Washington academic, innovation, and mentoring (AIM) program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5258 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Mullet; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Ranking Minority Member.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5259 Prime Sponsor, Senator Rivers: Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Bailey; Conway; Fain; Miloscia; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Kuderer; Keiser and O'Ban.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5272 Prime Sponsor, Senator Saldaña: Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5272 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5280 Prime Sponsor, Senator Honeyford: Making crimes and threats against persons because of their occupation as a law enforcement officer a hate crime. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5283 Prime Sponsor, Senator Warnick: Concerning the calculation of years of service for educational staff associate positions for salary allocation purposes. Reported by Committee on Early Learning & K-12 Education

FORTIETH DAY, FEBRUARY 17, 2017

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MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5284 Prime Sponsor, Senator Carlyle: Addressing the oversight and regulation of marijuana. Reported by Committee on Commerce, Labor & Sports

February 15, 2017

SB 5339 Prime Sponsor, Senator O'Ban: Accommodating the civil rights of religious objectors to mandatory payments to labor organizations. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5284 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; King; Rossi; Saldaña and Wilson.

MAJORITY recommendation: That Substitute Senate Bill No. 5339 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5294 Prime Sponsor, Senator Padden: Concerning the department of corrections. Reported by Committee on Law & Justice

February 16, 2017

SB 5340 Prime Sponsor, Senator Keiser: Concerning class B elevator work permits. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5294 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5305 Prime Sponsor, Senator O'Ban: Supporting access to state recreation lands by disabled veterans. Reported by Committee on Natural Resources & Parks

February 16, 2017

SB 5353 Prime Sponsor, Senator Rivers: Concerning foundational public health services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5322 Prime Sponsor, Senator King: Concerning agreements between dentists and third parties that provide supportive services to dentists. Reported by Committee on Health Care

February 16, 2017

SB 5356 Prime Sponsor, Senator Fain: Concerning the humane treatment of dogs. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Baumgartner; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MAJORITY recommendation: That Substitute Senate Bill No. 5356 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5337 Prime Sponsor, Senator Miloscia: Modifying declaration of candidacy provisions. Reported by Committee on State Government

February 17, 2017

SB 5359 Prime Sponsor, Senator Conway: Requiring annual reporting on the implementation of laws to streamline licensing processes for military service members and their spouses. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5362 Prime Sponsor, Senator Braun: Providing an exemption from unemployment compensation for certain providers of commercial transportation services. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5367 Prime Sponsor, Senator Becker: Modifying the pupil transportation funding formula to address underfunded school districts that operate pupil transportation efficiently. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5368 Prime Sponsor, Senator Becker: Limiting the authority to seek medicaid waivers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Bailey; Baumgartner; Fain; Miloscia; O'Ban and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland, Ranking Minority Member; Kuderer; Conway; Keiser and Mullet.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5371 Prime Sponsor, Senator Becker: Protecting public sector workers' rights through public disclosure of public sector unions' finances. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5372 Prime Sponsor, Senator Becker: Addressing state audit findings of noncompliance with state law. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5391 Prime Sponsor, Senator Zeiger: Clarifying the powers, duties, and functions of the department of veterans affairs. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5398 Prime Sponsor, Senator Miloscia: Concerning modification of precinct and district boundary lines. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5398 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5405 Prime Sponsor, Senator Wilson: Requiring protection for occupants of national guard facilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5426 Prime Sponsor, Senator Warnick: Increasing the number of tasting rooms allowed under a domestic winery license. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5426 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

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SB 5449 Prime Sponsor, Senator Liias: Concerning digital citizenship, media literacy, and internet safety in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5455 Prime Sponsor, Senator Miloscia: Concerning statewide cybersecurity performance. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5455 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5460 Prime Sponsor, Senator Keiser: Extending the redetermination timeline regarding appeals to the department of labor and industries. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senator Braun, Vice Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5461 Prime Sponsor, Senator Rolfes: Authorizing the disestablishment of paternity responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5465 Prime Sponsor, Senator Miloscia: Creating an office of the corrections ombuds. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5471 Prime Sponsor, Senator Rivers: Concerning the reimbursement rate primary care providers receive to participate in medicaid. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5471 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5472 Prime Sponsor, Senator Pearson: Requiring ballot drop boxes in all communities. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5479 Prime Sponsor, Senator Saldaña: Establishing a shared parental leave program. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5481 Prime Sponsor, Senator Cleveland: Requiring the insurance commissioner to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and breast prostheses. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Baumgartner; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5487 Prime Sponsor, Senator Zeiger: Allowing retired teachers to be employed as mentors. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5487 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5488 Prime Sponsor, Senator Zeiger: Changing the annual reporting date for the transitional bilingual instruction program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5489 Prime Sponsor, Senator Zeiger: Aligning definitions relating to the transitional bilingual instruction program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5498 Prime Sponsor, Senator O'Ban: Creating the department of children, youth, and families. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5498 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5500 Prime Sponsor, Senator Honeyford: Concerning the state building code council. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do

pass. Signed by Senators Short, Chair; Angel, Vice Chair and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Takko, Ranking Minority Member and Palumbo.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5506 Prime Sponsor, Senator Zeiger: Concerning the transfer of firearms at nonprofit fund-raising activities. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5515 Prime Sponsor, Senator Warnick: Encouraging job creation and retention in rural economies through the transparent and accountable provision of targeted tax relief for silicon smelters. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson; Short; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wellman.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5518 Prime Sponsor, Senator Miloscia: Requiring fair reimbursement for chiropractic services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain and Mullet.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5523 Prime Sponsor, Senator Fortunato: Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

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Referred to Committee on Rules for second reading.

February 16, 2017

SB 5529 Prime Sponsor, Senator Rolfes: Concerning dual language in early learning and K-12 education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5530 Prime Sponsor, Senator Baumgartner: Concerning labor standards for employees in certain counties. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5532 Prime Sponsor, Senator Baumgartner: Concerning labor standards for employees of nonprofit corporations. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5533 Prime Sponsor, Senator Rossi: Prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5537 Prime Sponsor, Senator King: Authorizing licensed spirits and wine distributors to sell spirits and wine

products to their employees in certain circumstances. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5540 Prime Sponsor, Senator Walsh: Creating an oral health pilot program for adults with diabetes and pregnant women. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5541 Prime Sponsor, Senator Baumgartner: Addressing teen wages. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5545 Prime Sponsor, Senator Wilson: Requiring public employee collective bargaining sessions to be open meetings. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser, Ranking Minority Member.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5547 Prime Sponsor, Senator Rolfes: Concerning the confidentiality of educator professional growth plans. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5550 Prime Sponsor, Senator Rossi: Authorizing state agencies and institutions of higher education to contract for services. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules.

February 15, 2017

SB 5551 Prime Sponsor, Senator Rossi: Requiring periodic certification elections for labor unions representing public employees. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5554 Prime Sponsor, Senator Hobbs: Addressing private health plan coverage of contraceptives. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Miloscia and O'Ban.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5558 Prime Sponsor, Senator Darneille: Issuing a two-year identicard for offenders released from prison facilities. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do

pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Transportation.

February 14, 2017

SB 5559 Prime Sponsor, Senator Darneille: Implementing a vulnerable youth guardianship program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5559 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules.

February 15, 2017

SB 5560 Prime Sponsor, Senator Brown: Creating a special permit for certain wine auctions. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5560 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5565 Prime Sponsor, Senator Warnick: Concerning employment laws regarding transportation contractors, including the definition of "truck." Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5565 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5569 Prime Sponsor, Senator Angel: Concerning protected classes in housing. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

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Referred to Committee on Rules for second reading.

February 17, 2017

SB 5572 Prime Sponsor, Senator Hunt: Providing oversight of the state procurement and contracting for information technology goods and services. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member and Pearson.

MINORITY recommendation: Do not pass. Signed by Senator Kuderer.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5573 Prime Sponsor, Senator McCoy: Increasing membership of the state interoperability executive committee in order to foster interoperability. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5574 Prime Sponsor, Senator Keiser: Concerning the maintenance and disclosure of health care declarations. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Fain; Keiser; Miloscia; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Bailey; Conway and O'Ban.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5578 Prime Sponsor, Senator Pearson: Concerning the release of sex offender information. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5578 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Frockt and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Darneille.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5582 Prime Sponsor, Senator Honeyford: Clarifying the limited authority of gambling commission officers. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; King; Rossi; Saldaña and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5583 Prime Sponsor, Senator Baumgartner: Concerning rules and policies of the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Conway; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Hasegawa; King and Saldaña.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5584 Prime Sponsor, Senator Baumgartner: Concerning college and university presidents. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair and Baumgartner.

MINORITY recommendation: Do not pass. Signed by Senator Frockt.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5589 Prime Sponsor, Senator Keiser: Concerning distillery promotional items and spirit sample sales. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5589 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; King; Rossi; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5594 Prime Sponsor, Senator Keiser: Concerning transition services for people with developmental disabilities. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5601 Prime Sponsor, Senator Darneille: Concerning teachers' postretirement employment options. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5612 Prime Sponsor, Senator Padden: Concerning the death investigations account. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5616 Prime Sponsor, Senator Fortunato: Limiting the enforcement of administrative rules and policies. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules.

February 14, 2017

SB 5618 Prime Sponsor, Senator Darneille: Concerning arrest of sixteen and seventeen year olds for domestic violence assault. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5618 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5621 Prime Sponsor, Senator Brown: Concerning projects of statewide significance for economic development and transportation. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson and Short.

MINORITY recommendation: Do not pass. Signed by Senators Wellman; McCoy and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Takko.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5624 Prime Sponsor, Senator Hasegawa: Concerning transparency in retail electrical customer billing. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5632 Prime Sponsor, Senator O'Ban: Modifying organized retail theft provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member and Darneille.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5633 Prime Sponsor, Senator Palumbo: Changing the definition of theft. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5633 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5634 Prime Sponsor, Senator Padden: Concerning aggregating counts of retail theft with special circumstances. Reported by Committee on Law & Justice

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MAJORITY recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5635 Prime Sponsor, Senator Padden: Concerning retail theft with special circumstances. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5638 Prime Sponsor, Senator Becker: Exempting certain skilled nursing facilities from certificate of need requirements for the addition of beds for a limited period of time. Reported by Committee on Health Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5639 Prime Sponsor, Senator Conway: Concerning alternative student assessments. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5640 Prime Sponsor, Senator Conway: Concerning technical college diploma programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5642 Prime Sponsor, Senator Brown: Concerning a pilot program that provides incentives for investments in Washington state job creation and economic development. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; Pearson; Short; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member and McCoy.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5643 Prime Sponsor, Senator Wellman: Concerning lead-based paint certification fees. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Brown; Honeyford and Short.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5645 Prime Sponsor, Senator Honeyford: Addressing incumbent officeholder withdrawal of candidacy provisions. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5645 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5646 Prime Sponsor, Senator Honeyford: Concerning services provided by residential habilitation centers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Baumgartner; Conway; Keiser; Miloscia; Mullet and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Fain.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5647 Prime Sponsor, Senator Honeyford: Creating a low-income home rehabilitation revolving loan program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Padden and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle and Hunt.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5651 Prime Sponsor, Senator Conway: Concerning the siting of schools and school facilities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5651 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Mullet; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5652 Prime Sponsor, Senator Angel: Concerning actions by the boundary review board. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5657 Prime Sponsor, Senator Miloscia: Concerning the hosting of the homeless by religious organizations. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5657 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5660 Prime Sponsor, Senator Hunt: Removing references to specific nonoperational historical facilities from state statute. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5662 Prime Sponsor, Senator Zeiger: Authorizing the superintendent of public instruction to designate a member of the professional educator standards board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5665 Prime Sponsor, Senator Wilson: Concerning the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5670 Prime Sponsor, Senator Braun: Requiring notice to state fund employers for certain workers' compensation third-party settlements. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5670 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5671 Prime Sponsor, Senator Fortunato: Simplifying the process for bona fide charitable and nonprofit organization to engage in activities and social pastimes, and raise funds for their authorized purposes. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Ranking Minority Member; Conway and Hasegawa.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5672 Prime Sponsor, Senator Hunt: Concerning the enforcement of parking rules and regulations and adjudication of parking infractions on the state capitol grounds. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member and Kuderer.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson.

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Referred to Committee on Rules.

February 16, 2017

SB 5676 Prime Sponsor, Senator Takko: Clarifying public defense fund distributions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules.

February 16, 2017

SB 5679 Prime Sponsor, Senator Warnick: Concerning the authority of port districts to provide telecommunications services. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass. Signed by Senators Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5683 Prime Sponsor, Senator Saldaña: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Baumgartner; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5684 Prime Sponsor, Senator Palumbo: Creating the higher education infrastructure investment program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5684 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

MINORITY recommendation: Do not pass. Signed by Senator Baumgartner.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5688 Prime Sponsor, Senator Rivers: Concerning the temporary sale of liquor at special events. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser, Ranking Minority Member.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5691 Prime Sponsor, Senator Bailey: Modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5695 Prime Sponsor, Senator Darneille: Concerning the development of a juvenile special sex offender disposition alternative treatment court. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5696 Prime Sponsor, Senator Wellman: Concerning breakfast after the bell programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5696 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Rules.

February 16, 2017

SB 5703 Prime Sponsor, Senator Padden: Establishing a special allegation for habitual property offenders. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel; Frockt and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member and Darneille.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5705 Prime Sponsor, Senator Becker: Concerning inspection and review of state contracted behavioral health and recovery agencies. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Padden and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle and Hunt.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5706 Prime Sponsor, Senator Becker: Addressing parent-initiated behavioral health treatment for children aged thirteen to seventeen years old. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5706 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Padden and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle and Hunt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5712 Prime Sponsor, Senator Zeiger: Developing a bilingual educational workforce. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5713 Prime Sponsor, Senator Palumbo: Creating the skilled worker outreach, recruitment, and key training program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

February 15, 2017

SB 5719 Prime Sponsor, Senator Baumgartner: Creating a labor and industries ombuds within the department of commerce. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5720 Prime Sponsor, Senator Hawkins: Addressing the payment of production-based compensation wages for the employment and use of labor in agricultural activities and in the production, handling, and storage of farm products. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson and Short.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member; Wellman; McCoy and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Takko.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5721 Prime Sponsor, Senator Padden: Requiring the Washington state bar association to obtain an affirmative vote prior to increasing bar dues for membership. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5725 Prime Sponsor, Senator Hasegawa: Concerning the mitigation of public facilities in certain cities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5729 Prime Sponsor, Senator Liias: Concerning legislative technology. Reported by Committee on State Government

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MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5731 Prime Sponsor, Senator Chase: Requiring acceptance of additional high school equivalency tests. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair and Baumgartner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5732 Prime Sponsor, Senator Hasegawa: Concerning funding of industrial hemp research. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Ways & Means.

February 17, 2017

SB 5734 Prime Sponsor, Senator Chase: Bringing Washington state government contracting provisions into compliance with federal law as it relates to small works bonding requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5742 Prime Sponsor, Senator Palumbo: Concerning working connections child care eligibility for applicants or consumers enrolled in programs that will lead to a baccalaureate degree. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darnelle, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5743 Prime Sponsor, Senator Conway: Addressing maximum penalties under the Washington industrial safety and

health act. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Vice Chair and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5744 Prime Sponsor, Senator Kuderer: Addressing prescription coverage and the use of mail order service. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5744 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair and Baumgartner.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5745 Prime Sponsor, Senator Kuderer: Addressing contaminated drinking water stemming from the lead content in drinking water infrastructure, including pipes, connections, and fixtures. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs; Ranker and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown; Honeyford and Short.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5750 Prime Sponsor, Senator Warnick: Concerning livestock inspection. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson and Takko.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member; Wellman; McCoy and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Short.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5751 Prime Sponsor, Senator Schoesler: Concerning personnel requirements for municipal ambulance services. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5754 Prime Sponsor, Senator Short: Concerning the management of noxious weeds on state lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5755 Prime Sponsor, Senator Short: Simplifying the population growth criteria for planning required by the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5758 Prime Sponsor, Senator Rivers: Increasing college and career readiness and graduation rates in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5758 be substituted therefor, and the substitute bill do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5761 Prime Sponsor, Senator McCoy: Exempting certain confidential fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member and Fortunato.

MINORITY recommendation: Do not pass. Signed by Senator McCoy.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5763 Prime Sponsor, Senator Warnick: Implementing recommendations from the children's mental health work group. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5764 Prime Sponsor, Senator Wellman: Concerning higher education records. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

MINORITY recommendation: Do not pass. Signed by Senator Baumgartner.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5769 Prime Sponsor, Senator Padden: Concerning coroner inquest procedures. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5769 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5770 Prime Sponsor, Senator McCoy: Concerning transfer of jurisdiction from a tribe in dependency cases involving Indian children. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice

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Referred to Committee on Rules for second reading.

February 15, 2017

SB 5777 Prime Sponsor, Senator Brown: Improving the business climate in this state by simplifying the administration of municipal general business licenses. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5777 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5778 Prime Sponsor, Senator Wilson: Modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

February 15, 2017

SB 5779 Prime Sponsor, Senator Brown: Concerning behavioral health integration in primary care. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5779 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5781 Prime Sponsor, Senator Fortunato: Concerning special occasion and banquet provisions for charitable or nonprofit organizations. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: That Substitute Senate Bill No. 5781 be substituted therefor, and the substitute bill do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

SB 5782 Prime Sponsor, Senator Rivers: Restricting the use of step therapy by public and private insurers for drugs used in mental health treatment. Reported by Committee on Health Care

MAJORITY recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Bailey; Conway; Fain; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Ranking Minority Member; Kuderer and Keiser.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5788 Prime Sponsor, Senator Brown: Concerning construction contracts. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5789 Prime Sponsor, Senator Bailey: Considering the full hydrologic cycle in the review and approval process of new water uses. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5789 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson and Short.

MINORITY recommendation: Do not pass. Signed by Senator Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Takko.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5790 Prime Sponsor, Senator Short: Concerning the economic development element of the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5790 be substituted therefor, and the substitute bill do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5791 Prime Sponsor, Senator Braun: Improving the accountability and efficiency of the public disclosure commission's operations and requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5792 Prime Sponsor, Senator Baumgartner: Relating to creating the designation of a national basketball association franchise facility as a project of statewide significance act of 2017. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Rossi; Saldaña and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator King.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5793 Prime Sponsor, Senator Warnick: Concerning an assessment on cattle. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Brown; Honeyford; Pearson and Takko.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member; Wellman; McCoy; Short and Van De Wege.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5796 Prime Sponsor, Senator Zeiger: Concerning written correspondence regarding ethics complaints. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5798 Prime Sponsor, Senator Braun: Changing rule-making requirements to require a yearly expiration. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 5798 be substituted therefor, and the substitute bill do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair and Pearson.

MINORITY recommendation: Do not pass. Signed by Senators Hunt, Ranking Minority Member and Kuderer.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5800 Prime Sponsor, Senator Baumgartner: Concerning obligations of mental health professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Bailey; Baumgartner; Fain; Mullet and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Kuderer; Conway; Keiser and Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5808 Prime Sponsor, Senator Warnick: Concerning agritourism. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5808 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnick, Chair; Brown; Honeyford; Pearson; Short and Takko.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Minority Member; Wellman and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator McCoy.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5810 Prime Sponsor, Senator Padden: Adding attempted murder to the list of offenses that may be prosecuted at any time after their commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5813 Prime Sponsor, Senator Padden: Concerning crimes against minors. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

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Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair and Baumgartner.

February 16, 2017

SB 5820 Prime Sponsor, Senator Wilson: Concerning financial aid at institutions of higher education. Reported by Committee on Higher Education

MINORITY recommendation: Do not pass. Signed by Senator Palumbo, Ranking Minority Member.

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair and Baumgartner.

MINORITY recommendation: Do not pass. Signed by Senators Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Ways & Means.

Referred to Committee on Rules.

February 16, 2017

SB 5822 Prime Sponsor, Senator Baumgartner: Improving workers' compensation system costs and administration and worker outcomes through modification of procedures for claims to self-insureds, clarification of recovery in third-party legal actions, clarification of occupational disease claims, and lowering age barriers for structured settlements. Reported by Committee on Commerce, Labor & SportsSB 5834 Prime Sponsor, Senator Baumgartner: Concerning the licensing of bonded spirits warehouses. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

February 16, 2017

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

SB 5835 Prime Sponsor, Senator Keiser: Promoting healthy outcomes for pregnant women and infants. Reported by Committee on Commerce, Labor & Sports

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Ways & Means.

Referred to Committee on Rules for second reading.

February 16, 2017

SB 5826 Prime Sponsor, Senator Hobbs: Concerning eligibility for veteran or national guard tuition waivers. Reported by Committee on Higher EducationSB 5836 Prime Sponsor, Senator Fain: Enhancing enforcement of the equal pay act. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Baumgartner.

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 17, 2017

SB 5829 Prime Sponsor, Senator Fain: Addressing paid family leave. Reported by Committee on Commerce, Labor & SportsSB 5843 Prime Sponsor, Senator Schoesler: Authorizing waivers of legislative mailing restrictions in response to manifest error. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Braun, Vice Chair.

Referred to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 16, 2017

SB 5832 Prime Sponsor, Senator Wilson: Creating an academic bill of rights. Reported by Committee on Higher EducationSJM 8009 Prime Sponsor, Senator Chase: Requesting Congress to provide the National Oceanic and Atmospheric Administration Fisheries with sufficient resources to expedite its endangered species act and national environmental policy act review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration Fisheries prioritize and conduct immediate review and approval of Puget Sound hatchery and genetic management plans. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Fortunato and McCoy.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege, Ranking Minority Member.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Senate Bill No. 5120; Senate

Bill No. 5550; Senate Bill No. 5559; Senate Bill No. 5616; Senate Bill No. 5672; Senate Bill No. 5676; Senate Bill No. 5696; and Senate Bill No. 5832 which were designated to the Committee on Rules and all referred to the Committee on Ways & Means.

MOTION

At 3:02 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Monday, February 20, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY THIRD DAY, FEBRUARY 20, 2017

2017 REGULAR SESSION

FORTY THIRD DAY**NOON SESSION**Senate Chamber, Olympia
Monday, February 20, 2017

The Senate was called to order at 12:03 p.m. by the President of the Senate, Lt. Governor Habib presiding.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5079,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING**SB 5844** by Senator Braun

AN ACT Relating to adopting citizen commission 2016 recommendations and making adjustments to the commission's review process; amending RCW 82.04.240, 43.136.045, and 43.136.055; creating new sections; repealing RCW 82.08.965, 82.12.965, 84.36.645, 82.04.448, 82.08.970, 82.12.970, 82.04.426, and 82.32.790; and repealing 2010 c 114 s 104 and 2003 c 149 s 3.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

The Senate was called to order at 12:23 p.m. by President Habib. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators, Baumgartner, Ericksen, Hobbs and Padden.

The Sergeant at Arms Color Guard consisting of Pages Miss Catherine Rolfes and Mr. Caleb Sagert, presented the Colors. Miss Emily McDougall led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Elizabeth Sorensen of Full Gospel Christian Center, Edgewood.

MOTION

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

SECOND READING

SENATE BILL NO. 5034, by Senators Rivers, Takko and Dinsel

Concerning local government financial reports.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

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

Absent: Senators Baumgartner, Hobbs and Padden

Excused: Senator Ericksen

SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Saldaña, Senator Hobbs was excused.

MOTION

On motion of Senator Bailey, Senators Baumgartner and Padden were excused.

SECOND READING

SENATE BILL NO. 5162, by Senators McCoy, Sheldon, Rolfes, Takko and Chase

Creating the wastewater treatment plant operator certification account.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 5162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5162.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5162 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Baumgartner, Ericksen, Hobbs and Padden

SENATE BILL NO. 5162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5315, by Senators King, Baumgartner, Hawkins, Hobbs, Fortunato and Pearson

Concerning home site leases on lands managed by the department of natural resources.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner, Ericksen and Hobbs

SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8620

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

WHEREAS, Children hold a special place in our lives. Raising happy, healthy children is the greatest success any parent can hope to achieve and should be an important goal of every member of society because children are profoundly influenced by the people and the environment around them; and

WHEREAS, The Senate recognizes that children represent the future of Washington State and it is important that we take action to ensure that they are provided a positive start to life; and

WHEREAS, Children's Day focuses on inspiring parents to take positive action and to serve as role models for society, and encourages individuals to consider how their actions affect future generations; and

WHEREAS, The Senate recognizes that the strongest influence on a child is often family, but great schools and nurturing communities also play a vital role in helping children reach their full potential; and

WHEREAS, In Washington, we place the utmost value on the safety and welfare of our children, and we strongly support programs designed to advocate for their best interests; and

WHEREAS, Children's Day provides an opportunity to remember that every child, without exception, deserves a chance to succeed; and

WHEREAS, Family is something we all value; and

WHEREAS, We in the Legislature are here to serve all families in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the children of the State of Washington and encourage all of its citizens to celebrate children

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on this day and throughout the year by nurturing them with love, attention, and encouragement in order to keep our communities strong.

Senators Fain, Rolfes, Takko and Fortunato spoke in favor of adoption of the resolution.

MOTION

Senator Lias moved that all members names be added to Senate Resolution No. 8620.

The President declared the question before the Senate to be the motion by Senator Lias that all members names be added as sponsors of Senate Resolution No. 8620.

The motion by Senator Lias carried and all members were added to the resolution as sponsors.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8620.

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

The President welcomed guests and family members of the Senators who were present for Children's Day.

MOTION

At 12:54 p.m., on motion of Senator Fain, the Senate adjourned until 9:30 a.m. Tuesday, February 21, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY FOURTH DAY, FEBRUARY 21, 2017

2017 REGULAR SESSION

FORTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 21, 2017

The Senate was called to order at 9:30 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2017

SGA 9037 DIANA CLAY, appointed on December 23, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2017

SGA 9065 D. MICHAEL KELLY, appointed on March 5, 2014, for the term ending September 30, 2018, as Member of the Cascadia Community College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2017

SGA 9101 NANCEE R. HOFMEISTER, reappointed on August 24, 2015, for the term ending September 30, 2020, as Member of the Cascadia College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 20, 2017

SGA 9121 QUENTIN POWERS, reappointed on February 6, 2015, for the term ending September 30, 2019, as Member of

the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2017

SGA 9138 HAROLD W. WITHROW, appointed on February 24, 2016, for the term ending September 30, 2020, as Member of the Clover Park Technical College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2017

SGA 9158 ERIN L. BLACK, appointed on June 3, 2015, for the term ending September 30, 2020, as Member of the Central Washington University Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 20, 2017

SGA 9168 MARIANNE ALBAY, appointed on July 1, 2016, for the term ending June 30, 2017, as Member of the Bellevue College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 17, 2017

SGA 9171 TIMOTHY BURT, appointed on July 1, 2016, for the term ending September 30, 2020, as Member of the Walla Walla Community College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 20, 2017

SGA 9182 AUSTIN M. WRIGHT-PETTIBONE, appointed on July 1, 2016, for the term ending June 30, 2017, as

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Member of the University of Washington Board of Regents.
Reported by Committee on Higher Education

SUBSTITUTE HOUSE BILL NO. 1273,
SUBSTITUTE HOUSE BILL NO. 1353,
ENGROSSED HOUSE BILL NO. 1378,
SUBSTITUTE HOUSE BILL NO. 1384,
HOUSE BILL NO. 1593,

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

and the same are herewith transmitted.

Referred to Committee on Rules for second reading.

NONA SNELL, Deputy Chief Clerk

February 17, 2017

SGA 9198 BRETT BLANKENSHIP, appointed on September 8, 2016, for the term ending September 30, 2021, as Member of the Board of Regents, Washington State University. Reported by Committee on Higher Education

MOTION

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

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

INTRODUCTION AND FIRST READING

Referred to Committee on Rules for second reading.

February 20, 2017

SGA 9207 CARL J. ZAPORA, reappointed on September 20, 2016, for the term ending September 30, 2021, as Member of the Edmonds Community College Board of Trustees. Reported by Committee on Higher Education

SB 5845 by Senators Rivers, Mullet, Pearson, Angel, Fortunato, Miloscia, Wilson, Conway, Zeiger, Hasegawa, Bailey, Chase, Cleveland, Takko, Pedersen, Hunt, Palumbo, Liias, Kuderer, O'Ban, Hobbs, Keiser, Carlyle, Saldaña, McCoy, Frockt, Wellman, Rolfes, Warnick, Darneille and Ranker

AN ACT Relating to hours of service for certain railroad employees; adding a new chapter to Title 81 RCW; and prescribing penalties.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Transportation.

Referred to Committee on Rules for second reading.

February 20, 2017

SGA 9209 FREDERICK MENDOZA, reappointed on September 21, 2016, for the term ending September 30, 2021, as Member of the Highline College Board of Trustees. Reported by Committee on Higher Education

SB 5846 by Senators Walsh, Conway, Miloscia, Angel, Zeiger, Darneille, Pearson, Frockt, Fortunato, Billig, Wilson, Hasegawa, Rivers, Bailey, Chase, Palumbo, Hunt, O'Ban, Takko, Cleveland, Liias, Kuderer, Pedersen, Hobbs, Mullet, Keiser, Saldaña, Carlyle, McCoy, Wellman, Rolfes and Ranker

AN ACT Relating to establishing minimum crew size on certain trains; adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; providing an effective date; and declaring an emergency.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair Palumbo, Ranking Minority Member.

Referred to Committee on Transportation.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

SHB 1037 by House Committee on Transportation (originally sponsored by Representatives Stanford, Vick and Short)

AN ACT Relating to notice sent by and certain release of information affecting registered tow truck operators; and amending RCW 46.55.110.

Referred to Committee on Transportation.

MOTION

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

SHB 1126 by House Committee on Commerce & Gaming (originally sponsored by Representatives Condotta, Sawyer and Vick)

AN ACT Relating to establishing a deadline for the use and implementation of a marijuana retail license by a licensee; and amending RCW 69.50.325.

Referred to Committee on Commerce, Labor & Sports.

MESSAGE FROM THE HOUSE

February 20, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1126,
ENGROSSED HOUSE BILL NO. 1188,

EHB 1188 by Representatives Bergquist, Harmsworth, Fey, Hayes, Jinkins and Hudgins

AN ACT Relating to the use of child passenger restraint systems; amending RCW 46.61.687; and providing an effective date.

Referred to Committee on Transportation.

SHB 1273 by House Committee on Transportation (originally sponsored by Representatives Ryu, Farrell, Fey and Ortiz-Self)

AN ACT Relating to the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits; amending RCW 46.25.010, 46.25.070, and 46.25.---; adding a new section to chapter 46.25 RCW; and providing effective dates.

Referred to Committee on Transportation.

SHB 1353 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Buys and Hayes)

AN ACT Relating to commissioning an elk management pilot project that focuses initially on the Colockum elk herd; adding a new section to chapter 77.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

EHB 1378 by Representatives Graves, Jinkins and Rodne
AN ACT Relating to disqualification of judges; and amending RCW 4.12.040 and 4.12.050.

Referred to Committee on Law & Justice.

SHB 1384 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Stambaugh,

Kilduff, Griffey, Jinkins, Lytton, Senn, Stanford, Kagi, Appleton, Tarleton, Ormsby and Doglio)
AN ACT Relating to sexual assault protection orders; and amending RCW 7.90.120, 7.90.121, and 7.90.170.

Referred to Committee on Law & Justice.

HB 1593 by Representatives Vick and Kirby
AN ACT Relating to simplifying small securities offerings; amending RCW 21.20.880; and repealing RCW 21.20.883 and 21.20.886.

Referred to Committee on Financial Institutions & Insurance.

MOTION

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

MOTION

At 9:33 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Wednesday, February 22, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FORTY FIFTH DAY, FEBRUARY 22, 2017

2017 REGULAR SESSION

FORTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 22, 2017

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Dillon Esperza and Miss Nola Farrell, presented the Colors. The pledge of allegiance was led by Page Mr. Elliot Armitage. The prayer was offered by Senator Mike Padden of the 4th Legislative District, Spokane County.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 2017

SB 5274 Prime Sponsor, Senator Conway: Defining salary for purposes of the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5847 by Senator Carlyle

AN ACT Relating to the review process of the citizen commission for performance measurement of tax preferences; and amending RCW 43.136.011, 43.136.055, and 82.32.808.

Referred to Committee on Ways & Means.

SB 5848 by Senator Carlyle

AN ACT Relating to the creation, extension, expansion, accountability, and transparency of state tax preferences; amending RCW 82.32.590, 82.32.600, 82.32.605, 82.32.607, 82.32.710, 82.32.808, 82.04.240, 82.04.2404, 82.04.294, 82.04.426, 82.04.4277, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.08.986, 82.12.022, 82.12.025651, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.040, 82.75.070, 82.82.020, 82.82.040, 84.36.645, 84.36.655, 82.32.330, and 43.06.400; reenacting and amending RCW 82.04.260 and 82.32.790; adding new sections to chapter 82.32 RCW; creating new sections; adding a new section to chapter 43.88A RCW; repealing RCW 82.32.534 and 82.32.585; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5849 by Senators Angel, Bailey, Rolfes, Braun, Brown, Sheldon, Pearson, Becker, Fortunato and Wilson

AN ACT Relating to veterans' services; amending RCW 43.60A.100; adding a new section to chapter 43.41 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5850 by Senators Frockt, Carlyle, Fain, Bailey and Hobbs

Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings.

Referred to Committee on Ways & Means.

SJR 8207 by Senators Mullet, Hobbs and Takko

Amending the Constitution to exempt regular local school district levies from the one percent constitutional limitation.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5849 which had been designated to the Committee on State Government and referred to the Committee on Ways & Means.

MOTION

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

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

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8621

By Senator Honeyford

WHEREAS, Washington agriculture generates 10.2 billion dollars annually and is a cornerstone of the Washington state economy; and

WHEREAS, Washington FFA members' continuous efforts culminated in a record-setting five chapters being named as national finalists in the national chapter awards program, which recognizes the top ten chapters in the nation in four qualifying areas out of the 7,859 chapters nationwide; and

WHEREAS, The Yelm chapter was named the national winner in Models of Excellence and the Omak chapter was named the national winner of Models of Innovation Chapter Development, at the 2016 National FFA Convention; and

WHEREAS, Washington FFA members contribute to the nationally generated 4.4 billion dollars through their Supervised Agricultural Experience programs, which are an extension of their classroom instruction; and

WHEREAS, National FFA week is celebrated annually nationwide during the week of George Washington's birthday, in celebration of his legacy as an agriculturalist, and to emphasize the importance of the foundation of agriculture to FFA members; and

WHEREAS, The FFA motto: "Learning to do, doing to learn, earning to live, living to serve" gives direction and purpose to students who take an active role in succeeding in agricultural education; and

WHEREAS, FFA promotes citizenship, volunteerism, patriotism, and cooperation through approximately 482,000 service hours which equates to an economic impact of over 10.9 million dollars nationally; and

WHEREAS, Agricultural education and FFA ensure a steady supply of young professionals to meet the growing needs of science, business, and technology in the agricultural industry; and

WHEREAS, Agricultural education is the original science, technology, engineering, and math (STEM) education model, and agricultural education is celebrating 100 years as a result of the Smith-Hughes Act influencing more than 50,000 Washington students enrolled in agricultural education courses annually; and

WHEREAS, Washington FFA week is recognized by over 9,000 members statewide;

NOW, THEREFORE BE IT RESOLVED, That the Washington state Senate recognize Washington's FFA members

and their excellence in the agricultural field during the celebration of FFA week, February 18th through 25th.

Senators Honeyford, Erickson, and Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Future Farmers of America who were seated in the gallery.

MOTION

Senator Walsh moved adoption of the following resolution:

SENATE RESOLUTION 8623

By Senators Rolfes, Frockt, Ranker, Brown, Hasegawa, Conway, Darneille, Billig, Bailey, Becker, Warnick, Fain, Miloscia, and Walsh

WHEREAS, Gina Grant Bull was a devoted public servant whose dynamic spirit and positive outlook stretched across party lines, and she was a steadfast advocate for youth from all economic backgrounds; and

WHEREAS, Gina lived a life of public service that culminated in her being appointed to her dream job as a page director for the House of Representatives; and

WHEREAS, This love for serving the community began in her hometown Walla Walla, where she worked on her family farm with her father, the late Representative Bill Grant; and

WHEREAS, Gina Grant Bull attended Washington State University in Pullman where she met Oak Harbor native Ron Bull, and they both returned to his hometown in 1991 and she quickly became a pillar of that community; and

WHEREAS, Gina Grant Bull made a profound impact on the youth of Oak Harbor through leading their middle school associated student body program and coaching Oak Harbor High School's track and field team; and

WHEREAS, Gina Grant Bull carried her passion for helping people to the Legislature in Olympia, where she worked as a caseworker, a Legislative Assistant for Senator Mary Margaret Haugen and Representative Chris Strow, a staff member in the Democratic caucus, and, most recently, as the House page supervisor; and

WHEREAS, Gina Grant Bull gave herself wholeheartedly to mentorship and achieved impressive results, yet she maintained a humble attitude towards it all, brushing off her work as ordinary; and

WHEREAS, Gina Grant Bull knew the name of every page on campus and made strong connections with many; and

WHEREAS, Upon landing her dream job, Gina Grant Bull formulated a detailed plan to strengthen the page program, her goal being to empower students from all walks of life to realize that the citizen legislature is their legislature, no matter their economic background; and

WHEREAS, Gina Grant Bull envisioned a page program with youth from all backgrounds, advocated for a scholarship fund to help make this happen, and inspired legislation to that effect; and

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WHEREAS, Gina Grant Bull had the ability to inspire many around her and spent her entire life making the world a brighter and happier place;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Gina Grant Bull and the impact she had on the youth, the legislature, and the people of her beloved home state; and now let her memory inspire us to carry on her spirit.

Senator Walsh spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Gina Grant Bull's family who were seated in the gallery: Gina's mother, Nancy Grant; Gina's husband, Ron Bull; Gina's sister, Laura; Gina's children, Linda, Grant and Molly; Molly's husband, Tim; Gina's youngest grandchild Hudson; and Gina's nieces Hope and Maggie.

MOTION

Senator Fain moved that all members names be added to Senate Resolution No. 8623.

The President declared the question before the Senate to be the motion by Senator Fain that all members names be added as sponsors of Senate Resolution No. 8623.

The motion by Senator Fain carried and all members were added to the resolution as sponsors.

MOTION

At 9:20 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

The Senate was called to order at 11:22 a.m. by President Habib.

MOTION

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

SECOND READING

SENATE BILL NO. 5272, by Senators Saldaña, Hasegawa, Ranker, Chase, Hunt, Darneille, Wellman, Keiser, Cleveland, Takko and Kuderer

Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5272 was substituted for Senate Bill No. 5272 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Padden and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5272.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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

PERSONAL PRIVILEGE

Senator Saldaña: "Thank you esteemed colleagues for passing this important piece of legislation."

REMARKS BY THE PRESIDENT

President Habib: "Senator Saldaña, please address your remarks to the President."

PERSONAL PRIVILEGE

Senator Saldaña: "Mr. President, I would like to thank those present in the room for, and yourself, for this honor to be serving with you. This last six weeks or eight weeks, however long its been, has been a really amazing time for me and I really appreciate being among you. As such, and to have the honor to represent the 37th District. I hope that you are able to enjoy some delicious chai tea and baklava from Mawadda Café. The owner, Mr. Rami Al-Jebori, he is originally from Iraq and has had a small business in my district for many years. In addition, we are handing out shea butter, that I know also has a nice aroma for my colleague who sits two seats across from us, and its an opportunity for young women learn how to be small business entrepreneurs and they also take them on spring break to the east coast to be able to experience life on campus in colleges. And so I want to share that with you as well. And then the last thing is from my neighborhood Rainier Beach. To support our merchants in Rainier Beach, they have a couple of different events they do every year, including the bike ride, Seattle to Portland comes through our neighborhood and we go out and give coffee and doughnuts and water to those bikers and that is where this water

bottle comes from. Thank you so much and I look forward to continue to serve with you.”

PERSONAL PRIVILEGE

Senator King: “Well, the good Senator is a member of the Transportation Committee, and I have to report that she actually has behaved herself in committee this year. I am not sure that is going to continue but we’ll see. But actually she has been a very welcome part of that committee and it is a pleasure to have her there and I do look forward to working with her not only in that committee but as we move forward in the Senate and I want to welcome her. It is a pleasure to know you and have you here. Thank you.”

PERSONAL PRIVILEGE

Senator Sheldon: “Thank you Mr. Speaker.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Sheldon, you have been around long enough. Are you looking forward to being Speaker Pro Tem tomorrow, Senator Sheldon?”

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I wanted to thank Senator Saldaña for the addition to my aroma therapy box here. And I will always keep these on the desk so when times get tough I can go for the lavender shea lotion or the Alaffia soap to take the edge off. I really appreciate it. Thank you.”

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. I just wanted to note that in general this freshman class this year has really taken a step back in terms of expertise and knowledge of the Legislature, but with two rare exceptions, Senator Kuderer and now with Senator Saldaña we have really taken a step forward, in the quality of representation, the bright voices the people are bringing to the Legislature, and I just wanted to thank Senator Saldaña. I wish she had gotten here a few years earlier. We are delighted to have her and we are delighted to have her contributions to our work.”

PERSONAL PRIVILEGE

Senator Fain: “Thank you. I am not sure of the hidden meaning of my colleagues floor speech was, but I am also very happy to welcome Senator Saldaña here. I miss the former member from the 37th District, she was a friend of mine, and I really appreciated getting to know her and wish her all the best in her new endeavor. I will say however, that the newest member from that district has discovered a sense of brevity that the previous member did not have and I’m greatly appreciative of that. Welcome to the Chamber.”

REMARKS BY THE PRESIDENT

President Habib: “That message will not be dispatched to Washington D. C. Senator Saldaña welcome to the Senate. Thank you for these gifts and would the body please join me in welcoming Senator Saldaña?”

The Senate rose and recognized Senator Saldaña.

SECOND READING

SENATE BILL NO. 5790, by Senators Short, Sheldon, Angel and Wilson

Concerning the economic development element of the growth management act.

MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Takko, Angel, Sheldon and Rolfes spoke in favor of passage of the bill.

Senators Ranker and McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O’Ban, Padden, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Pedersen, Ranker, Saldaña and Van De Wege

SUBSTITUTE SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Short: “Well Mr. President, I know that coming to this esteemed legislative body that there is something that I must do and give a gift to members of this esteemed body, everyone here and what is going to be delivered are salmon grilling planks. The neat thing about that is Vaagen Brothers Lumber Company is one of the timber companies in northeastern Washington and they actually pioneered the use of small diameter timber, Mr. President. It is such a part of our custom and culture and I thought with the importance of salmon and fish and our enjoyment of those that this would be a really good marriage between the west side of the state and the east side of the state and it is a privilege for me to share this with you today. Thank you very much.”

PERSONAL PRIVILEGE

Senator Nelson: “Thank you Mr. President and I just want to welcome the good lady. Senator Short and I served in the House and I know many of our members, are very, very happy, all of our

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members to have you here and we're looking forward to continuing to grow in our relationship together and welcome."

PERSONAL PRIVILEGE

Senator Hunt: "Thank you Mr. President. Well I would just like to thank the Senator for her fishy gift from the district and to add a little personal touch. A number of years ago I went back and I was teaching fourth grade in Montesano and I had one of the Vaagen daughters as one of my students and I am proud to say that she is now a constituent and is teaching in one of our local schools. So we have some ties here. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "The President would also like to thank Senator Short, it is wonderful to have you. I know that the bill was not the type that was conducive to a lot of joshing but nevertheless I know the Senate very please to have you here with us and so would the body join us in welcoming Senator Short?"

The Senate rose and recognized new Senator Short.

MOTION

Senator Fain moved that Senate Bill No. 5320 and Senate Bill No. 5711, previously held at the desk on February 9, 2017, be referred to the Committee on Rules.

On motion of Senator Liias, the motion by Senator Fain that the measures be referred to the Committee on Rules was divided.

On motion of Senator Liias, the motion by Senator Fain was amended and Senator Liias moved that Senate Bill No. 5320 be referred to the Committee on Ways & Means.

Senators Liias, Keiser, Pedersen, Ranker and Nelson spoke in favor of the motion to refer Senate Bill No. 5320 to the Committee on Ways & Means.

Senator Fain spoke against the motion.

MOTION

Senator Liias demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Liias that the motion by Senator Fain be amended and that Senate Bill No. 5320 be referred to the Committee on Ways & Means.

ROLL CALL

The Secretary called the roll on the motion to refer Senate Bill No. 5320 to the Committee on Ways & Means and the motion did not carry by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

The President declared that the question before the Senate to be the motion by Senator Fain that Senate Bill No. 5320 be referred to the Committee on Rules.

The motion by Senator Fain carried and the measure was referred to the Committee on Rules by voice vote.

On motion of Senator Liias, the motion by Senator Fain was amended and Senator Liias moved that Senate Bill No. 5711 be referred to the Committee on Ways & Means.

Senators Liias and Carlyle spoke in favor of the motion to refer to the Committee on Ways & Means.

Senator Fain spoke against the motion.

The President declared that the question before the Senate to be the motion by Senator Liias that the motion by Senator Fain be amended and that Senate Bill No. 5711 be referred to the Committee on Ways & Means.

The motion by Senator Liias did not carry by voice vote.

The President declared that the question before the Senate to be the motion by Senator Fain that Senate Bill No. 5711 be referred to the Committee on Rules.

The motion by Senator Fain carried and the measure was referred to the Committee on Rules by voice vote.

MOTION

At 12:08 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Thursday, February 23, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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FORTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, February 23, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Nina Horn and Mr. Owen Oniskey, presented the Colors. Page Miss Tessa Wiley led the Chamber in the Pledge of Allegiance. The prayer was offered by Imam Mohamad Joban of Muslim Association of Puget Sound Church, Redmond.

The President of the Senate, Lieutenant Governor Habib, assumed the chair.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 2017

SB 5065 Prime Sponsor, Senator Miloscia: Concerning government performance and accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5065 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5065 Prime Sponsor, Senator Miloscia: Concerning government performance and accountability. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5065 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair;

Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5247 Prime Sponsor, Senator Zeiger: Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5247 Prime Sponsor, Senator Zeiger: Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5289 Prime Sponsor, Senator Rivers: Modifying the infraction of and penalties for distracted driving. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do

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pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; O'Ban; Saldaña; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hawkins; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Fortunato.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5289 Prime Sponsor, Senator Rivers: Modifying the infraction of and penalties for distracted driving. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; O'Ban; Saldaña; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hawkins; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Fortunato.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5343 Prime Sponsor, Senator Warnick: Concerning notice sent by and certain release of information affecting registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5343 Prime Sponsor, Senator Warnick: Concerning notice sent by and certain release of information affecting registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5345 Prime Sponsor, Senator Walsh: Creating Imagine special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5345 Prime Sponsor, Senator Walsh: Creating Imagine special license plates. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5392 Prime Sponsor, Senator Rolfes: Concerning ferry advisory committees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5392 Prime Sponsor, Senator Rolfes: Concerning ferry advisory committees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Liias.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5403 Prime Sponsor, Senator O'Ban: Concerning ferry district authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5403 Prime Sponsor, Senator O'Ban: Concerning ferry district authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5465 Prime Sponsor, Senator Miloscia: Creating an office of the corrections ombuds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5465 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5465 Prime Sponsor, Senator Miloscia: Creating an office of the corrections ombuds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5465 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5533 Prime Sponsor, Senator Rossi: Prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5533 as recommended by Committee on Commerce, Labor & Sports be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5533 Prime Sponsor, Senator Rossi: Prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5533 as recommended by Committee on Commerce, Labor & Sports be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5536 Prime Sponsor, Senator Fortunato: Providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias and Cleveland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

February 21, 2017

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

SB 5536 Prime Sponsor, Senator Fortunato: Providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias and Cleveland.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5545 Prime Sponsor, Senator Wilson: Requiring public employee collective bargaining sessions to be open meetings. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5545 Prime Sponsor, Senator Wilson: Requiring public employee collective bargaining sessions to be open meetings. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5550 Prime Sponsor, Senator Rossi: Authorizing state agencies and institutions of higher education to contract for services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair;

Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5550 Prime Sponsor, Senator Rossi: Authorizing state agencies and institutions of higher education to contract for services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5558 Prime Sponsor, Senator Darneille: Issuing a two-year identicard for offenders released from prison facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5558 be substituted therefor, and the second substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Ways & Means.

February 21, 2017

SB 5558 Prime Sponsor, Senator Darneille: Issuing a two-year identicard for offenders released from prison facilities. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5558 be substituted therefor, and the second substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Ways & Means.

February 21, 2017

SB 5577 Prime Sponsor, Senator Conway: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5577 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5577 Prime Sponsor, Senator Conway: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5577 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5620 Prime Sponsor, Senator King: Concerning transportation network companies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Erickson; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5620 Prime Sponsor, Senator King: Concerning transportation network companies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Erickson; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Cleveland; Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5741 Prime Sponsor, Senator King: Clarifying the collection of fuel taxes within tribal jurisdictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Baumgartner; Erickson; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5741 Prime Sponsor, Senator King: Clarifying the collection of fuel taxes within tribal jurisdictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Baumgartner; Erickson; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5785 Prime Sponsor, Senator Fain: Modifying eligibility criteria for transportation benefit districts to establish a vehicle fee rebate program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5785 Prime Sponsor, Senator Fain: Modifying eligibility criteria for transportation benefit districts to establish a vehicle fee rebate program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 21, 2017

SB 5806 Prime Sponsor, Senator Cleveland: Concerning preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland;

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Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Ranking Minority Member, Operating Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle and Padden.

February 21, 2017

SB 5806 Prime Sponsor, Senator Cleveland: Concerning preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river. Reported by Committee on Transportation

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

February 21, 2017

SB 5827 Prime Sponsor, Senator Braun: Concerning definitions and reporting requirements for municipalities receiving lodging tax revenues. Reported by Committee on Ways & Means

Referred to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

February 21, 2017

SB 5807 Prime Sponsor, Senator King: Clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe. Reported by Committee on Transportation

MINORITY recommendation: Do not pass. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle and Padden.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Baumgartner; Erickson; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Saldaña; Takko and Van De Wege.

MOTION

Referred to Committee on Rules for second reading.

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

February 21, 2017

SB 5807 Prime Sponsor, Senator King: Clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe. Reported by Committee on Transportation

MOTION

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

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Baumgartner; Erickson; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MESSAGE FROM THE HOUSE

February 22, 2017

MINORITY recommendation: Do not pass. Signed by Senators Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Saldaña; Takko and Van De Wege.

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1194,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 2106,
 and the same are herewith transmitted.

Referred to Committee on Rules for second reading.

NONA SNELL, Deputy Chief Clerk

February 21, 2017

SB 5827 Prime Sponsor, Senator Braun: Concerning definitions and reporting requirements for municipalities receiving lodging tax revenues. Reported by Committee on Ways & Means

MOTION

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

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant

INTRODUCTION AND FIRST READING

SB 5851 by Senators Rossi, Becker, O'Ban, Bailey and Fortunato

AN ACT Relating to the valuation of motor vehicles for purposes of certain motor vehicle excise taxes; amending RCW 81.104.160 and 82.44.035; and creating a new section.

Referred to Committee on Transportation.

SB 5852 by Senators Frockt, Nelson, Carlyle, Hasegawa, Palumbo, Keiser, Kuderer, Billig, Wellman, Chase and Pedersen

AN ACT Relating to preventing the organized militia of this state from being used to enforce federal immigration laws; adding a new section to chapter 43.06 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law & Justice.

SJR 8208 by Senators Fain, Braun, Rivers, Brown, Zeiger, Becker, Wilson, Angel, Bailey, Miloscia, Ericksen, Warnick, Schoesler, Honeyford, Walsh, King, Padden, Sheldon, O'Ban, Rossi, Baumgartner, Short and Fortunato

Requiring the legislature to enact a four-year balanced budget.

Referred to Committee on Ways & Means.

ESHB 1194 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hayes, Pettigrew, Smith, Springer, Kretz, Schmick, Santos, Short, Haler, Lovick, Riccelli, Blake, Senn, Jinkins, Gregerson, Muri, Frame, Wylie, Kilduff, McBride, Bergquist, Fey, Stambaugh, Ormsby, Farrell and Pollet)

AN ACT Relating to creating a legislative page scholarship program; reenacting and amending RCW 43.79A.040; adding new sections to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

ESHB 1843 by House Committee on Appropriations (originally sponsored by Representatives Sullivan, Lytton, Jinkins, Orwall, Appleton, Springer, Chapman, Tarleton, Tharinger, Goodman, Farrell, Macri, Ormsby, Fitzgibbon, Slatter, Hudgins, Doglio, Fey, Pollet, Ortiz-Self, Santos and McBride)

AN ACT Relating to fulfilling the state's paramount duty for all children through equitable and responsible investments in the state's basic education program and reductions to local effort contributions; amending RCW 28A.150.200, 28A.150.410, 28A.400.205, 28A.400.200, 28A.500.020, and 28A.150.260; reenacting and amending RCW 84.52.0531, 28A.500.030, and 28A.150.260; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 28A.415 RCW; creating new sections; recodifying RCW 28A.300.600, 28A.300.602, and 28A.300.604; repealing RCW 28A.400.201, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 2106 by House Committee on State Government, Elections & Information Technology (originally

sponsored by Representatives Koster, Hudgins, Taylor and Shea)

AN ACT Relating to election year restrictions on state legislators; amending RCW 42.52.180 and 42.52.185; creating a new section; and declaring an emergency.

Placed on Second Reading Calendar.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 2106 which was placed on the second reading calendar under suspension of the rules.

MOTION

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

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

MOTION

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

MOTION

Senator Pedersen moved adoption of the following resolution:

SENATE RESOLUTION 8617

By Senators Pedersen, Frockt, Liias, Carlyle, and Walsh

WHEREAS, William L. Downing has retired following 28 years of distinguished service as a judge on the King County Superior Court bench; and

WHEREAS, Before embarking on a career in law, Judge Downing graduated from Vassar College, worked in a psychiatric hospital as a conscientious objector during the Vietnam War, and made a living working on fishing boats in Bellingham, Washington; and

WHEREAS, While at Vassar, Judge Downing met his wife, Laura; after graduating, the two moved to Seattle where they raised their son and have lived ever since; and

WHEREAS, Following graduation from the University of Washington School of Law, Judge Downing served as a King County prosecutor for 11 years, during which time he successfully argued a case to convict the perpetrators of the 1983 Wah Mee massacre; and

WHEREAS, Judge Downing was appointed to the bench in 1989, and has presided over several prominent civil and criminal cases during his tenure; and

WHEREAS, Over the course of his career, Judge Downing has cultivated a reputation among colleagues for fairness, honesty, rigor, and impartiality; and

WHEREAS, In addition to his outstanding reputation as a legal professional, Judge Downing will leave a legacy of mentorship and was known for his service of assisting students arguing mock cases before fellow judges and attorneys;

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NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize King County Superior Court Judge William L. Downing for his outstanding career in public service of the law, during which he acted with empathy, integrity, and wit for the benefit of the citizens of King County and Washington State; and

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

Senators Pedersen, Liias and Padden spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

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

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Judge William Downing and his family who were seated in the gallery.

MOTION

Senator Hawkins moved adoption of the following resolution:

SENATE RESOLUTION
8622

By Senator Hawkins

WHEREAS, The Washington State Senate recognizes the impactful life of Wilfred R. Woods; and

WHEREAS, Wilfred R. Woods, affectionately known by his nickname "Wilf," dedicated his life to serving north central Washington and the state of Washington; and

WHEREAS, Through his noble profession, Wilfred played a part in nearly every major development in north central Washington; and

WHEREAS, Wilfred actively promoted public power, outdoor recreation, and the region's abundant natural resources; and

WHEREAS, Wilfred served on the board of the American Forestry Association, State Parks and Recreation Commission, and Washington State Historical Society, and served as a trustee for Central Washington University; and

WHEREAS, Wilfred was deeply committed to supporting musicians and artist education through the Woods Family Music and Arts Fund; and

WHEREAS, Wilfred played a fundamental role in developing the Wenatchee Performing Arts Center, the Icicle Creek Center for the Arts, the Wenatchee Valley College Music and Art Center, and The Grove Recital Hall; and

WHEREAS, Wilfred was awarded Washington's highest civilian honor, the Medal of Merit; and

WHEREAS, Wilfred and his wife, Kathy, received the Legacy Award from the Wenatchee Valley Chamber of Commerce; and

WHEREAS, The impact of Wilfred R. Woods is immeasurable, and will live on through the good people of north central Washington; and

WHEREAS, Wilfred inspired his community and led through his actions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join the citizens of the state of Washington in commending the life of Wilfred R. Woods; and

BE IT FURTHER RESOLVED, That the Washington State Senate convey its deepest condolences to the family, friends,

colleagues, and community of Wilfred R. Woods and join the people of the state of Washington in celebrating his memory and commending his achievement and contributions to his community; and

BE IT FURTHER RESOLVED, That the Washington State Senate express profound appreciation and enduring gratitude to the life and legacy of Wilfred R. Woods; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Wilfred R. Woods.

Senators Hawkins and Carlyle spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Rufus Woods, son of Wilfred Woods and current publisher of the Wenatchee World, who was seated at the desk reserved for the Capitol Press Corps.

MOTION

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

SECOND READING

SENATE BILL NO. 5488, by Senators Zeiger, Rolfes, Chase and Saldaña

Changing the annual reporting date for the transitional bilingual instruction program.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5488.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Zeiger: “Thank you Mr. President. It is the custom of the Senate for new members to give gifts and I am presenting to my colleagues three gifts today. First of all, Fisher scone mix, as is appropriate. We have the Puyallup Fair in my district and then we have Puyallup Valley Jam Factory jams, raspberry jams to go with that scone mix. And we have Puyallup River Brewing Company beer. Enjoy.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Zeiger, the President was hoping for Earthquake Burgers for everybody here in the Senate. You know that’s my soft spot.”

PERSONAL PRIVILEGE

Senator Fain: “Thank you Mr. President. I was really excited when I saw the Fisher bags, thinking I was going to be able to dig into some scones this morning. Unfortunately, they are coming to us, not made, which is frustrating but even with the fact that I will have to go home and slave in the kitchen to make these new ones it still pales in comparison to the amount of work that the previous Chair of the Education Committee thrust upon me on a regular basis. So I am very appreciative of the new chair and I welcome him to the Senate and I believe this Chamber is very lucky to have him.”

EDITOR’S NOTE: Senator Steve Litzow formerly chaired the Committee on Early Learning & K-12 Education

REMARKS BY THE PRESIDENT

President Habib: “Senator Fain, are you saying that everything that comes to the Senate floor is not fully baked?”

PERSONAL PRIVILEGE

Senator Billig: “Thank you Mr. President. I am also rising to welcome our new member. I was actually not aware of the tradition of drinking beer and eating scones together, so I appreciate him introducing that combination. I will try it. I am a little skeptical. But seriously, I want to welcome Senator Zeiger. He and I came in as freshmen in the House together six year ago and I have enjoyed working with him since then and I will particularly enjoy working with him this year in his capacity as Chair of the Early Learning & K-12 Education Committee. A very thoughtful legislator and I welcome him and look forward to serving with you. Thank you.”

PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. Well I would sincerely like to welcome Senator Hans Zeiger to our chamber. I think that he is a welcome addition he is an amazing man and author and he has done a lot of things. And a new father, it is a pretty neat thing. But I am most excited, and I keep talking about, that we now have another bottle of beer. And that bottle of beer, I am asking again Mr. President, if we can put it in our really cool cup? Makes it sound like I drink a lot, but I don’t. But it is fun to talk about it because of the fact that we have now received, what?, four types of booze. So thank you Senator Zeiger.”

PERSONAL PRIVILEGE

Senator Pedersen: “Thank you Mr. President. It is also my honor to welcome Senator Zeiger. It is great to have multiple people in the chamber from the great city of Puyallup. And I just wanted to note that Senator Zeiger’s roots in Puyallup are even deeper than mine. My dad was welcomed to Puyallup sixty-five years ago or so by Senator Zeiger’s grandpa who was regularly part of their pick-up basketball game. Thank you. Welcome.”

PERSONAL PRIVILEGE

Senator Bailey: “This is why I forget to say that. I don’t rise very often on certain things, but this is something I really felt very strong about. First of all, I am so excited to have a new member and Senator Zeiger I think will increase the IQ here in the Senate tremendously and I want to welcome him here but having said that I am a bit concerned with the fact that we have now received five bottles of beer and absolutely no one has presented us with an opener for that beer. So I would really request that Senator Zeiger would consider his gift bag, that he must put something in to open this so we can put it in our cup next time. Thank you.”

PERSONAL PRIVILEGE

Senator Ranker: “Thank you Mr. President. So I’m going to tell a little story. Some of you know former Senator Erik Poulson. So when I first came into the Senate, he had just left. So I went out to dinner with him and a few other people and he was talking about and he would say Hans Zeiger and I would be like ‘OK whatever,’ and he kept saying it. He kept saying, ‘Hans Zeiger, Hans Zeiger’ and it was this joke and I didn’t know that he was a real person because there are so many people in the other chamber, you can’t keep track of it. Anyway, I was at the time the chair of Natural Resources and I don’t know if you remember this but you had a small little bill coming through the committee Senator, and he comes up and says ‘I am Representative Hans Zeiger from such and such a district’ and in mid sentence I just said ‘Oh my God, you’re real.’ And so I am pleased that this figment of my imagination is now in the Senate. I have very much enjoyed working with you these past weeks and I look forward to the future of you in this body.”

PERSONAL PRIVILEGE

Senator Fortunato: “I would like to ask the body since we have now received four or five bottles of beer and wine that when I have a particular bill that might come up that might address the legal ramifications that you would vote for my beer bill so that we don’t all have to go to jail. So, thank you.”

PERSONAL PRIVILEGE

Senator Hunt: “I would also like to welcome my former housemate Senator Zeiger here. And something you may not know about him is that Senator Zeiger and I have been working with the National Institute for Civil Discourse and last year he was awarded the first annual Gabby Giffords Award for civility in government which I was humbly glad to share with him, but we have been working. We have both been sent to Minnesota in snow storms to try to train the Minnesota Legislature. So welcome and I just wanted to make sure that we all know how civil he is.”

PERSONAL PRIVILEGE

Senator Mullet: “Thank you Mr. President. I have an open ended question that Senator Zeiger can answer off line because I was so surprised that his first bill on education was a bill that completely sucks up to OSPI by making their Christmas easier and I know that he did not get that advice from Senator Litzow. So, I am curious, who gave him that suggestion?”

PERSONAL PRIVILEGE

Senator Conway: “It is a great honor to welcome Hans here, and I just want to point out he has one big duty he will be performing for us, its coming up. It is when the Daffodil Princesses come to visit us. So we are looking forward to seeing you welcome all those lovely ladies when they come here.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Zeiger, it is a pleasure to have Senator Zeiger with us in the Senate. He is obviously well respected on both sides of the aisle. Will the Senate please join me in thanking him for these fantastic gifts, encouraging him to bring Earthquake Burgers next time. Welcome to the state Senate.”

The Senate rose and recognized new Senator Zeiger.

SECOND READING

SENATE BILL NO. 5764, by Senators Wellman, Hasegawa and Rolfes

Concerning higher education records.

MOTIONS

On motion of Senator Wellman, Substitute Senate Bill No. 5764 was substituted for Senate Bill No. 5764 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wellman, the rules were suspended, Substitute Senate Bill No. 5764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5764.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Wellman: “Thank you Mr. President. Well, in keeping with the Senate tradition which now seems to me to be a lifelong tradition, I know this is a very strong tradition, I rise to thank my new colleagues for the warm welcome I have received in the Washington State Senate. And I bring you gifts from the 41st District. Now the 41st District is largely residential, so it was a little bit of an effort. I did go first to the Seahawks which have their training grounds in the 41st, but the NFL refused to cooperate. So, you are going to receive a bag from BECU with some tchotchkes inside. Now for those of you who do not know the word ‘tchotchkes’ it is the technical term for those things you get at trade shows and I hope to add to your vocabulary. This is from BECU, that is the Boeing Employees Credit Union, and BECU is quite an institution in our region. They have been amazing supporters of many social and arts programs. They are always showing up so I thought that they should show up on the Senate floor, but I get the tradition so in the honor of the tradition of the Senate you are receiving a stainless steel growler from the Resonate Brewery in Newcastle. Now this is a relatively new start up so I am pleased to introduce you to them. Also in that bag you will find a \$10 gift certificate to fill up your growler at the Resonate Brewery and visit the 41st District. So, I hope you will enjoy that. That seemed to be a good thing. But, again in the tradition, I had to deliver, in case you might not go to the 41st for a while, I thought it only fair to deliver something else to you from Sammamish which is also part of the 41st and it is the award winning honey pale ale from the Big Block Brewery, and this was just established in 2012 and they won a gold award for their beer in 2013. So, I know that it is good and I can honestly say to my colleague from the 10th District, this is in a can with a self tab opening, so it is immediately available to you. You are quite welcome. Please enjoy. It is an honor to serve with you. Thank you so much.”

PERSONAL PRIVILEGE

Senator King: “I do want to welcome the good Senator and I do understand her concern about us getting to the 41st and I do understand that there are some access problems on Mercer Island and I-90, and we will leave it at that. I am looking forward to getting to know you and looking forward to working with you and welcome.”

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. Senator Wellman’s description of tchotchkes reminds me of a dear friend of mine from college who throughout our college experience told me stories periodically about living with a Jewish mother and I felt like those stories were exaggerated perhaps. But in the last two weeks or three weeks I’ve discovered that in fact those stories were if anything an understatement of what life is like with a Jewish mother. I do want to say though, that as a mother, anyone who puts a grocery list in a bag full of beer is doing a good job. So, welcome to the Senate to Senator Wellman and we look forward to serving with her.”

PERSONAL PRIVILEGE

Senator Darneille: “Well, Mr. President, I have to finally admit defeat here. We have someone by the name of Well-man who has given us alcohol, and so I wanted to take this moment for a little instruction to the body that for the last four years I have served as the leader of a posse of anti-alcohol proliferation related bills. And my posse included several people who are now no longer in the Legislature. We have Senator Zeiger only because Senator Dammeier retired. We have Senator Van De Wege only because Senator Hargrove is not here. But, I am a girl who has lost most of her posse. My spurs are now completely off, I am retiring them. Don’t look to me to lead the charge anymore. For the rest of you posse, we had so much alcohol brought on to this floor that I give up. Thank you Senator Wellman.”

PERSONAL PRIVILEGE

Senator Becker: “Thank you Mr. President. I want to give you a warm welcome and say I am glad you are here, kind of, mostly, but you are a pleasure. I love seeing your smile, but I really want to thank you.”

President Habib: “Senator, please feel free to address the presiding officer.”

Senator Becker: “Thank you Mr. President, I will, but you didn’t give us this gift. I’ve talked about all of the beer and I understand that probably with this great big can of beer of Big Block, I’ve never seen a beer can this big, but now with an almost growler-sized thermos, can we now use the thermos and the cup? And maybe we’ll be on the floor trying to vote, because I don’t know how we can do this. I thank you very much and welcome you.”

PERSONAL PRIVILEGE

Senator Ranker: “Joanie loves tchotchke!”

REMARKS BY THE PRESIDENT

President Habib: “That was more of a point of personal humor, I think. Senator Wellman it is a pleasure to have you here and my former seatmate Ross Hunter brought a heavy dose of east coast sensibility and urgency to the Legislature, so it is always good to have someone with an east coast flavor and it keeps us on our toes, it keeps us apace. Will the Senate please join me in thanking Senator Wellman for her very fine gifts and welcoming her to the state Senate?”

SECOND READING

SENATE BILL NO. 5177, by Senators Bailey, Keiser, Palumbo and Conway

Requiring long-term care workers to be trained to recognize hearing loss.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5177.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5037, by Senators Padden, Frockt, O’Ban, Darneille, Miloscia, Kuderer, Zeiger, Carlyle, Pearson, Conway, Rolfes, Palumbo, Angel and Wellman

Making a fourth driving under the influence offense a felony.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Liias, Senators Hasegawa, Hobbs, McCoy, Nelson, Palumbo, Rolfes, Saldaña and Wellman were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

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

Excused: Senators Hasegawa, Hobbs, McCoy, Nelson, Palumbo, Rolfes, Saldaña and Wellman

FORTY SIXTH DAY, FEBRUARY 23, 2017

2017 REGULAR SESSION

SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, Senators Chase and Frockt were excused.

SECOND READING

SECOND READING

SENATE BILL NO. 5552, by Senators Pedersen, Zeiger, Frockt, Takko, O'Ban, Fain and Hobbs

SENATE BILL NO. 5301, by Senators Miloscia, Hunt, Hasegawa, Chase and Conway

Concerning firearms sales and transfers.

Including repeat and willful violations of certain state laws to the state's responsible bidder criteria. Revised for 1st Substitute: Including willful violations of certain state laws to the state's responsible bidder criteria.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5552 was substituted for Senate Bill No. 5552 and the substitute bill was placed on the second reading and read the second time.

MOTIONS

On motion of Senator Miloscia, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 10 by Senators Padden and Pedersen be adopted:

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

- On page 8, line 35, after "A" insert "sale or"
- On page 8, line 35, after "the" insert "purchaser or"
- On page 8, line 36, after "being" insert "sold or"

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5301.

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

ROLL CALL

The President declared the question before the Senate to be the adoption of floor amendment no. 10 by Senators Padden and Pedersen on page 8, line 35 to Substitute Senate Bill No. 5552.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

The motion by Senator Padden carried and floor amendment no. 10 was adopted by voice vote.

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

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting nay: Senators Baumgartner, Rossi and Short

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

SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5552.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

SENATE BILL NO. 5125, by Senators Braun, Conway, Rossi and Wilson

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

Defining independent contractor relationships in the context of real estate licensing.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5125.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5436, by Senators Becker, Cleveland, Frockt and Keiser

Expanding patient access to health services through telemedicine by further defining where a patient may receive the service.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5436 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5436.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5436 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5436, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5268, by Senators Takko, Chase, Warnick, Schoesler, King, Sheldon, Saldaña, Cleveland, Pearson, Honeyford, Hawkins, Wilson, Becker and Hasegawa

Concerning notice to the licensee before a concealed pistol license expires.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5268 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5268.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5268 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5106, by Senator O'Ban

Clarifying obligations under the involuntary treatment act.

MOTION

On motion of Senator O'Ban, Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following floor striking amendment no. 9 by Senators O'Ban and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"Part One – Joel's Law Amendments

Sec. 306. RCW 71.05.201 and 2016 c 107 s 1 are each amended to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family

member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated mental health professional investigation or the request for a designated mental health professional investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator must request a new designated mental health professional investigation.

(3)(a) The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

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

(ii) The date on which an investigation was requested from the designated mental health professional.

~~((3))~~ (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

~~((4))~~ (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

~~((5))~~ (6) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

~~((6))~~ (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

~~((7))~~ (8) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency ~~(, which shall execute the order without delay)~~ and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated mental health professional. The designated mental health agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated mental health

professional. An order for initial detention under this section expires one hundred eighty days from issuance.

~~((8))~~ (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

~~((9))~~ (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 307. RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s 1 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator must request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated ~~(mental health professional)~~ crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

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

(ii) The date on which an investigation was requested from the designated crisis responder.

~~((3))~~ (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

~~((4))~~ (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

~~((5))~~ (6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

~~((6))~~ (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

~~((7))~~ (8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency ~~(, which shall execute the order without delay)~~ and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

~~((8))~~ (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

~~((9))~~ (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 308. RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ~~((regional support network))~~ behavioral health organization or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

(3) A designated mental health professional or designated mental health professional agency must, upon request, disclose the date of a designated mental health professional investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

Sec. 309. RCW 71.05.203 and 2016 sp.s. c 29 s 223 are each amended to read as follows:

(1) The department and each behavioral health organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated crisis responder decides not to detain

the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

NEW SECTION. Sec. 310. By December 15, 2017, the administrative office of the courts, in collaboration with stakeholders, including but not limited to judges, prosecutors, defense attorneys, the department of social and health services, behavioral health advocates, and families, shall: (1) Develop a user's guide to assist pro se litigants in the preparation and filing of a Joel's law petition; and (2) develop a model order of detention under RCW 71.05.201 which contains an advisement of rights for the detained person.

NEW SECTION. Sec. 311. Sections 1 and 3 of this act expire April 1, 2018.

NEW SECTION. Sec. 312. Sections 2 and 4 of this act take effect April 1, 2018.

Part Two – Less Restrictive Alternative Revocations

Sec. 313. RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated mental health professional, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ~~((#))~~. The agency, facility, or designated mental health professional ~~((determines))~~ must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention

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is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated mental health professional, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or evaluation and treatment facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated mental health professional or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated mental health professional when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated mental health professional or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this section to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment, or initiate proceedings under this subsection (4) without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated mental health professional or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated mental health professional or secretary shall ~~(notify the court that originally ordered commitment within two judicial days of a person's detention and)~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated mental health professional shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court of revocation, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred;

(iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated mental health professional, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 314. RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((#)). The agency, facility, or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or

facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ~~((in which))~~ where the petition ~~((was))~~ is filed. Notice of the filing must be provided to the court that

originally ordered commitment, if different from the court of revocation, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 315. RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ~~((if))~~. The agency, facility, or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give

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rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained.

The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ~~((in which))~~ where the petition ~~((was))~~ is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court of revocation, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Part Three – Initial Detention Investigations

Sec. 316. RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

~~((A))~~ (1) If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated mental health professional conducting ~~((an))~~ the evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated mental health professional))~~ shall take serious consideration of observations and opinions by an examining emergency room physician~~(s)~~, advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated mental health professional must document ~~((the))~~ his or her consultation with ~~((an examining emergency room physician))~~ this professional, ((including)) if the professional is available, or his or her review of the ~~((physician's))~~ professional's written observations or opinions regarding whether detention of the person is appropriate.

(2) This section does not create an exception to the general rule under RCW 71.05.010, which creates a presumption that courts should decide petitions under this chapter on their merits in light of the state's parens patriae or police power interest in protecting the safety of individuals and the public.

Sec. 317. RCW 71.05.154 and 2016 sp.s. c 29 s 214 are each amended to read as follows:

~~((A))~~ (1) If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated crisis responder conducting ~~((an))~~ the evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated crisis responder))~~ shall take serious consideration of observations and opinions by an examining emergency room physician ~~((s)),~~ advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated crisis responder must document ~~((the))~~ his or her consultation with ~~((an examining emergency room physician))~~ this professional, ((including)) if the professional is available, or his or her review of the ~~((physician's))~~ professional's written observations or opinions regarding whether detention of the person is appropriate.

(2) This section does not create an exception to the general rule under RCW 71.05.010, which creates a presumption that courts should decide petitions under this chapter on their merits in light of the state's parens patriae or police power interest in protecting the safety of individuals and the public.

Part Four – Evaluation and Petition by Chemical Dependency Professionals

Sec. 318. RCW 70.96A.140 and 2016 sp.s. c 29 s 102 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of ~~((chemical dependency))~~ a substance use disorder, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a ~~((chemical dependency))~~ substance use disorder treatment program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or ~~((chemical dependency))~~ substance use disorder treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person ~~((is chemically dependent))~~ has a substance use disorder and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment.

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this

subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) ~~((Two physicians;))~~ One physician, physician assistant, or advanced registered nurse practitioner; and

(B) ~~((One physician and a mental health professional;~~

(C) One physician assistant and a mental health professional; or

(D) ~~One psychiatric advanced registered nurse practitioner and a mental health professional.~~

(ii) ~~The persons signing the petition must have examined the person)~~ One physician, physician assistant, advanced registered nurse practitioner, or chemical dependency professional.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition ~~((PROVIDED, HOWEVER, That))~~. ~~The~~ ~~((above specified))~~ seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays ~~((PROVIDED FURTHER, That))~~. The court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served ~~((by the designated chemical dependency specialist))~~ on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony including, if possible, the testimony, which may be telephonic, of at least one licensed physician, ~~((psychiatric))~~ advanced registered nurse practitioner, physician assistant, or ((mental health)) chemical dependency professional who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person ~~((is chemically dependent))~~ has a substance use disorder shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If

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deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, ~~((psychiatric))~~ advanced registered nurse practitioner, physician assistant, or ~~((mental health))~~ chemical dependency professional, he or she shall be given an opportunity to be examined by a court appointed licensed physician, ~~((psychiatric))~~ advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by a preponderance of the evidence and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of fourteen days unless sooner discharged. A person committed to a less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The

parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she ~~((is chemically dependent))~~ has a substance use disorder and is likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed ~~((PROVIDED, That,))~~. The court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a ~~((chemically dependent))~~ person with a substance use disorder committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a ~~((chemically dependent))~~ person with a substance use disorder committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician, ~~((psychiatric))~~ advanced registered nurse practitioner, physician assistant, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a qualified person and requests an examination, the court shall employ a licensed physician, ~~((psychiatric))~~ advanced registered nurse practitioner, physician assistant, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

Sec. 319. RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

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

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

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

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

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

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

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

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

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

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

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

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

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

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

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

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

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

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to

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persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

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

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

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

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

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

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

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

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

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

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or

behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

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

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

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

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

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

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

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

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

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

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

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

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

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

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

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

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

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

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

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

Sec. 320. RCW 71.05.210 and 2016 sp.s. c 29 s 224 and 2016 c 155 s 2 are each reenacted and amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician (~~and a mental health professional~~), physician assistant, or advanced registered nurse professional; and

(ii) One (~~physician assistant and a~~) mental health professional(~~or~~

~~One advanced registered nurse practitioner and a mental health~~) or chemical dependency professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for

the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ((facility)) program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

(4) A person detained, accepted, or admitted to an evaluation and treatment facility must be evaluated by a mental health professional. A person detained, accepted, or admitted to a secure detox facility or approved substance use disorder treatment facility must be evaluated by a chemical dependency professional.

Sec. 321. RCW 71.05.210 and 2016 sp.s. c 29 s 225 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional))~~, physician assistant, or advanced registered nurse professional; and

(ii) One ~~((physician assistant and a))~~ mental health professional ~~((or~~

~~((iii) One advanced registered nurse practitioner and a mental health))~~ or chemical dependency professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for

the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ((facility)) program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

(4) A person detained, accepted, or admitted to an evaluation and treatment facility must be evaluated by a mental health professional. A person detained, accepted, or admitted to a secure detox facility or approved substance use disorder treatment facility must be evaluated by a chemical dependency professional.

Sec. 322. RCW 71.05.230 and 2016 sp.s. c 29 s 230, 2016 c 155 s 5, and 2016 c 45 s 1 are each reenacted and amended to read as follows:

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

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

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

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

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

(a) (~~Two physicians~~) One physician, physician assistant, or advanced registered nurse practitioner; and

(b) One physician (~~and a~~), physician assistant, advanced registered nurse practitioner, mental health professional(;

(c) One physician assistant and a mental health professional; or

(d) One psychiatric advanced registered nurse practitioner and a mental health professional), or chemical dependency professional.

The persons signing the petition must have examined the person. If the person is detained for the purpose of mental health treatment, the person must be examined by a mental health professional. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

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

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

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

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

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

Part Five - Technical

NEW SECTION. Sec. 323. Section 13 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 324. Sections 8, 11, and 13 of this act expire April 1, 2018.

NEW SECTION. Sec. 325. Sections 9, 12, 14, 15, and 17 of this act take effect April 1, 2018.

NEW SECTION. Sec. 326. Sections 9 and 15 of this act expire July 1, 2026.

NEW SECTION. Sec. 327. Sections 10 and 16 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.201, 71.05.203, 71.05.203, 71.05.590, 71.05.590, 71.05.590, 71.05.154, 71.05.154, 70.96A.140, and 71.05.210; reenacting and amending RCW 71.05.201, 71.05.020, 71.05.210, and 71.05.230; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency."

Senator O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 9 by Senators O'Ban and Darneille to Substitute Senate Bill No. 5106.

The motion by Senator O'Ban carried and floor striking amendment no. 9 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 23, 2017

It was my intention to vote against Senate Bill No. 5106. I inadvertently voted in favor of the measure while attending to other business on the floor. SB 5106 makes technical corrections to Engrossed Substitute House Bill No. 1713; Chapter 29, Laws of 2016 which I had voted against.

\s\Senator Bob Hasegawa, 11th Legislative District

SECOND READING

SENATE BILL NO. 5306, by Senators Rolfes and Takko

Concerning secondary commercial fish receivers.

The measure was read the second time.

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MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Nelson and Rolfes spoke in favor of passage of the bill.

Senators Liias and Pearson spoke on the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5306.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5306 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Oak View Elementary School, Centralia who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5442, by Senators Fortunato and Pedersen

Concerning expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities.

The measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5442.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5081, by Senators Pedersen and Miloscia

Adopting the revised uniform law on notarial acts.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5081 was substituted for Senate Bill No. 5081 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5081.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5081 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5152, by Senators Fain, Keiser, Rivers, Becker, Palumbo and Kuderer

Concerning pediatric transitional care centers. Revised for 1st Substitute: Concerning pediatric transitional care services.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5374, by Senators Becker, Bailey, Rivers, Brown, Miloscia, O'Ban, Warnick, Angel, Honeyford, Padden and Braun

Concerning state employee whistleblower protection.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5374 was substituted for Senate Bill No. 5374 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:13 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, February 24, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

FORTY SEVENTH DAY, FEBRUARY 24, 2017

2017 REGULAR SESSION

FORTY SEVENTH DAY**MORNING SESSION**Senate Chamber, Olympia
Friday, February 24, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

The prayer was offered by Reverend Tammy Stampfli of United Churches of Olympia.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 2017

SB 5001 Prime Sponsor, Senator O'Ban: Modifying the election and authority of regional transit authority board members. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña and Takko.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5143 Prime Sponsor, Senator Zeiger: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5143 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Padden.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5274 Prime Sponsor, Senator Conway: Defining salary for purposes of the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5296 Prime Sponsor, Senator Braun: Removing the requirement that an employee must work at least six months before taking vacation leave. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5296 as recommended by Committee on State Government be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5317 Prime Sponsor, Senator Angel: Concerning the payment of certain required costs of the Tacoma Narrows toll bridge. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Ericksen; Fortunato; Hawkins; O'Ban; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Hobbs, Ranking Minority Member; Liias; Cleveland and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5357 Prime Sponsor, Senator Ranker: Establishing a pilot project to license outdoor early learning and child care programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt,

Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Padden and Schoesler.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5371 Prime Sponsor, Senator Becker: Protecting public sector workers' rights through public disclosure of public sector unions' finances. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5503 Prime Sponsor, Senator Baumgartner: Requiring safety belts on school buses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Ways & Means.

February 22, 2017

SB 5551 Prime Sponsor, Senator Rossi: Requiring periodic certification elections for labor unions representing public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5595 Prime Sponsor, Senator Billig: Concerning maintaining the quarterly average census method for calculating state hospital reimbursements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5659 Prime Sponsor, Senator Bailey: Addressing the eligibility of emergency medical technicians employed by public hospital districts for membership in the law enforcement officers' and firefighters' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Hasegawa.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5726 Prime Sponsor, Senator Hobbs: Addressing public school employee benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5726 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Fain; Keiser; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Conway; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Billig and Carlyle.

Referred to Committee on Rules for second reading.

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SB 5762 Prime Sponsor, Senator Hunt: Concerning financing of the mercury-containing light stewardship program. Reported by Committee on Ways & Means

Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Vice Chair; Becker and Padden.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5819 Prime Sponsor, Senator King: Concerning the board of pilotage commissioners. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5819 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

February 22, 2017

SB 5833 Prime Sponsor, Senator Honeyford: Addressing the minimum retirement allowance under the teachers' retirement system, plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5833 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5837 Prime Sponsor, Senator Saldaña: Expanding high occupancy vehicle lane access to blood-collecting or distributing establishment vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5837 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato;

February 22, 2017

SJR 8204 Prime Sponsor, Senator Fortunato: Amending the Constitution to prohibit the taxation of individual income. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5853 by Senators Walsh, Rolfes, Angel, Warnick, Wellman, Conway, Rivers, Takko, Schoesler, Zeiger, Brown, Billig, Bailey, Fain and Hasegawa
AN ACT Relating to career and technical education funding; adding new sections to chapter 28A.150 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5854 by Senators O'Ban, Becker, Rivers, Rossi and Zeiger
AN ACT Relating to nullifying the imposition of certain taxes within regional transit authority boundaries; amending RCW 81.104.175; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8010 by Senators Bailey, Frockt, Rivers, Darneille, Angel, Conway, Zeiger, Sheldon, Schoesler, Rolfes, Keiser, Walsh, Warnick, Brown, Honeyford, Wilson, Ranker, O'Ban, Braun, Becker, Miloscia, Baumgartner, Short, Fortunato and Pearson

Requesting surplus federal government equipment needed for earthquake and tsunami preparedness.

Referred to Committee on State Government.

SCR 8403 by Senators Hunt, Carlyle, Miloscia, Darneille, Palumbo, Rossi, Keiser, Becker, Zeiger, Liias, Kuderer, Saldaña, Pedersen, Conway, Hobbs, Walsh, Billig, Cleveland, Nelson, Sheldon, McCoy, Hasegawa, Wellman, Ranker and Pearson

Naming the building at 1063 Capitol Way "The Helen Sommers Building."

Referred to Committee on State Government.

MOTION

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

MOTION

On motion of Senator Fain and without objection, Substitute House Bill No. 2106 was removed from the second reading calendar and referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator Rolfes moved adoption of the following resolution, which was read in full by the Senator:

SENATE RESOLUTION 8624

By Senators Rolfes, Frockt, Ranker, Hasegawa, Conway, Darneille, Billig, Bailey, Warnick, Fain, Walsh, Honeyford, and Liias

WHEREAS, Amanda Rohrkemper was a bright presence in the Code Reviser's Office of the Washington State Legislature until she passed away peacefully at the young age of thirty years old; and

WHEREAS, Amanda Rohrkemper was always an outgoing and hard-working individual, participating on the student council, cheering for the varsity cheer squad, and graduating with honors in 2004 from Cactus High School in Glendale, Arizona; and

WHEREAS, While attending Arizona State University, Amanda Rohrkemper majored in political science and began her career in public service by completing an internship with the Arizona State Legislature; and

WHEREAS, Amanda Rohrkemper graduated summa cum laude from Arizona State University, then went on to finish her studies with a juris doctor degree from The George Washington University Law School in Washington, D.C.; and

WHEREAS, Amanda Rohrkemper loved adventure, spending a semester studying in Paris and traveling the country to pursue her education and career; and

WHEREAS, Amanda Rohrkemper joined the Washington State legislative team as a Staff Attorney at the Code Reviser's Office in 2012; and

WHEREAS, Throughout her time at the legislature, Amanda Rohrkemper always maintained a professional yet pleasant attitude, fitting in well with her colleagues; and

WHEREAS, Amanda Rohrkemper had a passion for dance, art, and all things French, and her colleagues appreciated her unique

skill of seeing the beauty in things that other people could not see; and

WHEREAS, Amanda Rohrkemper met each obstacle and difficult task with a smile, bringing a positive outlook to the world around her each day; and

WHEREAS, Amanda Rohrkemper worked tirelessly without expectation of receiving praise, instead finding joy in her hard work; and

WHEREAS, Amanda Rohrkemper treated those around her with care and compassion, always ready to help them with their troubles and recognizing the human need for kindness;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Amanda Rohrkemper and the impact she had on her coworkers and the legislature and remember her positive outlook and passion for public service.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

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

MOTION

Senator Liias moved adoption of the following resolution, which was read in full by the Senator:

SENATE RESOLUTION 8625

By Senators Rolfes, Ranker, Rossi, Honeyford, Warnick, Becker, Bailey, Padden, Darneille, Conway, Hasegawa, and Liias

WHEREAS, Sandra G. Wibbels was born on January 30, 1958, in Olympia, Washington, to Charlotte Yelle and Charles Packard; and

WHEREAS, Sandy Wibbels remained in the South Sound area for most of her life, loving the natural beauty and foliage of Puget Sound; and

WHEREAS, Sandy Wibbels graduated from North Thurston High School in Lacey, Washington, and remained in the area to marry her husband, Bob Wibbels, and raise their son, Stephen Wibbels; and

WHEREAS, Sandy Wibbels worked at the Washington State Legislature and joined Senate Committee Services where she was an exceptional Committee Assistant; and

WHEREAS, Her colleagues recall that Sandy Wibbels always had a bounce in her step and had a knack for making them laugh; and

WHEREAS, Sandy Wibbels loved gardening and took great pride in her front yard flowers and perennials, and she always looked forward to her yearly trips exploring the natural wonders of Hawaii with her husband; and

WHEREAS, Sandy Wibbels brought her love for the outdoors to her work at Senate Committee Services, regularly resurrecting office plants and coaxing them to bloom beautifully; and

WHEREAS, Sandy had a kind heart, welcoming new staff to the Washington State Legislature and taking a motherly role with fellow staff both young and old; and

WHEREAS, Sandy Wibbels was a great source of knowledge for her colleagues, and they fondly remember her positive spirit helping them power through many late nights of session; and

WHEREAS, On April 30, 2016, Sandy Wibbels passed away in Olympia's St. Peter Hospital due to complications from cancer; and

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WHEREAS, Sandy Wibbels's love for the beauty of the Pacific Northwest and her dedication to the Washington State Legislature will not be forgotten;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life of Sandra G. Wibbels and her career in the Washington State Legislature.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

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

MOTION

Senator Warnick moved adoption of the following resolution, which was read in full by the Senator:

SENATE RESOLUTION
8626

By Senators Warnick, Becker, Bailey, Padden, Billig, Darneille, Conway, Hasegawa, Frockt, Rolfes, Ranker, Brown, Rossi, Honeyford, Miloscia, Rivers, Zeiger, Pedersen, Angel, Fain, Braun, Wilson, Walsh, Pearson, Sheldon, Baumgartner, Fortunato, Short, O'Ban, Hawkins, King, and Schoesler

WHEREAS, Today, we honor the late Kyle E. Lynch, a community leader and public servant of unparalleled dedication; and

WHEREAS, From 2003 to 2016, Kyle worked as a Legislative Aide helping and representing the communities of the 13th District; first serving Senator Joyce Mulliken and later Senator Judy Warnick; and

WHEREAS, Kyle lived his life as a model christian, quintessential boy scout, and was involved in many important projects that bettered the lives of the people of the Columbia Basin; and

WHEREAS, Kyle's tenure with the boy scouts spanned an impressive 35 years and he lived his life by the boy scout oath and law; Kyle rose to the rank of Eagle Scout, was inducted into the Order of the Arrow, and was eventually elected as Section Chief to W1-C; and

WHEREAS, Kyle consistently demonstrated his capabilities as a leader and role model, and in 1989 was honored with the Founders Award for his involvement and dedication to his community's youth; and

WHEREAS, Kyle passed away this November, after a hard-fought, courageous battle with metastatic colon cancer; and

WHEREAS, Despite Kyle's cancer being diagnosed at stage 4, he chose aggressive chemotherapy treatments and a clinical trial, demonstrating his tremendous bravery and determination; and

WHEREAS, Kyle comforted his loved ones and community during his grueling treatments; and his selflessness, strength, and courage serve as an inspiration to us all;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life of the late Kyle Lynch, and recognize his incredible courage, his dedication to our state and the people of the Columbia Basin, and his principled character, which bettered the lives of all who had the privilege of knowing him; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Kyle Lynch's wife, Lynne Lynch; his children, Maria and Luke; and his parents, Jack and Debi Lynch.

Senators Warnick and Short spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8626.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Lynch family who were seated in the gallery: Lynne Lynch, Kyle's wife; Maria and Luke, Kyle's children; and Jack and Debi Lynch, Kyle's parents.

MOTION

At 9:22 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of reading in committee reports later in the day.

AFTERNOON SESSION

The Senate was called to order at 4:25 p.m. by the Vice President Pro Tempore, Senator Honeyford presiding.

MOTION

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

SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

February 24, 2017

SB 5014 Prime Sponsor, Senator Pearson: Concerning determination of the benchmark rate in Snohomish county for certain community residential services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5021 Prime Sponsor, Senator O'Ban: Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5021 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital

Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5022 Prime Sponsor, Senator Bailey: Providing information to students about education loans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Padden.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5033 Prime Sponsor, Senator Keiser: Concerning financing essential public infrastructure. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Keiser; Miloscia; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Carlyle; Conway; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant

Ranking Minority Member, Capital Budget; Billig; Padden and Rivers.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5070 Prime Sponsor, Senator Rivers: Concerning paraeducators. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5087 Prime Sponsor, Senator Honeyford: Concerning the evaluation and prioritization of capital budget projects at the public two-year and four-year institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5089 Prime Sponsor, Senator Honeyford: Concerning more efficient use of state facilities through aligning the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

FORTY SEVENTH DAY, FEBRUARY 24, 2017

2017 REGULAR SESSION

SB 5099 Prime Sponsor, Senator Bailey: Concerning crimes against vulnerable persons. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5099 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5100 Prime Sponsor, Senator Bailey: Requiring live financial literacy seminars for students at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5104 Prime Sponsor, Senator O'Ban: Concerning the creation of a property tax exemption for spouses of military members or first responders killed in the line of duty. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Conway; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Darneille; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5107 Prime Sponsor, Senator Billig: Creating a local pathway for local governments, school districts, and nonprofit organizations to provide more high quality early learning opportunities by reducing barriers and increasing efficiency. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5107 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5111 Prime Sponsor, Senator Braun: Enacting an excise tax on capital gains to improve the fairness of Washington's tax system and provide funding for the education legacy trust account. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5113 Prime Sponsor, Senator Braun: Investing in education by modifying the business and occupation tax and providing small business tax relief. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5118 Prime Sponsor, Senator Rolfes: Increasing the personal needs allowance for persons receiving state-financed care. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5127 Prime Sponsor, Senator Braun: Establishing a carbon pollution tax and investment program to reduce greenhouse gas emissions, facilitate the transition to a clean

energy economy, and invest in K-12 education and other vital public services. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5179 Prime Sponsor, Senator Bailey: Requiring coverage for hearing instruments under public employee and medicaid programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5179 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5182 Prime Sponsor, Senator Fain: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Padden.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5198 Prime Sponsor, Senator Becker: Concerning fire suppression methodologies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5198 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member and Carlyle.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5201 Prime Sponsor, Senator O'Ban: Concerning individuals receiving both employment and community access services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5201 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5236 Prime Sponsor, Senator Zeiger: Creating the civic learning public-private partnership. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5236 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5239 Prime Sponsor, Senator Warnick: Ensuring that water is available to support development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5239 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Billig and Conway.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5255 Prime Sponsor, Senator Padden: Concerning seizure and forfeiture reporting. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5255 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5258 Prime Sponsor, Senator Zeiger: Creating the Washington academic, innovation, and mentoring (AIM) program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5258 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5285 Prime Sponsor, Senator Wilson: Conducting a workforce study of employment opportunities in the agriculture, environment, and natural resources economic sectors intended to provide educators with the information needed for informing students about employment opportunities in the studied fields. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5285 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5294 Prime Sponsor, Senator Padden: Concerning the department of corrections. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5294 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5300 Prime Sponsor, Senator Zeiger: Authorizing specified local governments, including municipalities and federally recognized Indian tribes, that typically have limited access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5300 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5340 Prime Sponsor, Senator Keiser: Concerning class B elevator work permits. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Hasegawa.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5342 Prime Sponsor, Senator King: Concerning the distribution of monetary penalties to local courts and state

agencies paid for failure to comply with discover pass requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5342 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5349 Prime Sponsor, Senator Cleveland: Concerning elder justice centers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5349 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5405 Prime Sponsor, Senator Wilson: Requiring protection for occupants of national guard facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5452 Prime Sponsor, Senator Honeyford: Concerning local and community projects. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ;

Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Conway; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle and Darneille.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5453 Prime Sponsor, Senator Honeyford: Concerning school construction assistance grants for small, rural school districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5453 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5474 Prime Sponsor, Senator Pearson: Initiating proactive steps to address elk hoof disease. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5474 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5475 Prime Sponsor, Senator Brown: Providing a business and occupation tax exemption for manufacturers of small modular reactors. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5475 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice

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2017 REGULAR SESSION

Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

February 24, 2017

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5479 Prime Sponsor, Senator Saldaña: Establishing a shared parental leave program. Reported by Committee on Ways & Means

SB 5529 Prime Sponsor, Senator Rolfes: Concerning dual language in early learning and K-12 education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5529 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5540 Prime Sponsor, Senator Walsh: Creating an oral health pilot program for adults with diabetes and pregnant women. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5500 Prime Sponsor, Senator Honeyford: Concerning the state building code council. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5540 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5546 Prime Sponsor, Senator Hawkins: Concerning proactively addressing wildfire risk by creating a forest health treatment assessment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5500 as recommended by Committee on Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5525 Prime Sponsor, Senator Wilson: Concerning veterans' mental health services at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5546 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5558 Prime Sponsor, Senator Darneille: Issuing a two-year identicard for offenders released from prison facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MAJORITY recommendation: That Third Substitute Senate Bill No. 5558 be substituted therefor, and the third substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice

Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5559 Prime Sponsor, Senator Darneille: Implementing a vulnerable youth guardianship program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5559 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5588 Prime Sponsor, Senator Hasegawa: Developing information concerning racial disproportionality. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5610 Prime Sponsor, Senator Darneille: Addressing the sentencing of juveniles. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5610 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford, Vice Chair, Capital Budget .

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Vice Chair; Becker; Padden and Schoesler.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5643 Prime Sponsor, Senator Wellman: Concerning lead-based paint certification fees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Becker and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget and Bailey.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5644 Prime Sponsor, Senator Honeyford: Concerning skill center facility maintenance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5647 Prime Sponsor, Senator Honeyford: Creating a low-income home rehabilitation revolving loan program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Conway; Fain; Keiser; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Darneille and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5653 Prime Sponsor, Senator Becker: Addressing the administration of the public employees' benefits program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5684 Prime Sponsor, Senator Palumbo: Creating the higher education infrastructure investment program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5684 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Darneille; Fain; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Keiser.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5702 Prime Sponsor, Senator Keiser: Improving state funding for school construction, modernization, and asset preservation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5703 Prime Sponsor, Senator Padden: Establishing a special allegation for habitual property offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5703 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5705 Prime Sponsor, Senator Becker: Concerning inspection and review of state contracted behavioral health and recovery agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5705 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Darneille; Hasegawa and Keiser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pedersen.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5712 Prime Sponsor, Senator Zeiger: Developing a bilingual educational workforce. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5712 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5713 Prime Sponsor, Senator Palumbo: Creating the skilled worker outreach, recruitment, and key training program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5713 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5719 Prime Sponsor, Senator Baumgartner: Creating a labor and industries ombuds within the department of commerce. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Darneille and Keiser.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5736 Prime Sponsor, Senator Brown: Concerning the expansion of nutrition programs for older adults. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5745 Prime Sponsor, Senator Kuderer: Addressing contaminated drinking water stemming from the lead content in drinking water infrastructure, including pipes, connections, and fixtures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ;

Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5749 Prime Sponsor, Senator Darneille: Concerning paperwork reduction in order to improve the availability of mental health services to protect children and families. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5749 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5753 Prime Sponsor, Senator Zeiger: Concerning the financing of early learning facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5753 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Vice Chair, Capital Budget .

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5755 Prime Sponsor, Senator Short: Simplifying the population growth criteria for planning required by the growth management act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5755 as recommended by Committee on Local Government be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5779 Prime Sponsor, Senator Brown: Concerning behavioral health integration in primary care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5779 as recommended by Committee on Human Services, Mental Health & Housing be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5783 Prime Sponsor, Senator Sheldon: Exempting multipurpose senior citizen centers from property taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5783 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Ranker, Ranking Minority Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

February 23, 2017

SB 5820 Prime Sponsor, Senator Wilson: Concerning financial aid at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5835 Prime Sponsor, Senator Keiser: Promoting healthy outcomes for pregnant women and infants. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5844 Prime Sponsor, Senator Braun: Adopting citizen commission 2016 recommendations and making adjustments to the commission's review process. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 24, 2017

SB 5849 Prime Sponsor, Senator Angel: Addressing the need for veterans' services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

February 23, 2017

SJR 8201 Prime Sponsor, Senator Keiser: Amending the Constitution to allow the state to guarantee debt issued to local governments for infrastructure projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Conway; Fain; Keiser; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Carlyle; Darneille and Padden.

Referred to Committee on Rules for second reading.

February 24, 2017

SJR 8208 Prime Sponsor, Senator Fain: Requiring the legislature to enact a four-year balanced budget. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 4:27 p.m., on motion of Senator Fain, the Senate adjourned until 1:00 o'clock p.m. Monday, February 27, 2017.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

FIFTIETH DAY

AFTERNOON SESSION

Senate Chamber, Olympia
Monday, February 27, 2017

The Senate was called to order at 1:00 o'clock p.m. by the President Pro Tempore of the Senate, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Lillian Williamson and Mr. Tyler Yim, presented the Colors. Page Miss Joan Fort led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Jan Angel, 26th Legislative District, Port Orchard.

MOTION

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

MOTION

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

MESSAGE FROM STATE OFFICERS

For your information, the following reports have been submitted by various agencies, departments, and taskforces and received by the Office of the Secretary of the Senate:

Department of Social & Health Services – “*WorkFirst Wage Progression and Returns Report: through fourth quarter 2015*” pursuant to 74.08A.411 RCW, report date July, 1, 2016;

Department of Social & Health Services, - “*Continuum of Care Report*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 1, 2016;

Department of Social & Health, Services – “*Feasibility Study of Policy Options to Finance Long-Term Services and Supports*” in accordance with Engrossed Substitute Senate Bill No. 6052, report date January 31, 2017;

Department of Transportation – “*Violations of Environmental Permits and Regulations for State Highway Projects*” in accordance with Second Engrossed Substitute Senate Bill No. 5996, report date February 1, 2017;

Department of Transportation – “*Department of Local Governments Determination on Permits*” pursuant to 47.01.485 RCW, report date February 1, 2017;

Department of Transportation – “*Recycled Concrete Usage in Aggregate Materials, 2016 Annual Report*” pursuant to 70.95.805 RCW, report date February 14, 2017;

Department of Transportation – “*Capital Projects and Nickel/TPA Projects Quarterly Reports, 2015-17 Biennium Quarter 6*” in accordance with Second Engrossed Substitute House Bill No. 1299, report date February 15, 2017;

Department of Transportation – “*Fund Transfers Report, October - December 2016*” in accordance with Engrossed Substitute House Bill No. 2524, report date February 15, 2017.

MESSAGE FROM THE GOVERNOR

February 22, 2017

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

Ladies and Gentlemen:

I have the honor to advise you that on February 22, 2017, Governor Inslee approved the following Senate Bill entitled:

Substitute Senate Bill No. 5079
Relating to dental health services in tribal settings.

Sincerely,

/s/Drew Shirk, Executive Director of Legislative Affairs

MOTION

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

INTRODUCTION AND FIRST READING

SB 5855 by Senators Hobbs, Mullet, Takko and Palumbo

AN ACT Relating to adopting retail sale nexus standards to require retail sales tax collection by remote sellers selling into Washington; amending RCW 82.04.066, 82.04.067, 82.04.220, 82.08.050, 82.08.052, 82.12.040, 82.32.762, and 82.32.045; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.424; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5856 by Senators Hobbs, Mullet, Takko and Palumbo

AN ACT Relating to adopting retail sale nexus standards to require sales tax collection by remote sellers in order to fund safety net programs; amending RCW 82.04.066, 82.04.067, 82.04.220, 82.08.050, 82.08.052, 82.12.040, 82.32.762, and 82.32.045; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 74.04 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.424; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5857 by Senator Chase

AN ACT Relating to automatic voter registration; amending RCW 29A.08.410, 29A.08.420, and 29A.08.720; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on State Government.

SB 5858 by Senator Fain

AN ACT Relating to professional certification for teachers and school administrators; amending RCW 28A.410.210, 28A.410.220, 28A.410.250, and 28A.410.270; adding new sections to chapter 28A.410 RCW; and providing an expiration date.

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

MOTION

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

MOTION

At 1:08 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator Liias announced a meeting of the Democratic Caucus.

AFTERNOON SESSION

The Senate was called to order at 4:22 p.m. by President Pro Tempore Sheldon.

MOTION

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

SECOND READING

SENATE BILL NO. 5051, by Senators Brown, Warnick, Honeyford, Becker and Schoesler

Concerning nondefault termination provisions in state land leases for agricultural or grazing purposes. Revised for 1st Substitute: Concerning nondefault or early termination provisions in state land leases for agricultural or grazing purposes.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5051 was substituted for Senate Bill No. 5051 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5051 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5041, by Senators Baumgartner, Bailey, Conway, Rolfes, Darneille, Zeiger, Chase and Wellman

Concerning consumer protections for military service members on active duty.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5041.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5322, by Senators King, Frockt, Miloscia, Conway, Hobbs and Becker

Concerning agreements between dentists and third parties that provide supportive services to dentists.

MOTIONS

FIFTIETH DAY, FEBRUARY 27, 2017

2017 REGULAR SESSION

On motion of Senator King, Substitute Senate Bill No. 5322 was substituted for Senate Bill No. 5322 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Keiser and Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5322.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5046, by Senators Hasegawa, Chase, Darneille and Rolfes

Providing public notices of public health, safety, and welfare in a language other than English.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5046 was substituted for Senate Bill No. 5046 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5046 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5046.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5046 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5244, by Senators O'Ban, Hobbs, Takko and Wilson

Concerning the means of communication between a buyer or lessee and an auto dealer during the "bushing" period.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5244.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5161, by Senators Keiser, Wilson and Takko

Modifying theater license provisions.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5161 was substituted for Senate Bill No. 5161 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Darneille and Miloscia spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5161.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5161 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Becker, Carlyle, Darneille, Hasegawa, Hunt, Liias, McCoy, Miloscia, O'Ban, Padden, Pearson, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5472, by Senator Pearson

Requiring ballot drop boxes in all communities.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5472 was substituted for Senate Bill No. 5472 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Hunt and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5472.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5472 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5077, by Senators Angel, Darneille, Padden, Wilson, Rolfes, Keiser, Mullet, Wellman, Conway and Saldaña

Allowing the department of corrections to provide temporary housing assistance to individuals being released from the Washington corrections center for women. Revised for 1st Substitute: Allowing the department of corrections to provide temporary housing assistance to individuals being released from certain corrections centers for women.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Liias: "Thank you Mr. President. I am so proud and honored to be welcoming our friend Kevin Van De Wege to the Senate. And Senator Van De Wege is very shy so he doesn't want to stand up and explain that he's got gifts to be distributed to us in appreciation for his first speech last week on the Senate floor. So I just wanted for my part to say that I really enjoyed serving with Senator Van De Wege in the House, where we were roommates and became great friends. I have enjoyed our camping trips and opportunities to see the beautiful parts of Washington state. I also reflect on the fact that when I first met Senator Van De Wege, his kids were knee-high to a grasshopper and today they are in middle school and high school, and it has been amazing to watch them grow up. So I want to welcome Senator Van De Wege to the Senate family and to continue to serve with him and I appreciate the gifts that are being distributed to us. And I hope he will explain to us what they are, but if he

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doesn't want to, that is ok, he can be shy. We welcome him nonetheless. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Van De Wege: "Thank you Mr. President. I do have gifts. I have gift bags today because I was convinced to do a bill that wasn't mine on Friday. So I thought I would hand out the gift bags today. They contain soda pop made in Port Angeles from Bedford Soda. When you are thirsty, drink Bedford Soda. They contain soap, which I kind of find interesting, the soap, that I am the third person to have soap in their gift bags. I don't know if that tells something of the way people smell over here or what, but there is soap made in Sequim. And from Port Angeles there is some chocolate. It is great chocolate and then my Legislative Aide Linda Barnfather is a wonderful photographer and there is a postcard in each bag that she took and had made. So, I hope you enjoy your gifts. Thank you."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Sheldon: "Thank you, Senator Van De Wege. It is all about aromatherapy here in the Senate, so I am very excited."

PERSONAL PRIVILEGE

Senator Pearson: "Thank you Mr. President and I do welcome Senator Van De Wege. We served a number of years in the House, and it is a delight serving with him on the Natural Resources & Parks Committee as Ranking Member, and I know Senator Hargrove is a tough act to follow, but at least what I love about Kevin is he is not pressing into me when he is talking on things, and pushing his way. He is much more subtle. But, I am going to enjoy working with him for many years. Thank you."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Sheldon: "Well, Senator Van De Wege, all the way from the Olympic Peninsula, we sure appreciate you being here. Thank you very much."

The Senate rose and recognized new Senator Van De Wege.

SECOND READING

SENATE BILL NO. 5359, by Senators Conway, Zeiger, Bailey, Rolfes, Hobbs and Kuderer

Requiring annual reporting on the implementation of laws to streamline licensing processes for military service members and their spouses.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5359.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Honeyford, Vice President Pro Tempore, assumed the Chair.

SECOND READING

SENATE BILL NO. 5186, by Senators Padden and Pearson

Concerning the collection of blood samples for forensic testing.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5186 was substituted for Senate Bill No. 5186 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5186 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen, Becker, O'Ban and Liias spoke in favor of passage of the bill.

Senators Hasegawa, Carlyle, Van De Wege and Takko spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5186.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5186 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, King, Liias, Miloscia, O'Ban, Padden, Pearson, Pedersen, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Mullet, Nelson, Palumbo, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5263, by Senator Warnick

Concerning the procurement of seeds by state agencies.

MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 11 by Senator Warnick be adopted:

On page 1, beginning on line 19, after "tree seed" strike "and seed of woody species" and insert ", seed of woody species, and seed of aquatic species"

Senator Warnick spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 11 by Senator Warnick on page 1, line 19 to Substitute Senate Bill No. 5263.

The motion by Senator Warnick carried and floor amendment no. 11 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:03 p.m. the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:05 p.m. by Vice President Pro Tempore Honeyford.

SECOND READING

SENATE BILL NO. 5806, by Senators Cleveland, Rivers, Wilson, Hobbs, Chase and Nelson

Concerning preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5806 was substituted for Senate Bill No. 5806 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Wellman, Hobbs, King and Lias spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Baumgartner, Ericksen, Padden and Pearson

SUBSTITUTE SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5649, by Senators Hawkins and Saldaña

Modifying the eligibility requirements for certain counties to form a regional transportation planning organization.

The measure was read the second time.

MOTION

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

Senator Hawkins spoke in favor of passage of the bill.

SECOND READING

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5649.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5649 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5675, by Senators Mullet and Angel

Addressing the minimum operating requirements and the review of plans necessary to be included in the small business retirement marketplace.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5675 was substituted for Senate Bill No. 5675 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5675.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5675 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Ericksen, Hasegawa, Padden and Short

SUBSTITUTE SENATE BILL NO. 5675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5560, by Senators Brown, Palumbo and Walsh

Creating a special permit for certain wine auctions.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Pearson

SUBSTITUTE SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5388, by Senators Zeiger, Sheldon, Kuderer, Padden, Wilson, Conway, Fortunato, Hobbs, Becker, Warnick and Honeyford

Concerning unlawful entry on certain properties. Revised for 1st Substitute: Concerning the removal of unauthorized persons from certain premises.

MOTION

On motion of Senator Zeiger, Substitute Senate Bill No. 5388 was substituted for Senate Bill No. 5388 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following floor amendment no. 23 by Senator Zeiger be adopted:

On page 2, beginning on line 33, after "persons" strike all material through "tenants" on line 34 and insert "are not a tenant

or tenants and have not been a tenant or tenants for the last twelve months"

Senators Zeiger and Pedersen spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 23 by Senator Zeiger on page 2, line 33 to Substitute Senate Bill No. 5388.

The motion by Senator Zeiger carried and floor amendment no. 23 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute Senate Bill No. 5388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Pedersen and Angel spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5388.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5388 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5691, by Senators Bailey, Rivers, Becker and Warnick

Modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5754, by Senators Short and Schoesler

Concerning the management of noxious weeds on state lands.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Senate Bill No. 5754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5754.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5754 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Hasegawa, Liias, McCoy and Mullet

SENATE BILL NO. 5754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Sheldon resumed the chair.

SECOND READING

SENATE BILL NO. 5228, by Senators Honeyford, Rivers, Fortunato, Becker, Bailey, Ericksen, Warnick and Pearson

Concerning the definition of hydraulic project in relation to the hydraulic project approval permits. Revised for 1st Substitute:

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Establishing the joint legislative task force on hydraulic project approval program jurisdiction.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senator Van De Wege spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5734, by Senators Chase, Baumgartner, Miloscia, Saldaña, Keiser, Conway, Hasegawa, McCoy, Braun, Honeyford, Brown, Kuderer, Rivers and Warnick

Bringing Washington state government contracting provisions into compliance with federal law as it relates to small works bonding requirements.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5734.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5734 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5655, by Senators Angel and Mullet

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

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5655 was substituted for Senate Bill No. 5655 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5655 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5655.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5655 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5241, by Senators Carlyle, O'Ban, Darneille, Hasegawa and Wellman

Concerning the educational success of youth in foster care. Revised for 1st Substitute: Concerning the educational success of youth who are homeless or in foster care.

MOTIONS

On motion of Senator Carlyle, Substitute Senate Bill No. 5241 was substituted for Senate Bill No. 5241 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carlyle, the rules were suspended, Substitute Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carlyle and Zeiger spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5241.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5338, by Senators Wilson and Takko

Concerning registration enforcement for off-road vehicles and snowmobiles.

MOTION

On motion of Senator Wilson, Substitute Senate Bill No. 5338 was substituted for Senate Bill No. 5338 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wilson moved that the following floor striking amendment no. 24 by Senator Wilson be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 328.** The legislature finds that many residents of Washington enjoy recreational opportunities for off-road vehicle and snowmobile use afforded by the natural beauty of the state and do so in compliance with vehicle titling and registration laws and other laws that govern off-road vehicle and snowmobile use. At the same time, the legislature recognizes that the current law and corresponding enforcement regime may not be robust enough to ensure full compliance with legal registration requirements and a level playing field for all users. It is therefore the intent of the legislature to modify the statutory framework governing penalties for off-road vehicle and snowmobile registration violations and to add requirements to the department of licensing in order to improve registration compliance.

NEW SECTION. Sec. 329. A new section is added to chapter 46.09 RCW under the subchapter heading "uses and violations" to read as follows:

(1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to knowingly fail to apply for a Washington state certificate of title for, or to knowingly fail to register, an off-road vehicle within fifteen days of receiving or refusing a notice issued by the department under section 4 of this act.

(2) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

NEW SECTION. Sec. 330. A new section is added to chapter 46.10 RCW under the subchapter heading "uses and violations" to read as follows:

(1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to knowingly fail to register a snowmobile within fifteen days of receiving or refusing a notice issued by the department under section 4 of this act.

(2) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

NEW SECTION. Sec. 331. A new section is added to chapter 46.93 RCW to read as follows:

(1) By the first business day in February of each year, beginning in 2018, motorsports vehicle manufacturers must report to the department of licensing a listing of all motorsports vehicle warranties for off-road vehicles under chapter 46.09 RCW and snowmobiles under chapter 46.10 RCW sold to Washington residents by out-of-state motorsports vehicle dealers in the previous calendar year. The report must be transmitted such that the department receives the listing no later than the first business day in February. Failure to report a complete listing as required under this subsection results in an administrative fine of one hundred dollars for each day after January that the department has not received the report.

(2) The department of licensing shall examine the listing reported in subsection (1) of this section to verify whether the vehicles are properly registered in the state. Beginning in 2018, and to the extent that it has received the listing required under subsection (1) of this section, the department shall notify by certified mail from the United States postal service, with return receipt requested, by the end of February of each year, the purchasers of the warranties of the off-road vehicles and snowmobiles that are not properly registered in the state of the owner's obligations under state law regarding vehicle titling, registration, and use tax payment, as well as of the penalties for failure to comply with the law.

(3) Fines received under this section must be paid into the state treasury and credited to the nonhighway and off-road vehicle activities program account under RCW 46.09.510 and to the snowmobile account under RCW 46.68.350. The state treasurer must apportion the fines between the accounts according to the pro rata share of the number of off-road vehicle and snowmobile registrations in the previous calendar year. The department must provide the state treasurer with the information needed to determine the apportionment.

NEW SECTION. Sec. 332. Section 4 of this act applies to the sales of off-road vehicles and snowmobiles beginning in January 2017.

NEW SECTION. Sec. 333. This act takes effect August 1, 2017."

On page 1, line 2 of the title, after "snowmobiles;" strike the remainder of the title and insert "adding a new section to chapter 46.09 RCW; adding a new section to chapter 46.10 RCW; adding

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a new section to chapter 46.93 RCW; creating new sections; prescribing penalties; and providing an effective date."

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 24 by Senator Wilson to Substitute Senate Bill No. 5338.

The motion by Senator Wilson carried and floor striking amendment no. 24 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 5338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Liias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5338.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5338 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5404, by Senators Rivers, Liias, Zeiger, Wellman, Keiser, Fain, Kuderer and Carlyle

Permitting the possession and application of topical sunscreen products at schools.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5404 was substituted for Senate Bill No. 5404 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Liias, Baumgartner, Darneille, Keiser, Chase and Saldaña spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5404 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:38 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Tuesday, February 28, 2017.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, February 28, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Kristin Mannschreck and Mr. Landyn Houskeeper, presented the Colors. Page Mr. Hercis Hernandez led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Stuart Dugan of Lacey Presbyterian Church.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 2017

SHB 2106 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning election year restrictions on state legislators. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Assistant Ranking Minority Member, Operating Budget.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGES FROM THE HOUSE

February 27, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1149,
SUBSTITUTE HOUSE BILL NO. 1641,
HOUSE BILL NO. 1800,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1022,
HOUSE BILL NO. 1095,
HOUSE BILL NO. 1128,
HOUSE BILL NO. 1250,
HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1293,
SUBSTITUTE HOUSE BILL NO. 1344,
HOUSE BILL NO. 1352,
SUBSTITUTE HOUSE BILL NO. 1369,
SUBSTITUTE HOUSE BILL NO. 1464,
SUBSTITUTE HOUSE BILL NO. 1502,
SUBSTITUTE HOUSE BILL NO. 1543,
HOUSE BILL NO. 1733,
HOUSE BILL NO. 1939,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1274,
SUBSTITUTE HOUSE BILL NO. 1346,
HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1515,
SUBSTITUTE HOUSE BILL NO. 1618,
HOUSE BILL NO. 1623,
SUBSTITUTE HOUSE BILL NO. 1626,
HOUSE BILL NO. 1629,
HOUSE BILL NO. 1640,
SUBSTITUTE HOUSE BILL NO. 1671,
HOUSE BILL NO. 1672,
SUBSTITUTE HOUSE BILL NO. 1813,
HOUSE BILL NO. 1828,
HOUSE BILL NO. 1853,
HOUSE BILL NO. 1959,
HOUSE BILL NO. 2087,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

FIFTY FIRST DAY, FEBRUARY 28, 2017

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

INTRODUCTION AND FIRST READING

SB 5859 by Senators Sheldon and Hasegawa

AN ACT Relating to the disclosure of vehicle and vessel owner information; and amending RCW 46.12.635.

Referred to Committee on Transportation.

MOTION

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

MOTION

At 9:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 9:55 a.m. by President Pro Tempore Sheldon.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, be confirmed as a member of the University of Washington Board of Regents.

Senators Bailey, Lias and Fain spoke in favor of passage of the motion.

APPOINTMENT OF AUSTIN M. WRIGHT-PETTIBONE

The President Pro Tempore declared the question before the Senate to be the confirmation of Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Austin M. Wright-Pettibone, Gubernatorial Appointment No. 9182, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

Senator King moved that Roger Millar, Gubernatorial Appointment No. 9193, be confirmed as a Secretary of the Department of Transportation.

Senators King, Hobbs, Frockt and Baumgartner spoke in favor of passage of the motion.

APPOINTMENT OF ROGER MILLAR

The President Pro Tempore declared the question before the Senate to be the confirmation of Roger Millar, Gubernatorial Appointment No. 9193, as a Secretary of the Department of Transportation.

The Secretary called the roll on the confirmation of Roger Millar, Gubernatorial Appointment No. 9193, as a Secretary of the Department of Transportation and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Roger Millar, Gubernatorial Appointment No. 9193, having received the constitutional majority was declared confirmed as a Secretary of the Department of Transportation.

MOTION

Senator Schoesler moved that Brett Blankenship, Gubernatorial Appointment No. 9198, be confirmed as a member of the Board of Regents, Washington State University.

Senators Schoesler and Lias spoke in favor of passage of the motion.

APPOINTMENT OF BRETT BLANKENSHIP

The President Pro Tempore declared the question before the Senate to be the confirmation of Brett Blankenship, Gubernatorial Appointment No. 9198, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Brett Blankenship, Gubernatorial Appointment No. 9198, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Brett Blankenship, Gubernatorial Appointment No. 9198, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

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

SECOND READING

SENATE BILL NO. 5252, by Senators Angel and Wilson

Addressing the effectiveness of document recording fee surcharge funds that support homeless programs.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel, Nelson, Darneille and Walsh spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5252.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5430, by Senators Pearson, Fortunato and Conway

Concerning notice to a victim when a registered out-of-state sex offender moves to Washington.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5430 was substituted for Senate Bill No. 5430 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5430.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5430 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5227, by Senators King, Hobbs, Hasegawa, Saldaña and Kuderer

Requiring drivers to stop for approaching other on-track equipment at railroad grade crossings.

The measure was read the second time.

MOTION

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

Senator King spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5522, by Senators Palumbo, Fain and Nelson

Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5196, by Senators Warnick, Hobbs, Takko, King, Chase and Honeyford

Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5196 was substituted for Senate Bill No. 5196 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

Senators Chase and Rolfes spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5196.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5196 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes and Saldaña

SUBSTITUTE SENATE BILL NO. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5356, by Senators Fain, Palumbo, Miloscia, Frockt, Bailey, Rolfes, Angel, Keiser, Conway, Pedersen and Wilson

Concerning the humane treatment of dogs.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5356 was substituted for Senate Bill No. 5356 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5356.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5356 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5008, by Senators King, Hunt, Sheldon, Hobbs, Mullet and Warnick

Facilitating compliance with the federal REAL ID act by modifying driver's license and identicard design and fees.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following floor amendment no. 31 by Senators Hobbs, Lias, McCoy, Saldaña and Wellman be adopted:

On page 1, line 15, after "department" strike "may" and insert "must"

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

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 31 by Senators Hobbs, Lias, McCoy, Saldaña and Wellman on page 1, line 15 to Senate Bill No. 5008.

The motion by Senator Hobbs carried and floor amendment no. 31 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 19 by Senator King be adopted:

On page 3, beginning on line 5, after "(4)" strike all material through "extended." on line 23 and insert "~~((a) Between July 15, 2015, and June 30, 2016, the fee for an enhanced driver's license or enhanced identicard is eighteen dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is three dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.~~

~~(b)) Beginning ((July 1, 2016)) on the effective date of this section, the fee for an enhanced driver's license or enhanced identicard is ((fifty-four)) twelve dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is ((nine)) two dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended."~~

Senator King spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 19 by Senator King on page 3, line 5 to Senate Bill No. 5008.

The motion by Senator King carried and floor amendment no. 19 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Hobbs, Ericksen, Lias and Angel spoke in favor of passage of the bill.

Senator Saldaña spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5008.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Hasegawa, McCoy, Nelson and Saldaña

ENGROSSED SENATE BILL NO. 5008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5456, by Senators Braun and Bailey

Concerning unpaid accounts.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following floor amendment no. 20 by Senator Mullet be adopted:

On page 1, line 17, after "services" insert ", excluding obligations incurred through medical assistance programs administered by, and sought to be recovered by, the department of social and health services or the health care authority,"

On page 1, line 17, after "property" insert "pursuant to a residential or commercial lease agreement"

On page 2, line 25, after "collection agency" strike "as defined in chapter 19.16 RCW"

On page 2, beginning on line 26, after "from the" strike "due date specified in any demand for payment from" and insert "date the medical service was provided by"

On page 3, after line 9, insert the following:

"NEW SECTION. Sec. 4. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "creating" strike "a new section" and insert "new sections"

Senators Mullet and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 20 by Senator Mullet on page 1, line 17 to Substitute Senate Bill No. 5456.

The motion by Senator Mullet carried and floor amendment no. 20 was adopted by voice vote.

MOTION

Senator Nelson moved that the following floor striking amendment no. 21 by Senator Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. The legislature finds that medical debt is a significant problem impacting a person's ability to work, maintain their home, and provide for themselves and their families. The legislature further finds that understanding the causes and impacts of medical debt on Washington residents is an important first step in developing policy options to address this serious issue.

NEW SECTION. Sec. 6. (1) A legislative task force on medical debt is established, with nine members appointed as follows:

- (a) The president of the senate must appoint one member from each of the two largest caucuses of the senate;
 - (b) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives;
 - (c) The director of the department of health or the director's designee;
 - (d) The attorney general or the attorney general's designee;
 - (e) A representative from an organization representing medical service providers, appointed by the chair or cochaIRS;
 - (f) A representative from an organization representing a nonprofit community organization, appointed by the chair or cochaIRS; and
 - (g) A representative of an organization that provides charity care, appointed by the chair or cochaIRS.
- (2) The task force must:
- (a) Choose a chair or cochaIRS from among its legislative membership at its initial meeting. The initial meeting must be called by agreement of a majority of the appointed members;
 - (b) Review the scope of medical debt in Washington including the major causes of medical debt, the issues and processes that occur when medical debt goes to a collection agency, and how charity care and other services provide assistance to those in need;
 - (c) Provide any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature. If statutory changes are recommended, the task force must provide the recommendations in the form of draft legislation. Task force recommendations require the approval of a majority of the appointed members;
 - (d) Ensure that the task force provides ample opportunity for input from interested stakeholders.
- (3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The department of health must cooperate with the task force and provide information and assistance at the request of the task force.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for

travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

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

(6) The task force must provide recommendations, if any, to the appropriate legislative committees, as described under subsection (2)(c) of this section and consistent with RCW 43.01.036, by November 1, 2017.

(7) This section expires June 30, 2018."

On page 1, line 1 of the title, after "accounts;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

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

Senator Braun spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 21 by Senator Nelson to Substitute Senate Bill No. 5456.

The motion by Senator Nelson did not carry and floor striking amendment no. 21 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Mullet and Becker spoke in favor of passage of the bill.

Senators Chase, Kuderer and Keiser spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5456.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pearson, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5035, by Senators Pedersen, Rivers, Cleveland, Becker, Keiser, Walsh, Conway, Bailey, O'Ban, Mullet, Kuderer, Darneille and Wellman

Concerning patients' access to investigational medical products.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5035 was substituted for Senate Bill No. 5035 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen, Rivers, Cleveland, Angel and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Clover Creek Elementary School of Spanaway who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Pedersen: "Thank you Mr. President. I just wanted to note that my mother became the principal of Clover Park Elementary School in 1979 and served there for two years before she moved on to Thompson, also in Senator Conway's District."

SECOND READING

SENATE BILL NO. 5657, by Senators Miloscia and Rivers

Concerning the hosting of the homeless by religious organizations.

MOTIONS

On motion of Senator Miloscia, Substitute Senate Bill No. 5657 was substituted for Senate Bill No. 5657 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 5657 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5657.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5657 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

AFTERNOON SESSION

The Senate was called to order at 1:34 p.m. by Vice President Pro Tempore Honeyford.

PERSONAL PRIVILEGE

Senator Wellman: "I rise, I hope, to stand for Washington values. Yesterday, as we sat in the Senate the Jewish Community Center on Mercer Island received a bomb threat. Hundreds of men, women and children were forced to evacuate. Streets were closed. There was a great deal of fear and turmoil. I think it is beyond belief that in our state we are experiencing this kind of terrorism. It must be condemned on every level, whether it is hate speak or actions such as these, and I hope I stand for all in this Senate when I say that we must go back to our communities and talk about what is going on in this world. Our speech is inciting others to feel empowered and we must stop that so I am using everything that I have at my disposal to share with my communities in the 41st and around the state, my Facebook page and social media, that this is not something that we tolerate. This is a place that welcomes people. This is a state that is anti-hate. Thank you Mr. President."

SECOND READING

SENATE BILL NO. 5038, by Senators Padden, Pedersen, Kuderer, Darneille, Frockt and Angel

Concerning disclosures regarding incentivized evidence and testimony.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5038 was substituted for Senate Bill No. 5038 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor striking amendment no. 25 by Senators Padden and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 7. The definitions in this section apply throughout this section and sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Benefit" means any deal, payment, promise, leniency, inducement, or other advantage offered by the state to an informant in exchange for his or her testimony, information, or statement, but excludes a court-issued protection order. "Benefit" also excludes assistance that is ordinarily provided to both a prosecution and defense witness to facilitate his or her presence in court including, but not limited to, lodging, meals, travel expenses, or parking fees.

(2)(a) "Informant" means the following individuals who provide information or testimony in exchange for, or in expectation of, a benefit:

(i) Any criminal suspect, whether or not he or she is detained or incarcerated; and

(ii) Any incarcerated individual.

(b) An informant does not include an expert witness or a victim of the crime being prosecuted.

(3) "Statement" means an oral, written, or nonverbal communication related to the crime charged.

NEW SECTION. Sec. 8. (1) Before the state may introduce any testimony or statement of an informant in a trial or other criminal proceeding, the state must:

(a) Request the material and information in subsection (2) of this section from the investigative agency and the informant; and

(b) Disclose to the defendant the results of the requests in (a) of this subsection, and any other material and information in subsection (2) of this section that is known, or reasonably available to be discovered, by the state. For purposes of this section, material and information is reasonably available to be discovered if it is obtained through: (i) Communication with the informant; (ii) review of material and information internal to the office of the prosecuting attorney; or (iii) requests for material and information from prosecutors and investigative agencies in jurisdictions where the informant has a criminal record or pending criminal charges.

(2) The following material and information must be disclosed pursuant to subsection (1) of this section:

(a) The complete criminal history of the informant, including any pending criminal charges or investigations in which the informant is a suspect;

(b) Any benefit the state has provided or may provide in the future to the informant in the present case, including any written agreement related to a benefit, and information related to the informant's breach of any conditions contained within the agreement;

(c) The substance, time, and place of any statement allegedly given by the defendant to the informant, and the substance, time, and place of any statement given by the informant to law enforcement implicating the defendant in the crime charged,

including the names of all persons present when any statement was allegedly given by the defendant to the informant;

(d) Any instance that the informant modified or recanted his or her testimony or statement, the time and place of the modification or recantation, the nature of the modification or recantation, and the names of the persons who were present at the modification or recantation;

(e) All other cases in which the informant offered to provide information to or testify for the state in exchange for a deal, payment, promise, leniency, inducement, or other advantage, whether or not a deal, payment, promise, leniency, inducement, or other advantage was offered or received;

(f) All other cases in which the informant testified for the state in exchange for a benefit, or in which the informant received any benefit as a result of that testimony;

(g) The relationship between the defendant and the informant, including the amount of time they were incarcerated in the same custodial section of the jail or prison;

(h) All evidence corroborating the informant's testimony or statement implicating the defendant in the crime charged; and

(i) Any other material or information in the possession, custody, or control of the state that bears on the credibility or reliability of the informant or the informant's statement.

(3)(a) The state must disclose to the defendant the materials and information required under subsections (1) and (2) of this section as soon as practicable after discovery but no later than fourteen days before the testimony or statement is introduced in a trial or other criminal proceeding.

(b) The state may not introduce any testimony or statement of an informant in a trial or other criminal proceeding unless the materials and information required to be disclosed in subsections (1) and (2) of this section are disclosed in accordance with this subsection (3).

NEW SECTION. Sec. 9. If the state fails to disclose the materials and information required under section 2 of this act, the court must order the state to immediately disclose the material and information, and may:

(1) Grant a continuance, unless waived by the defendant;

(2) Preclude the informant from testifying or the prior statement from being introduced;

(3) Dismiss the action; or

(4) Enter such other order as it deems just under the circumstances.

NEW SECTION. Sec. 10. Nothing in sections 1 through 3 of this act diminishes federal constitutional disclosure obligations to criminal defendants or any related obligations under Washington case law, statutes, or court rules.

NEW SECTION. Sec. 11. Sections 1 through 4 of this act are each added to chapter 10.58 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "testimony;" strike the remainder of the title and insert "and adding new sections to chapter 10.58 RCW."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 25 by Senators Padden and Pedersen to Substitute Senate Bill No. 5038.

The motion by Senator Padden carried and floor striking amendment no. 25 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5038.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5038 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Hawkins, Honeyford and Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5402, by Senators Liias, Walsh, Billig, Hobbs, King and Sheldon

Creating the Cooper Jones bicyclist safety advisory council.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias,

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

SUBSTITUTE SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Bailey, Walsh, Darneille, Keiser, Palumbo and Conway

Establishing the legislative advisory committee on aging.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Bailey moved that the following floor amendment no. 28 by Senator Bailey be adopted:

On page 2, line 2, after "community" insert "as well as issues of importance to individuals with disabilities in Washington"

Senator Bailey spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 28 by Senator Bailey on page 2, line 2 to Substitute Senate Bill No. 5180.

The motion by Senator Bailey carried and floor amendment no. 28 was adopted by voice vote.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

FIFTY FIRST DAY, FEBRUARY 28, 2017

2017 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Sheldon, Honeyford, Padden, Rossi, Baumgartner, Brown, Rivers, Schoesler, Becker, Hawkins, Braun and Warnick

Requesting that certain federal officials prevent the breaching of any dam in the Columbia River system.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.
Senator McCoy spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8004.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the memorial passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5378, by Senators Sheldon, Dansel, Hasegawa, Conway and Fortunato

Modifying the operation of motorcycles on roadways laned for traffic.

MOTION

Senator Sheldon moved that Substitute Senate Bill No. 5378 be substituted for Senate Bill No. 5378 and that Substitute Senate Bill No. 5378 be placed on the second reading and read the second time.

Senator Hobbs objected to the motion by Senator Sheldon.

Senator Liias demanded a division.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Sheldon that Substitute Senate Bill No. 5378 be substituted for Senate Bill No. 5378. The motion carried and Substitute Senate Bill No. 5378 was substituted on a rising vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Takko and Hasegawa spoke in favor of passage of the bill.

Senators Chase, Cleveland, Hobbs and Liias spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5517, by Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser and Schoesler

Concerning rail dependent uses for purposes of the growth management act and related development regulations.

The measure was read the second time.

MOTION

Senator Wilson moved that the following floor amendment no. 14 by Senator Wilson be adopted:

Beginning on page 1, line 19, after "planning." strike all material through "rail." on page 2, line 2

On page 10, beginning on line 20, after "areas" strike ". and freight rail dependent uses"

On page 10, line 25, after "for" insert "freight rail dependent uses."

Senator Wilson spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 14 by Senator Wilson on page 1, line 19 to Senate Bill No. 5517.

The motion by Senator Wilson carried and floor amendment no. 14 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Liias spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5517.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Chase, Frockt, Hunt, Liias, McCoy, Nelson, Pedersen, Ranker and Saldaña

ENGROSSED SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5376, by Senators Sheldon and Padden

Modifying indigent defense provisions.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Pedersen spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5376.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5376 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege, Walsh and Wellman

SENATE BILL NO. 5376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5066, by Senators Miloscia, Rivers, Zeiger, Rossi, Fortunato, Bailey, O'Ban, Honeyford, Sheldon, Brown, Schoesler, Padden and Angel

Concerning state budgeting through zero-based budget reviews.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5066 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

Senator Hunt spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5066.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5066 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Pedersen, Ranker, Saldaña, Takko, Van De Wege and Wellman

SENATE BILL NO. 5066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5641, by Senators Keiser and Honeyford

Changing nomenclature for first-class and second-class school districts.

MOTIONS

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On motion of Senator Keiser, Substitute Senate Bill No. 5641 was substituted for Senate Bill No. 5641 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Zeiger and Liias spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5641.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Baumgartner and Ericksen

SUBSTITUTE SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Pursuant to Rule 37, Senator Takko, having voted on the prevailing side, gave notice of reconsideration of the vote by which Senate Bill No. 5376 passed the Senate.

SECOND READING

SENATE BILL NO. 5391, by Senators Zeiger, Hobbs, O'Ban, Conway, Chase and Hunt

Clarifying the powers, duties, and functions of the department of veterans affairs.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5132, by Senators Rivers, Conway, Keiser and Chase

Expanding the powers of liquor enforcement officers.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5132 was substituted for Senate Bill No. 5132 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5132 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Frockt, Hawkins, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Fortunato, Hasegawa, Hobbs, Honeyford, Liias, Mullet, Padden, Palumbo, Schoesler, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5212, by Senators Wilson, Angel, Honeyford and Schoesler

Concerning the scope of land use control ordinances for purposes of vesting.

The measure was read the second time.

MOTION

Senator Wilson moved that the following floor amendment no. 13 by Senator Wilson be adopted:

On page 1, beginning on line 10, after "ordinance" strike all material through "law" on line 13 and insert "~~(in effect at the time of application)~~, the environmental and development regulations, and the zoning or other land use control ordinances, in effect on the date of application, without respect to whether the regulation or ordinance was enacted for the purpose of complying with state law"

On page 2, beginning on line 37, after "ordinance," strike all material through "land" on line 39 and insert "the environmental and development regulations, and the zoning or other land use control ordinances, in effect on the land, without respect to whether the regulation or ordinance was enacted for the purpose of complying with state law."

Senator Wilson spoke in favor of adoption of the amendment.
Senator Liias spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 13 by Senator Wilson on page 1, line 10 to Senate Bill No. 5212.

The motion by Senator Wilson carried and floor amendment no. 13 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Fortunato spoke in favor of passage of the bill.

Senator Liias spoke against passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you very much Mr. President. It is times like this when we are all here and not with our families that sometimes it gets a little tough and I just got a text from my wife that I'd like to share because I am so proud. It says, Elsa, that's my daughter, 'was selected by her teacher and her school for the month of February as the child who earned the award for

being the kindest kid in the school'. So, my daughter is the kindest girl in the Orcas Elementary School and I am very proud of her and I wanted to share that with you since I can't be with her."

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I just think we are all very proud and happy that she takes after her mother."

SECOND READING

SENATE BILL NO. 5595, by Senators Billig, O'Ban, Darneille and Padden

Concerning maintaining the quarterly average census method for calculating state hospital reimbursements.

The measure was read the second time.

MOTION

On motion of Senator Billig, the rules were suspended, Senate Bill No. 5595 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5595.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5595 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5393, by Senators Warnick, Liias, Takko and Pearson

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

MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 5393 was substituted for Senate Bill No. 5393 and the substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Warnick moved that the following floor striking amendment no. 12 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 13.** RCW 77.55.181 and 2014 c 120 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; ~~(and)~~

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat

enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must submit a copy of their forest practices application to the appropriate local government.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. ~~(The department)~~ A local government shall ((provide)) be provided with a fifteen-day comment period during which it ((will receive)) may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c) ~~((Within forty five days))~~ Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct."

On page 1, line 3 of the title, after "77.55.181;" strike the remainder of the title and insert "and amending RCW 77.55.181."

Senator Warnick spoke in favor of adoption of the striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 12 by Senator Warnick to Substitute Senate Bill No. 5393.

The motion by Senator Warnick carried and floor striking amendment no. 12 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5393.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5393 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5121, by Senators Takko, Rivers and Palumbo

Concerning fire protection district tax levies.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5679, by Senators Warnick, Wellman, Sheldon, Rivers, Wilson, Cleveland, Walsh, Takko and Rolfes

Concerning the authority of port districts to provide telecommunications services.

MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 5679 was substituted for Senate Bill No. 5679 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor striking amendment no. 26 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 14.** The legislature finds that:

(1) Adequate access to telecommunications facilities and services, comparable to those offered in urban areas, is essential to the economic well-being of communities in rural Washington state.

(2) Many communities, particularly in rural areas, do not have adequate access to telecommunications facilities and services.

(3) Specifying that port districts in these areas have authority to enter into contracts to attract private telecommunications companies may help to create a sufficient market for the provision of adequate retail telecommunications services.

Sec. 15. RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

(1) A rural port district in existence on June 8, 2000, ~~((may))~~ and port districts located in counties with a population less than seven hundred thousand are eligible to construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits utilizing unlit optical fiber for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. Nothing in this subsection shall be construed to authorize ~~((rural))~~ eligible port districts to provide telecommunications services to end users.

(2) ~~((A rural))~~ Except as provided in subsection (7) of this section, port districts providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a ~~((rural))~~ port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a ~~((rural))~~ port district establishes a separate utility function for the provision of wholesale telecommunications services under this section, it shall account for any and all revenues and expenditures related to its wholesale

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telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a ((~~rural~~)) port district establishes a separate utility function for the provision of wholesale telecommunications services under this section, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A ((~~rural~~)) port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A ((~~rural~~)) port district under this section shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a ((~~rural~~)) port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a rural port district under this title.

(7) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities. The company may be the exclusive provider of telecommunications services to end users under terms specified in the contract with the port district. For purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or otherwise restrict any other authority provided by law.

Sec. 16. RCW 53.08.380 and 2000 c 81 s 9 are each amended to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a rural port district or port district as identified in RCW 53.08.370(1) may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, except as provided in RCW 53.08.370. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a rural port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a rural port district or port district as identified in RCW 53.08.370(1) to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 53.08.370 and 53.08.380; and creating a new section."

Senators Short and Carlyle spoke in favor of adoption of the striking amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 26 by Senator Short to Substitute Senate Bill No. 5679.

The motion by Senator Short carried and floor striking amendment no. 26 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Carlyle, McCoy and Wellman spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5679.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5679 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5664, by Senators Braun, Takko, Hawkins and King

Eliminating the reduction in state basic education funding that occurs in counties with federal forestlands.

The measure was read the second time.

MOTION

Senator Wellman moved that the following floor amendment no. 37 by Senator Wellman be adopted:

On page 3, after line 38, insert the following:

"NEW SECTION. **Sec. 4.** The legislature recognizes that school districts may provide locally funded enrichment to the state's program of basic education. The legislature further recognizes that the system of state and local funding for school districts is in transition during 2017, with the state moving toward full funding of its statutory program of basic education, and with current statutory policies on school district levies scheduled to expire at the end of calendar year 2017. To promote school districts' ability to plan for the future during this transitional period, the legislature intends to extend current statutory policies on local enrichment through calendar year 2018.

Sec. 5. RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in

(a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~(2017)~~ 2018, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ~~(2017)~~ 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through ~~(2017)~~ 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated

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by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ~~((2017))~~ 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through ~~((2017))~~ 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

Sec. 6. RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ~~((2017))~~ 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ~~((and))~~

(ii) For 2011 through ~~((2017))~~ 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(iii) For ~~((2018))~~ 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 7. 2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ~~((2018))~~ 2019.

Sec. 8. 2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ~~((2018))~~ 2019.

Sec. 9. 2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ~~((2018))~~ 2019.

Sec. 10. 2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2018))~~ 2019.

Sec. 11. 2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ~~((2018))~~ 2019.

Sec. 12. 2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ~~((2018))~~ 2019."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 4, line 1, after "**Sec. 4.**" strike "This act takes effect" and insert "Sections 1 through 3 of this act take effect"

On page 4, after line 1, insert the following:

"NEW SECTION. **Sec. 5.** Section 5 of this act takes effect January 1, 2018.

NEW SECTION. **Sec. 6.** Section 5 of this act expires January 1, 2019.

NEW SECTION. **Sec. 7.** Section 6 of this act takes effect January 1, 2019."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "modifying provisions to prevent a reduction in school district revenues; amending RCW 28A.150.250, 28A.520.020, and 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating new sections; providing effective dates; and providing expiration dates."

POINT OF ORDER

Senator Fain: "Thank you Mr. President. It is my belief upon reading this amendment that it is impermissibly outside the scope of the underlying legislation, thus violating the rules of the Senate and our Washington values."

REMARKS BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Honeyford: "In the tradition of the Senate we have, when one side has spoken, you may speak."

REMARKS BY SENATOR WELLMAN

Senator Wellman: "Thank you Mr. President. Under prior Lieutenant Governor rulings, the test for scope and object requires looking at whether the proposed amendment addresses the same subject matter and serves the same purpose as the underlying bill. Subject matter and purpose of the underlying bill is to ensure that school districts have full access to full funding streams in order to support tier schools and their students. The underlying bill will help prevent 144 school districts from losing approximately five million dollars of funding next year. The amendment before you is exactly the same purpose. To ensure all our school districts can continue to have full access to the funding they need to best support our students. The amendment before us will help over 240 school districts from losing almost 400 million dollars in funding. And for these reasons I ask that you rule the

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amendment within the scope and object of the underlying bill. Thank you.”

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5664 was deferred and the bill held its place on the second reading calendar.

President Pro Tempore Sheldon resumed the chair.

SECOND READING

SENATE BILL NO. 5437, by Senators Chase and Honeyford

Concerning the weighmaster program.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5437.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5277, by Senators Padden, Pedersen, Darneille and Kuderer

Concerning disqualification of judges.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5277 was substituted for Senate Bill No. 5277 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5277.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5277 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5640, by Senators Conway, Cleveland, Frockt, Zeiger and Saldaña

Concerning technical college diploma programs.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Wilson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5640.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5640 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Honeyford resumed the chair.

The Senate immediately resumed consideration of Senate Bill No. 5664.

RULING BY THE PRESIDENT

Vice President Pro Tempore Honeyford: "In ruling upon the point of order raised by Senator Fain as to the scope and object of floor amendment no. 37, by Senator Wellman, to Senate Bill No. 5664, the President finds and rules as follows:

Senate Bill No. 5664 is a narrow measure which does one discrete thing. It eliminates the reduction of school district basic education allocations due to receipt of federal forest revenues. It is not a general education funding bill.

The amendment attempts to hang the levy cliff bill, House Bill No. 1059. While the President admires this bold move, he cannot find that Senate Bill No. 5664 is broad enough to allow this amendment.

The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

MOTION

Senator Wellman moved that the following floor amendment no. 42 by Senator Wellman be adopted:

On page 3, after line 38, insert the following:

NEW SECTION. Sec. 4. The legislature recognizes that school districts may provide locally funded enrichment to the state's program of basic education. The legislature further recognizes that the system of state and local funding for school districts is in transition during 2017, with the state moving toward full funding of its statutory program of basic education, and with current statutory policies on school district levies scheduled to expire at the end of calendar year 2017. To promote school districts' ability to plan for the future during this transitional period, the legislature intends to extend current statutory policies on local enrichment through calendar year 2018.

Sec. 5. RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic

education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~((2017))~~ 2018, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ~~((2017))~~ 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

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(5) For levy collections in calendar years 2011 through ~~((2017))~~ 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ~~((2017))~~ 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through 2017 and through 2018 for school districts impacted by the provisions in Senate Bill 5664, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

Sec. 6. RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ~~((2017))~~ 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ~~((and))~~

(ii) For 2011 through 2017 and through 2018 for school districts impacted by the provisions in Senate Bill 5664, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(iii) For ~~((2018))~~ 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to

enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 7. 2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ~~((2018))~~ 2019.

Sec. 8. 2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ~~((2018))~~ 2019.

Sec. 9. 2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ~~((2018))~~ 2019.

Sec. 10. 2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2018))~~ 2019.

Sec. 11. 2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ~~((2018))~~ 2019.

Sec. 12. 2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ~~((2018))~~ 2019."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 4, line 1, after "**Sec. 4.**" strike "This act takes effect" and insert "Sections 1 through 3 of this act take effect"

On page 4, after line 1, insert the following:

"NEW SECTION. **Sec. 5.** Section 5 of this act takes effect January 1, 2018.

"NEW SECTION. **Sec. 6.** Section 5 of this act expires January 1, 2019.

"NEW SECTION. **Sec. 7.** Section 6 of this act takes effect January 1, 2019."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "modifying provisions to prevent a reduction in school district revenues; amending RCW 28A.150.250, 28A.520.020, and 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating new sections; providing effective dates; and providing expiration dates."

POINT OF ORDER

Senator Fain: "Thank you Mr. President. While there is a minor change in the attempt to alter the underlying bill, it still is a broadly an impermissible amendment that is wildly outside the scope of the underlying bill, which is dealing with the forest land

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revenues. This a completely separate piece of policy and it would be impermissible to add this to the underlying bill.”

Senator Wellman: “Thank you Mr. President. I believe this is within the scope. It leads directly to the 144 school districts that are contained within the good Senator’s bill and would save the five million dollars of the school funding that the district would be losing. So, it is very specific. It relates to school funding and the need for school funding, and I think it is entirely within the scope. Thank you.”

RULING BY THE PRESIDENT

Vice President Pro Tempore Honeyford: “In ruling upon the Point of Order raised by Senator Fain as to the scope and object of floor amendment no. 42 to Senate Bill 5664, the President finds that this amendment was not significantly different from the last amendment and this amendment is also out of order.”

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Rolfes and Wellman spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5664.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5664 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Frockt, Lias, McCoy, Mullet and Nelson

SENATE BILL NO. 5664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Sheldon resumed the chair.

SECOND READING

SENATE BILL NO. 5798, by Senators Braun, O’Ban, Brown, King, Short, Fortunato, Sheldon, Warnick, Angel, Becker, Schoesler, Zeiger and Wilson

Changing rule-making requirements to require a yearly expiration.

The measure was read the second time.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5798 was not substituted for Senate Bill No. 5798 and the substitute bill was not adopted.

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

Senator Hunt spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5798.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5798 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O’Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SENATE BILL NO. 5798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5631, by Senators Becker and Frockt

Concerning the University of Washington’s alternative process for awarding contracts.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Ericksen, Padden and Short

SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5357, by Senators Ranker, Fain, Billig, Sheldon, Hunt, Palumbo, Zeiger, Hobbs, Rolfes, Pearson, Rivers, Carlyle, Saldaña, Walsh, Liias, Conway, Kuderer and Hasegawa

Establishing a pilot project to license outdoor early learning and child care programs.

MOTIONS

On motion of Senator Ranker, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ranker, the rules were suspended, Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Saldaña and Zeiger spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5357.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Honeyford, Padden, Schoesler and Short

SUBSTITUTE SENATE BILL NO. 5357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5039, by Senators Pedersen, O'Ban, Frockt and Padden

Adopting the uniform electronic legal material act.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5039.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5010, by Senator Warnick

Promoting water conservation by protecting certain water rights from relinquishment.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Schoesler spoke in favor of passage of the bill.

Senator McCoy spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5010.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5837, by Senators Saldaña, Hawkins, Hobbs, Hasegawa, Frockt and Kuderer

Expanding high occupancy vehicle lane access to blood-collecting or distributing establishment vehicles. Revised for 1st Substitute: Addressing high occupancy vehicle lane access for blood-collecting or distributing establishment vehicles.

MOTIONS

On motion of Senator Saldaña, Substitute Senate Bill No. 5837 was substituted for Senate Bill No. 5837 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, King and Liias spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5837.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5237, by Senators Bailey, Wilson, Chase, Rivers, Keiser, Rolfes, Zeiger and Kuderer

Updating workforce investment act references and making no substantive changes.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5439, by Senators Braun, Sheldon, Rivers, Becker, Schoesler, Bailey, Brown, Warnick, Fortunato, Honeyford and Takko

Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Honeyford and Carlyle spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5439.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Darneille, Liias and McCoy

SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5190, by Senators Conway, King, Keiser, Braun and Chase

Concerning the member requirement for bona fide charitable or nonprofit organizations.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Chase

SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:11 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

 EVENING SESSION

The Senate was called to order at 6:22 p.m. by President Pro Tempore Sheldon.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

February 27, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1319,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,
 ENGROSSED HOUSE BILL NO. 1551,

and the same are herewith transmitted.

NONA SNELL, Chief Clerk

February 28, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1010,
 SUBSTITUTE HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1235,
 SUBSTITUTE HOUSE BILL NO. 1279,
 SUBSTITUTE HOUSE BILL NO. 1320,
 SECOND SUBSTITUTE HOUSE BILL NO. 1341,
 HOUSE BILL NO. 1395,
 HOUSE BILL NO. 1400,
 SUBSTITUTE HOUSE BILL NO. 1417,
 HOUSE BILL NO. 1437,
 SUBSTITUTE HOUSE BILL NO. 1526,
 HOUSE BILL NO. 1560,
 SUBSTITUTE HOUSE BILL NO. 1568,
 SUBSTITUTE HOUSE BILL NO. 1586,
 HOUSE BILL NO. 1676,
 SUBSTITUTE HOUSE BILL NO. 1741,
 HOUSE BILL NO. 1931,
 HOUSE BILL NO. 1965,
 HOUSE BILL NO. 1983,
 SUBSTITUTE HOUSE BILL NO. 2016,
 HOUSE BILL NO. 2038,
 HOUSE BILL NO. 2097,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4008,
 and the same are herewith transmitted.

NONA SNELL, Chief Clerk

February 28, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1036,
 SUBSTITUTE HOUSE BILL NO. 1218,
 SUBSTITUTE HOUSE BILL NO. 1232,
 HOUSE BILL NO. 1470,
 HOUSE BILL NO. 1494,
 SUBSTITUTE HOUSE BILL NO. 1605,
 HOUSE BILL NO. 1616,
 HOUSE BILL NO. 1627,
 SUBSTITUTE HOUSE BILL NO. 1845,
 HOUSE BILL NO. 2064,
 HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted.

NONA SNELL, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5170, by Senator Ericksen

Concerning independent remedial actions under the model toxics control act.

MOTIONS

FIFTY FIRST DAY, FEBRUARY 28, 2017

2017 REGULAR SESSION

On motion of Senator Ericksen, Substitute Senate Bill No. 5170 was substituted for Senate Bill No. 5170 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

Senators Carlyle and Ranker spoke against passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Chase was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5170.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5445, by Senators Padden, O'Ban, Sheldon, Chase and Fortunato

Prohibiting the use of eminent domain for economic development.

The measure was read the second time.

MOTION

Senator Rolfes moved that the following floor amendment no. 34 by Senator Rolfes be adopted:

On page 2, line 31, after "any public" insert "or private"
On page 2, line 33, after "entity" insert "or private entity"

Senators Rolfes and Liias spoke in favor of adoption of the amendment.

Senator Padden spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 34 by Senator Rolfes on page 2, line 31 to Senate Bill No. 5445.

The motion by Senator Rolfes did not carry and floor amendment no. 34 was not adopted on a rising vote.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5018, by Senators Hasegawa and Kuderer

Authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5018 was substituted for Senate Bill No. 5018 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5018.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5239, by Senators Warnick, Takko, Ericksen, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden

Ensuring that water is available to support development.

MOTION

On motion of Senator Warnick, Second Substitute Senate Bill No. 5239 was substituted for Senate Bill No. 5239 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 43 by Senator Warnick be adopted:

On page 1, line 14, after "adopted" strike "under chapter 90.54 RCW"

On page 2, line 1, after "efficiency.))" insert "Providing evidence of an adequate water supply under this subsection does not require impairment review by the applicant or local permitting authority."

On page 11, line 8, after "supplies." insert "Such a determination does not require impairment review by the applicant, city, town, or county."

On page 11, line 16, after "aquatic" strike "resources" and insert "habitat"

On page 12, beginning on line 6, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "58.17.110," insert "and" and on line 3, after "90.03.247" strike ", and 90.54.120"

Senator Warnick spoke in favor of adoption of the amendment.

Senator McCoy spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 43 by Senator Warnick on page 1, line 14 to Second Substitute Senate Bill No. 5239.

The motion by Senator Warnick carried and floor amendment no. 43 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Becker, Ericksen and Angel spoke in favor of passage of the bill.

Senators Chase, McCoy and Ranker spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5239.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:13 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Wednesday, March 1, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY SECOND DAY, MARCH 1, 2017

2017 REGULAR SESSION

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 1, 2017

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Andrew Ehlers and Miss Paige Fisher, presented the Colors. Miss Molly Flynn led the Senate in the Pledge of Allegiance. The prayer was offered by Imam Umair Ahmad, Mihraab Foundation, Bellevue.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5860 by Senators Rolfes and Miloscia

AN ACT Relating to creating alternative qualifications for electrical trainee certification; and amending RCW 19.28.191.

Referred to Committee on Commerce, Labor & Sports.

SB 5861 by Senators Ericksen, Hobbs, Baumgartner, Chase, Miloscia, O'Ban, Brown, Fortunato, Becker, Warnick and Conway

AN ACT Relating to travel awards; adding a new section to chapter 43.60A RCW; and providing an effective date.

Referred to Committee on State Government.

SHB 1022 by House Committee on Public Safety (originally sponsored by Representatives MacEwen, Pettigrew and Haler)

AN ACT Relating to alien victims of certain qualifying criminal activity; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

HB 1095 by Representatives Appleton, Pollet and Peterson

AN ACT Relating to protecting children and animals from poisoning by antifreeze products; and amending RCW 19.94.544.

Referred to Committee on Commerce, Labor & Sports.

SHB 1100 by House Committee on Appropriations (originally sponsored by Representatives Taylor,

Blake, Shea, Harmsworth, Condotta, Short, Volz, Van Werven, Irwin, Hargrove and Buys)

AN ACT Relating to concealed pistol license renewal notices; amending RCW 9.41.070; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Law & Justice.

HB 1128 by Representatives Shea, Jinkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby and Haler

AN ACT Relating to civil arbitration; amending RCW 7.06.010, 7.06.020, 7.06.040, 7.06.050, and 36.18.016; adding new sections to chapter 7.06 RCW; creating a new section; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 1149 by House Committee on Transportation (originally sponsored by Representatives Chapman, Clibborn, Orcutt and Fey)

AN ACT Relating to exemptions from certain maximum vehicle length limitations; and amending RCW 46.44.034 and 46.44.030.

Referred to Committee on Transportation.

HB 1250 by Representatives Griffey, Orwall, Dent, MacEwen, Hayes, Holy, McCaslin and Doglio

AN ACT Relating to authorizing retail marijuana outlets to give a free lockable drug box to adults age twenty-one years and over and to qualifying patients age eighteen years and over subject to restrictions; amending RCW 69.50.357; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

HB 1267 by Representatives DeBolt, Hudgins, Dolan, Fitzgibbon and Haler

AN ACT Relating to creating the wastewater treatment plant operator certification account; adding a new section to chapter 70.95B RCW; and repealing RCW 70.95B.150.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1274 by Representatives Sawyer, Vick, Condotta, Kloba and Ryu

AN ACT Relating to the bona fide charitable or nonprofit organization member requirement; and amending RCW 9.46.0209.

Referred to Committee on Commerce, Labor & Sports.

SHB 1293 by House Committee on Higher Education (originally sponsored by Representatives Ortiz-Self, Caldier, Stonier, Doglio, Orwall, Senn, Tarleton, McBride, Gregerson, Kagi, Jinkins, Santos, Pollet, Bergquist, Kilduff, Young and Frame)

AN ACT Relating to eliminating the parent or guardian approval requirement for the college bound scholarship pledge; and amending RCW 28B.118.010 and 28B.118.040.

Referred to Committee on Higher Education.

SHB 1344 by House Committee on Finance (originally sponsored by Representatives Dolan, Nealey, Doglio, Springer, Frame, Riccelli, Appleton, Ryu, Ormsby and Goodman)

AN ACT Relating to extending the period for which a bond levy may be increased; amending RCW 84.55.050; and creating new sections.

Referred to Committee on Local Government.

SHB 1346 by House Committee on Education (originally sponsored by Representatives Springer, Muri, Dolan, Harris, Appleton, Tarleton, Cody, Santos and Ortiz-Self)

AN ACT Relating to clarifying the authority of a nurse working in a school setting; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1352 by Representatives Barkis, Chapman, J. Walsh, Shea, Koster, Wilcox, McCabe, Harmsworth, Cody, Tarleton, Kretz, Schmick, Short, Vick, Harris, Manweller, Smith, Stokesbary, MacEwen, Nealey, Condotta, Orcutt, Lytton, Springer, Kirby, Blake, Caldier, Jinkins, Taylor, Pike, Hayes, Muri, Holy, Haler, Steele, Kilduff and Tharinger

AN ACT Relating to the licensing and regulatory requirements of small business owners; creating new sections; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SHB 1369 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Hayes, Muri, Kilduff, Appleton and Lovick)

AN ACT Relating to defining veteran for the purpose of receiving certain benefits; and amending RCW 41.04.007 and 41.04.010.

Referred to Committee on State Government.

HB 1401 by Representatives Ortiz-Self, Stonier, Ryu, Peterson, Santos, Jinkins, Appleton and Bergquist

AN ACT Relating to court removal of child welfare guardians ad litem; amending RCW 13.34.100; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1411 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, DeBolt, Riccelli, Caldier, Jinkins and Appleton)

AN ACT Relating to dental licensure through completion of a residency program; and reenacting and amending RCW 18.32.040.

Referred to Committee on Health Care.

SHB 1464 by House Committee on Judiciary (originally sponsored by Representatives Blake, Orcutt, Chapman and Tarleton)

AN ACT Relating to the development of cooperative agreements to expand recreational access on privately owned lands; and amending RCW 4.24.210.

Referred to Committee on Natural Resources & Parks.

SHB 1502 by House Committee on Transportation (originally sponsored by Representatives Chapman, Orcutt, Lovick, Rodne, Clibborn and Tharinger)

AN ACT Relating to the authorization of and deposit of moneys from department of transportation advertising activities; adding a new section to chapter 47.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1515 by House Committee on Transportation (originally sponsored by Representatives Graves, Riccelli and Kraft)

AN ACT Relating to signed written authorizations for special parking privileges; and amending RCW 46.19.010.

Referred to Committee on Transportation.

SHB 1543 by House Committee on Judiciary (originally sponsored by Representatives Doglio, Jinkins, Goodman, Senn, Robinson, Stonier, Kagi, Cody, Macri, Bergquist, Slatter, McBride, Peterson, Hudgins, Stanford, Frame and Appleton)

AN ACT Relating to parental rights and responsibilities of sexual assault perpetrators and survivors; amending RCW 26.09.191 and 26.33.170; and adding new sections to chapter 26.26 RCW.

Referred to Committee on Law & Justice.

SHB 1618 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Santos, Johnson, Bergquist and Kagi)

AN ACT Relating to family and community engagement coordinators; amending RCW 28A.150.260 and 28A.165.035; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & K-12 Education.

HB 1623 by Representatives Senn, Springer, Tarleton and Slatter
AN ACT Relating to secondhand dealers utilizing automated kiosks to purchase secondhand electronic devices; amending RCW 19.60.020 and 19.60.055; reenacting and amending RCW 19.60.010; and adding a new section to chapter 19.60 RCW.

Referred to Committee on Commerce, Labor & Sports.

SHB 1626 by House Committee on Public Safety (originally sponsored by Representatives Blake and J. Walsh)

FIFTY SECOND DAY, MARCH 1, 2017

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AN ACT Relating to changing the date in which community impact statements are provided to the department of corrections; and amending RCW 72.09.285.

Referred to Committee on Law & Justice.

HB 1629 by Representatives Sells and Manweller

AN ACT Relating to extending the redetermination timeline regarding appeals to the department of labor and industries; reenacting and amending RCW 49.17.140; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

HB 1640 by Representatives Graves, Jinkins and Tharinger

AN ACT Relating to allowing notaries and proof of identity for advance directives; and amending RCW 70.122.030.

Referred to Committee on Law & Justice.

SHB 1641 by House Committee on Judiciary (originally sponsored by Representatives McBride, Caldier, Graves, Jinkins, Fey, Clibborn and Stanford)

AN ACT Relating to informed consent for nonemergency, outpatient, primary health care services for unaccompanied homeless youth under the federal McKinney-Vento homeless assistance act; amending RCW 7.70.065; and repealing RCW 28A.320.147.

Referred to Committee on Health Care.

SHB 1671 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris and Tharinger)

AN ACT Relating to assistance with activities of daily living; and amending RCW 18.20.310.

Referred to Committee on Health Care.

HB 1672 by Representatives Frame, Sells, Gregerson, Doglio, Stambaugh, Ormsby, Manweller, Dent, Stonier, Steele, J. Walsh, Goodman, Bergquist and Pollet

AN ACT Relating to the time period for workers to recover wages under prevailing wage laws; and amending RCW 39.12.015.

Referred to Committee on Commerce, Labor & Sports.

HB 1733 by Representatives Springer and Muri

AN ACT Relating to technical college high school diploma programs; and amending RCW 28B.50.535.

Referred to Committee on Higher Education.

HB 1800 by Representatives Gregerson, Hudgins, Ortiz-Self, Peterson, Orwall, Springer, Lovick, Sells, Stonier, Clibborn, Dolan, McBride, Ryu, Goodman, Macri, Senn, Cody, Hansen, Bergquist, Slatter, Frame, Sawyer, Kloba, Stanford, Pollet, Doglio, Robinson, Wylie, Kagi, Jinkins, Sullivan, Appleton, Fitzgibbon, Ormsby, Reeves, Morris, Tharinger, Fey, Pellicciotti, Pettigrew, Haler, Kilduff and Farrell

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections,

requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 53.12.010, 54.12.010, and 29A.76.010; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government.

SHB 1813 by House Committee on Transportation (originally sponsored by Representatives Kloba and Harmsworth)

AN ACT Relating to aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing; amending RCW 46.04.199, 46.12.530, 46.16A.040, 46.16A.190, 46.17.230, 46.17.330, 46.20.205, 46.52.120, 46.68.035, 88.02.375, 46.17.050, and 46.17.060; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Transportation.

HB 1828 by Representatives Irwin, Hudgins and Stanford

AN ACT Relating to more efficient use of state facilities through aligning the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections; and amending RCW 43.82.010, 43.82.055, and 43.82.150.

Referred to Committee on Ways & Means.

HB 1853 by Representatives Doglio, Hudgins, Wilcox and Haler

AN ACT Relating to removing references to specific nonoperational historical facilities from state statute; and amending RCW 27.34.395 and 27.34.900.

Referred to Committee on State Government.

HB 1939 by Representatives Hudgins, Bergquist, Ortiz-Self, Peterson, Robinson, Jinkins, Gregerson, Stanford, Ormsby, Santos and Pollet

AN ACT Relating to recognizing the thirty-first day of March as Cesar Chavez day; and amending RCW 1.16.050.

Referred to Committee on State Government.

HB 1959 by Representatives Harmsworth, Pollet, Young and Van Werven

AN ACT Relating to requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating new sections.

Referred to Committee on Local Government.

HB 2087 by Representatives Stambaugh, Riccelli, Orcutt, Hayes, Gregerson and Ormsby

AN ACT Relating to worker safety on roadways and roadsides; amending RCW 46.61.100, 46.61.212, 46.61.215, and 46.63.020; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5319, by Senators Brown and McCoy

Transferring authority for low-level radioactive waste management from the department of ecology to the department of health.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5165, by Senator Ericksen

Concerning snack bar licenses.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5165.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Darneille, Hasegawa, Liias, Pearson and Van De Wege

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5236, by Senators Zeiger, Fain, Rolfes, Warnick, Rivers, Liias, Angel, Keiser, Kuderer and Hunt

Creating the civic learning public-private partnership.

MOTIONS

On motion of Senator Zeiger, Second Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Second Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Frockt, Chase and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

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Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5262.

SECOND SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

SENATE BILL NO. 5141, by Senators Palumbo and Wilson

Concerning the regulation of programs of yoga practice or instruction as private vocational schools.

The measure was read the second time.

MOTION

On motion of Senator Palumbo, the rules were suspended, Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Wilson spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and McCoy

SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5262, by Senators King and Hobbs

Modifying the weight limitation for certain vessels exempt from the pilotage act. Revised for 1st Substitute: Modifying limitations for certain vessels exempt from the pilotage act.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5262 was substituted for Senate Bill No. 5262 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5262 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5187, by Senators Angel, Takko and Warnick

Concerning county auditors.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5187.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5187 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 5187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5142, by Senators Kuderer, Rolfes, Palumbo, Billig, Pedersen, Mullet, McCoy, Keiser and Wellman

Concerning educational interpreters.

MOTIONS

On motion of Senator Kuderer, Substitute Senate Bill No. 5142 was substituted for Senate Bill No. 5142 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kuderer, the rules were suspended, Substitute Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5001, by Senators O'Ban, Angel, Miloscia, Becker, Padden, Honeyford, King and Fortunato

Modifying the election and authority of regional transit authority board members.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5001 was substituted for Senate Bill No. 5001 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Fortunato, Conway, Becker, Padden and Schoesler spoke in favor of passage of the bill.

Senators Keiser and Becker spoke on the bill.

Senator Lias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5001.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Frockt, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5099, by Senators Bailey, Frockt, O'Ban, Pedersen, Darneille, Keiser and Kuderer

Concerning crimes against vulnerable persons.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5099 was substituted for Senate Bill No. 5099 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5099.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5099 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2106, by Representatives Koster, Hudgins, Taylor and Shea

Concerning election year restrictions on state legislators.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following committee amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 8. The legislature finds that the prohibition on the use of public resources for campaign purposes serves an important purpose, but that the period prohibiting state legislators from communicating with constituents at public expense is unnecessary once the election, and the campaign itself, has ended. Furthermore, the delay in constituent outreach after the election only hinders a legislator's ability to quickly and effectively respond to requests and keep the public informed about current state issues, and the various deadlines relating to mailed, emailed, and web site communications are confusing and need to be harmonized. For these reasons, the legislature intends to change mailed, emailed, and web site communication deadlines to the same time periods, in order to allow legislators to actively engage with the public on official legislative business in a timely and effective manner.

Sec. 9. RCW 42.52.180 and 2011 c 60 s 30 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) The maintenance of official legislative web sites throughout the year, regardless of pending elections. The web sites may contain any discretionary material which was also specifically prepared for the legislator in the course of his or her duties as a legislator, including newsletters and press releases. The official legislative web sites of legislators seeking reelection or election to any office shall not be altered (~~between June 30th and November 15th~~), other than during a special legislative

session, beginning on the first day of the declaration of candidacy filing period specified in RCW 29A.24.050 through the date of certification of the general election of the election year. The web site shall not be used for campaign purposes;

(d) Activities that are part of the normal and regular conduct of the office or agency; and

(e) De minimis use of public facilities by statewide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17A.555.

Sec. 10. RCW 42.52.185 and 2011 c 60 s 31 are each amended to read as follows:

(1) During the (~~twelve-month~~) period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through (~~November 30th immediately after~~) the date of certification of the general election, the legislator may not mail, either by regular mail or (~~electronic mail~~) email, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except for routine legislative correspondence, such as scheduling, and as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. (~~One such mailing may be mailed no later than thirty days after the start of a regular legislative session, except that a legislator appointed during a regular legislative session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other~~) Both mailings (~~may~~) must be mailed (~~no later than sixty days after the end of a regular legislative session~~) before the first day of the declaration of candidacy filing period specified in RCW 29A.24.050.

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(c) In those cases where constituents have specifically indicated that they would like to be contacted to receive regular or periodic updates on legislative matters or been added to a distribution list and provided regular opportunities to unsubscribe from that mailing list, legislators may provide such updates by (~~electronic mail~~) email throughout the legislative session and up until (~~thirty days from the conclusion of a legislative session~~) the first day of the declaration of candidacy filing period specified in RCW 29A.24.050. Legislators may also provide these updates by email during any special legislative session.

(2) (~~For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17A.005, for any public office.~~

(3)) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

~~((4))~~ (3) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

~~((5))~~ (4) For purposes of this section~~((7))~~;

(a) "Legislator" means a legislator who is a "candidate," as defined in RCW 42.17A.005, for any public office; and

(b) Persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "legislators;" strike the remainder of the title and insert "amending RCW 42.52.180 and 42.52.185; creating a new section; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 2106.

The motion by Senator Schoesler carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Substitute House Bill No. 2106, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2106 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2106 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2106 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5185, by Senators Wilson, Mullet and Palumbo

Providing immunity from liability for professional or trade associations providing emergency response volunteers.

MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 5185 was substituted for Senate Bill No. 5185 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 5185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5075, by Senators Takko and Warnick

Concerning dispute resolution between seed buyers and dealers.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Warnick and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias,

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SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5022, by Senators Bailey, Rolfes, Lias, Keiser, Conway, Wellman, Hasegawa, Mullet, Frockt and Kuderer

Providing information to students about education loans.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5012, by Senators Pedersen, Padden, Frockt, Fain, Mullet and Kuderer

Concerning the distribution of a Washington trust's assets to another trust.

MOTIONS

On motion of Senator Pedersen, Substitute Senate Bill No. 5012 was substituted for Senate Bill No. 5012 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pedersen, the rules were suspended, Substitute Senate Bill No. 5012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5080, by Senators Padden and Pedersen

Concerning actions for damage to real property resulting from construction, alteration, or repair on adjacent property.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5080.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5080 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Frockt and Hasegawa

SENATE BILL NO. 5080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5274, by Senators Conway, Bailey, Schoesler and Hobbs

Defining salary for purposes of the Washington state patrol retirement system.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5144, by Senators Angel, Mullet and Hobbs

Addressing the Washington state credit union act.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5144.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Braun

SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5269, by Senators Warnick, Honeyford, Takko and Chase

Concerning WAC 173-563-020(4) and 173-531A-060 regarding the processing of applications for Columbia river water right permits to clarify legislative intent to ensure that the rules can be implemented as written.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Van De Wege

SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5481, by Senators Cleveland, Rivers, Becker, Kuderer, Keiser, Carlyle and Saldaña

Requiring the insurance commissioner to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and breast prostheses.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland, Rivers and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5481.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5293, by Senators Darneille and Chase

Concerning court-based and school-based efforts to promote attendance and reduce truancy.

MOTION

On motion of Senator Darneille, Substitute Senate Bill No. 5293 was substituted for Senate Bill No. 5293 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following floor amendment no. 32 by Senator Darneille be adopted:

Beginning on page 6, line 1, strike all of section 4 and insert the following:

"Sec. 4. RCW 28A.225.090 and 2016 c 205 s 9 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school;

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law; or

(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may ~~((order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may))~~ impose alternatives to detention ~~((such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A))~~ consistent with best practice models for reengagement with school. No warrant of arrest for a child under this subsection may ~~((not))~~ be ~~((served on a child inside of school during school hours in a location where other students are present))~~ issued.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable

diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may ~~((order the child to be subject to detention, as provided in RCW 7.21.030(2)(c), or may)) impose alternatives to detention ((such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW)) consistent with best practice models for reengagement with school.~~

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015."

On page 8, after line 25, insert the following:

"NEW SECTION. Sec. 6. Section 4 of this act takes effect July 1, 2018."

On page 1, beginning on line 3 of the title, after "28A.225.090;" strike the remainder of the title and insert "repealing RCW 28A.225.115; and providing an effective date."

Senator Darneille spoke in favor of adoption of the amendment. Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 32 by Senator Darneille on page 6, line 1 to Substitute Senate Bill No. 5293.

The motion by Senator Darneille did not carry and floor amendment no. 32 was not adopted by voice vote.

MOTION

Senator Darneille moved that the following floor amendment no. 33 by Senators Darneille and O'Ban be adopted:

On page 8, after line 22, insert the following:

"Sec. 5. RCW 28A.225.151 and 1996 c 134 s 5 are each amended to read as follows:

(1) As required under subsection (2) of this section, each school shall document the actions taken under RCW 28A.225.030 and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school

year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; ((and))

(e) The number of petitions filed by a school district with the juvenile court; and

(f) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year."

Renumber the remaining section consecutively.

On page 1, line 3 of the title, after "28A.225.026," strike "and 28A.225.090" and insert "28A.225.090, and 28A.225.151"

Senators Darneille and O'Ban spoke in favor of adoption of the amendment.

Senator Padden spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 33 by Senators Darneille and O'Ban on page 8, after line 22 to Substitute Senate Bill No. 5293.

The motion by Senator Darneille carried and floor amendment no. 33 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 5293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5293.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5293 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rolfes, Rossi,

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Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Short, Warnick and Wilson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 28, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1081,
ENGROSSED HOUSE BILL NO. 1507,
ENGROSSED HOUSE BILL NO. 1648,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1751,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

At 11:34 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

 AFTERNOON SESSION

The Senate was called to order at 1:42 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5454, by Senator Frockt

Allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Short spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5454.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5453, by Senators Honeyford and Frockt

Concerning school construction assistance grants for small, rural school districts.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5453 was substituted for Senate Bill No. 5453 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Frockt, Takko and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5453.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hasegawa, Liias, McCoy and Nelson

SUBSTITUTE SENATE BILL NO. 5453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5375, by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden, Zeiger, Ranker, Darneille, Palumbo, Pedersen, Pearson, Frockt and Hasegawa

Renaming the cancer research endowment authority to the Andy Hill cancer research endowment.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Mullet

SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "The President will not be doing this fairly often at all or nearly ever but I do want to take a moment to thank Senator Fain for bringing this bill. I had the chance, just peripherally, to work with Senator Hill on this particular issue, and I agree now that it has been passed by the Senate I will just add my voice and say just how meaningful it is that we would honor Senator Hill in that way. Thank you Senator Fain for bringing the measure forward."

SECOND READING

SENATE BILL NO. 5173, by Senators Chase, Miloscia, Hunt and Hobbs

Concerning loss prevention reviews by state agencies.

MOTION

On motion of Senator Chase, Substitute Senate Bill No. 5173 was substituted for Senate Bill No. 5173 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Chase moved that the following floor striking amendment no. 41 by Senator Chase be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 43.19.003 and 2011 1st sp.s. c 43 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of enterprise services.

(2) "Director" means the director of enterprise services.

(3) "State agency" means every state agency, office, officer, board, commission, institution, and institution of higher education, including all state universities, regional universities, The Evergreen State College, and community and technical colleges.

Sec. 7. RCW 43.19.782 and 2011 1st sp.s. c 43 s 508 are each amended to read as follows:

(1) ((The director)) In consultation with the department and upon delegation, a state agency shall appoint a loss prevention review team when the death of a person, serious injury to a person, or other substantial loss is alleged or suspected to be caused at least in part by the actions of a state agency((, unless the director in his or her discretion determines that the incident does not merit review)) except when the death, injury, or substantial loss is already being investigated by another federal or state agency or by the affected state agency pursuant to the federal or state agency requirements including the provisions required under chapter 70.56 RCW. Investigations made pursuant to chapter 70.56 RCW shall continue to be subject to the investigative, reporting, and confidentiality requirements under chapter 70.56 RCW, RCW 43.70.510 and 70.41.200, and the requirements of the department of health. The department may also direct a state agency to conduct a loss prevention review ((team may also be appointed when any other substantial loss occurs as a result of agency policies, litigation or defense practices, or other management practices. When the director decides not to appoint a loss prevention review team he or she shall issue a statement of the reasons for the director's decision. The statement shall be made available on the department's web site. The director's decision pursuant to this section to appoint or not appoint a loss prevention review team shall not be admitted into evidence in a civil or administrative proceeding.)) after consultation with the affected agency as to the purpose, scope, necessary resources, and intended outcomes of the loss prevention review. The department may provide guidance to the state agency conducting the loss prevention review as requested by the state agency.

(2) A loss prevention review team shall consist of at least three ((but no more than five)) persons, and may include independent consultants, contractors, or state employees, but it shall not include any person ((employed by the agency)) directly involved in the loss or risk of loss giving rise to the review, nor any person with testimonial knowledge of the incident to be reviewed. At least one member of the review team shall have expertise relevant to the matter under review.

(3) The loss prevention review team shall review the death, serious injury, or other incident and the circumstances surrounding it, evaluate its causes, and recommend steps to reduce the risk of such incidents occurring in the future. The loss prevention review team shall accomplish these tasks by reviewing relevant documents((,)) and interviewing persons with relevant knowledge((, and reporting its recommendations)). The loss prevention review team must submit a report in writing to the director and the ((director)) head of the state agency involved in

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the loss or risk of loss ((within the time requested by the director)). The report must include the teams' findings, analyze the causes and contributing factors, analyze future risk, include methods that the agency will use to address and mitigate the risks identified, which may include changes to policies or procedures, and any legislative recommendation necessary to address and carry out the risk treatment strategies identified in the subject report and include the manner in which the agency will measure the effectiveness of its changes. The final report shall not disclose the contents of any documents required by law or regulation to be kept private or confidential, or that are subject to legal privilege or exemption. Reports made by medical facilities under the requirements of chapter 70.56 RCW shall remain subject to the confidentiality provisions, privileges, and exemptions described in chapter 70.56 RCW and RCW 43.70.510, 42.56.360, and 70.41.200, and be provided to the department of health.

(4) ((Pursuant to guidelines established by the director,)) The director may develop and enact rules to implement the provisions of this chapter that apply to all state agency loss prevention review teams. State agencies must notify the department immediately upon becoming aware of a death, serious injury, or other substantial loss that is alleged or suspected to be caused at least in part by the actions of the state agency.

(5) All state agencies shall provide the loss prevention review team ready access to relevant documents in their possession and ready access to their employees.

(6) The director shall submit an annual report to the legislature identifying the reviews conducted in the past year, providing appropriate metrics on effectiveness and efficiency of the loss prevention review team and programs, and summarizing any determinations of trends in incidents such as reductions or increases in the frequency or magnitude of losses and innovative approaches to mitigating risks identified.

Sec. 8. RCW 43.19.783 and 2011 1st sp.s. c 43 s 509 are each amended to read as follows:

(1) The final report from ((a)) the state agency's loss prevention review team to the director shall be made public by the director promptly ((upon receipt)) after review, and shall be subject to public disclosure. The final report shall be subject to discovery in a civil or administrative proceeding. However, the final report shall not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to subsection (2) of this section.

(2) The relevant excerpt or excerpts from the final report of a loss prevention review team may be used to impeach a fact witness in a civil or administrative proceeding only if the party wishing to use the excerpt or excerpts from the report first shows the court by clear and convincing evidence that the witness, in testimony provided in deposition or at trial in the present proceeding, has contradicted his or her previous statements to the loss prevention review team on an issue of fact material to the present proceeding. In that case, the party may use only the excerpt or excerpts necessary to demonstrate the contradiction. This section shall not be interpreted as expanding the scope of material that may be used to impeach a witness.

(3) No member of a loss prevention review team may be examined in a civil or administrative proceeding as to (a) the work of the loss prevention review team, (b) the incident under review, (c) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the loss prevention review team or the incident under review, or (d) the statements, deliberations, thoughts, analyses, or impressions of any other member of the loss prevention review team, or any person who provided information to it, relating to the work of the loss prevention review team or the incident under review.

(4) Any document that exists prior to the appointment of a loss prevention review team, or that is created independently of such a team, does not become inadmissible merely because it is reviewed or used by the loss prevention review team. A person does not become unavailable as a witness merely because the person has been interviewed by or has provided a statement to a loss prevention review team. However, if called as a witness, the person may not be examined regarding the person's interactions with the loss prevention review team, including without limitation whether the loss prevention review team interviewed the person, what questions the loss prevention review team asked, and what answers the person provided to the loss prevention review team. This section shall not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(5) Documents prepared by or for the loss prevention review team are inadmissible and may not be used in a civil or administrative proceeding, except that excerpts may be used to impeach the credibility of a witness under the same circumstances that excerpts of the final report may be used pursuant to subsection (2) of this section.

(6) The restrictions set forth in this section shall not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with the death, injury, or other incident reviewed by the loss prevention review team.

(7) ((Within one hundred twenty days after completion of the final report of a loss prevention review team, the agency under review shall issue to the department a response to the report. The response will indicate (a) which of the report's recommendations the agency hopes to implement, (b) whether implementation of those recommendations will require additional funding or legislation, and (c) whatever other information the director may require. This response shall be considered part of the final report and shall be subject to all provisions of this section that apply to the final report, including without limitation the restrictions on admissibility and use in civil or administrative proceedings and the obligation of the director to make the final report public.

(8))) Nothing in RCW ((43.41.370)) 43.19.782 or this section is intended to limit the scope of a legislative inquiry into or review of an incident that is the subject of a loss prevention review.

((9))) (8) Nothing in RCW ((43.41.370)) 43.19.782 or in this section affects chapter 70.41 RCW and application of that chapter to state-owned or managed hospitals licensed under chapter 70.41 RCW."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "and amending RCW 43.19.003, 43.19.782, and 43.19.783."

Senators Chase and Miloscia spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 41 by Senator Chase to Substitute Senate Bill No. 5173.

The motion by Senator Chase carried and floor striking amendment no. 41 was adopted by voice vote.

MOTION

On motion of Senator Chase, the rules were suspended, Engrossed Substitute Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5173.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced participants of Deens Academy who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5508, by Senators Hawkins, Lias, Fortunato, O'Ban, Saldaña, King, Sheldon and Hobbs

Authorizing two-year registration periods for certain vehicles while maintaining existing annual vehicle registration fee amounts. Revised for 1st Substitute: Authorizing two-year registration periods for certain vehicles and vessels while maintaining existing annual registration fee amounts.

MOTIONS

On motion of Senator Hawkins, Substitute Senate Bill No. 5508 was substituted for Senate Bill No. 5508 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hawkins, the rules were suspended, Substitute Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5508.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5366, by Senators Hobbs, King, Lias and Fortunato

Concerning the authorization of and deposit of moneys from department of transportation advertising activities.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5366 was substituted for Senate Bill No. 5366 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5366.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Hasegawa

SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5514, by Senators Rivers, Cleveland and Keiser

Concerning rapid health information network data reporting.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5514 was substituted for Senate Bill No. 5514 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5514.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5372, by Senators Becker, Rivers, Brown, Miloscia, O'Ban, Zeiger and Angel

Addressing state audit findings of noncompliance with state law.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5372 was substituted for Senate Bill No. 5372 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5546, by Senators Hawkins, McCoy, Fortunato, Pearson, Braun, Sheldon, Rivers and O'Ban

Concerning proactively addressing wildfire risk by creating a forest health treatment assessment.

MOTIONS

On motion of Senator Hawkins, Second Substitute Senate Bill No. 5546 was substituted for Senate Bill No. 5546 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hawkins, the rules were suspended, Second Substitute Senate Bill No. 5546 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5546.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5164, by Senators Keiser, Fain, Rivers and Rolfes

Authorizing grocery store license endorsements allowing beer and wine tastings at certain grocery stores that specialize in the sale of meat, poultry, seafood, or cheese.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5164.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Darneille, Hasegawa, Liias, O'Ban, Padden, Pearson and Van De Wege

SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 4:40 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 5474, by Senator Pearson

Initiating proactive steps to address elk hoof disease.

MOTIONS

On motion of Senator Pearson, Second Substitute Senate Bill No. 5474 was substituted for Senate Bill No. 5474 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Second Substitute Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5474.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5540, by Senators Walsh, Darneille, Rivers, Braun and Keiser

Creating an oral health pilot program for adults with diabetes and pregnant women.

MOTIONS

On motion of Senator Walsh, Second Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Walsh and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5470, by Senators Brown, Hobbs, Rivers, Becker, Takko, Ericksen, Honeyford and Schoesler

Advancing the development of renewable energy by improving the permitting process for geothermal resources exploration.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 5470 was substituted for Senate Bill No. 5470 and the substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Carlyle moved that the following floor amendment no. 54 by Senator Carlyle be adopted:

On page 2, beginning on line 36, after "hearing))." strike all material through "RCW." on line 38

Senators Carlyle and Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 54 by Senator Carlyle on page 2, line 36 to Substitute Senate Bill No. 5470.

The motion by Senator Carlyle carried and floor amendment no. 54 was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5470.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5128, by Senators Takko, Rivers and Chase

Allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act.

The measure was read the second time.

MOTION

Senator Takko moved that the following floor striking amendment no. 39 by Senators Nelson and Takko be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 9.** RCW 19.285.030 and 2014 c 45 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3)(a) "Biomass energy" includes: (i) Organic by-products of pulping and the wood manufacturing process; (ii) animal manure; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) untreated wooden demolition or construction debris; (vi) food waste and food processing residuals; (vii) liquors derived from algae; (viii) dedicated energy crops; and (ix) yard waste.

(b) "Biomass energy" does not include: (i) Wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth forests; or (iii) municipal solid waste.

(4) "Coal transition power" has the same meaning as defined in RCW 80.80.010.

(5) "Commission" means the Washington state utilities and transportation commission.

(6) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(7) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(8) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(9) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(10) "Department" means the department of commerce or its successor.

(11) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(12) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than freshwater that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services;

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest where the additional generation does not result in new water diversions or impoundments;

(c) Hydroelectric generation from a project completed after March 31, 1999, where the generation facility is located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for municipal use, and wastewater pipes located in Washington where the generation does not result in new water diversions or impoundments;

(d) Qualified biomass energy; ((or))

(e) For a qualifying utility that serves customers in other states, electricity from a generation facility powered by a renewable resource other than freshwater that commences operation after March 31, 1999, where: (i) The facility is located within a state in which the qualifying utility serves retail electrical customers; and (ii) the qualifying utility owns the facility in whole or in part or has a long-term contract with the facility of at least twelve months or more; or

(f)(i) Incremental electricity produced as a result of a capital investment completed after January 1, 2010, that increases, relative to a baseline level of generation prior to the capital investment, the amount of electricity generated in a facility that generates qualified biomass energy as defined under subsection (18)(c)(ii) of this section and that commenced operation before March 31, 1999.

(ii) Beginning January 1, 2007, the facility must demonstrate its baseline level of generation over a three-year period prior to the capital investment in order to calculate the amount of incremental electricity produced.

(iii) The facility must demonstrate that the incremental electricity resulted from the capital investment, which does not include expenditures on operation and maintenance in the normal course of business, through direct or calculated measurement.

(13) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(14) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(15)(a) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(b) "Nonpower attributes" does not include any aspects, claims, characteristics, and benefits associated with the on-site capture and destruction of methane or other greenhouse gases at a facility through a digester system, landfill gas collection system, or other mechanism, which may be separately marketable as greenhouse gas emission reduction credits, offsets, or similar tradable commodities. However, these separate avoided emissions may not result in or otherwise have the effect of attributing greenhouse gas emissions to the electricity.

(16) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(17) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(18) "Qualified biomass energy" means electricity produced from a biomass energy facility that: (a) Commenced operation before March 31, 1999; (b) contributes to the qualifying utility's load; and (c) is owned either by: (i) A qualifying utility; or (ii) an industrial facility that is directly interconnected with electricity facilities that are owned by a qualifying utility and capable of carrying electricity at transmission voltage.

(19) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(20) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by freshwater. The certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(21) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave,

ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; or (i) biomass energy.

(22) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(23) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 10. RCW 19.285.040 and 2014 c 26 s 1 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in the most recently published regional power plan as it existed on June 12, 2014, or a subsequent date as may be provided by the department or the commission by rule, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. Nothing in the rule adopted under this subsection precludes a qualifying utility from using its utility specific conservation measures, values, and assumptions in identifying its achievable cost-effective conservation potential. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, beginning on January 1, 2014, cost-effective conservation achieved by a qualifying utility in excess of its biennial acquisition target may be used to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty percent of any biennial target may be met with excess conservation savings.

(ii) Beginning January 1, 2014, a qualifying utility may use single large facility conservation savings in excess of its biennial target to meet up to an additional five percent of the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined. For the purposes of this subsection (1)(c)(ii), "single large facility conservation savings" means cost-effective conservation savings achieved in a single biennial period at the premises of a single customer of a qualifying utility whose annual electricity consumption prior to the conservation savings exceeded five average megawatts.

(iii) Beginning January 1, 2012, and until December 31, 2017, a qualifying utility with an industrial facility located in a county with a population between ninety-five thousand and one hundred fifteen thousand that is directly interconnected with electricity facilities that are capable of carrying electricity at transmission voltage(,) may use cost-effective conservation from that industrial facility in excess of its biennial acquisition target to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined.

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(d) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(e) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(f) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Except as provided in (j) of this subsection, each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or any combination of them, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than coal transition power or renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) The requirements of this section may be met for any given year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest

where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(j)(i) Beginning January 1, 2016, only a qualifying utility that owns or is directly interconnected to a qualified biomass energy facility may use qualified biomass energy to meet its compliance obligation under this subsection.

(ii) A qualifying utility may no longer use electricity and associated renewable energy credits from a qualified biomass energy facility if the associated industrial pulping or wood manufacturing facility ceases operation other than for purposes of maintenance or upgrade.

(k) An industrial facility that hosts a qualified biomass energy facility may only transfer or sell renewable energy credits associated with qualified biomass energy generated at its facility to the qualifying utility with which it is directly interconnected with facilities owned by such a qualifying utility and that are capable of carrying electricity at transmission voltage. The qualifying utility may only use an amount of renewable energy credits associated with qualified biomass energy that are equivalent to the proportionate amount of its annual targets under (a)(ii) and (iii) of this subsection that was created by the load of the industrial facility. A qualifying utility that owns a qualified biomass energy facility may not transfer or sell renewable energy credits associated with qualified biomass energy to another person, entity, or qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 11. RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) (d) or (i) or 19.285.050(1); (and) the format and content of reports required in RCW 19.285.070; and the development of a methodology for calculating baseline levels

of generation under RCW 19.285.030(12)(f). Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by December 31, 2007. These rules may be revised as needed to carry out the intent and purposes of this chapter."

On page 1, line 3 of the title, after "independence act;" strike the remainder of the title and insert "and amending RCW 19.285.030, 19.285.040, and 19.285.080."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 39 by Senators Nelson and Takko to Senate Bill No. 5128.

The motion by Senator Takko carried and floor striking amendment no. 39 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Ericksen and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5644, by Senator Honeyford

Concerning skill center facility maintenance.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5644.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5118, by Senators Rolfes, Bailey, Darneille, Billig, Keiser, Kuderer and Chase

Increasing the personal needs allowance for persons receiving state-financed care.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Rivers and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5118.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

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SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5783.

SECOND READING

SENATE BILL NO. 5779, by Senators Brown and O'Ban

Concerning behavioral health integration in primary care.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5779 was substituted for Senate Bill No. 5779 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Darneille, Liias and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5779.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5783, by Senators Sheldon, Fain, Liias, Pearson and Becker

Exempting multipurpose senior citizen centers from property taxation.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5783 was substituted for Senate Bill No. 5783 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Carlyle, Becker, Liias and Chase spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5783 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5615, by Senators Sheldon, Padden, Fortunato, Hobbs, Warnick and Wilson

Authorizing the development of new manufactured housing communities outside of urban growth areas under the growth management act.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Short and Angel spoke in favor of passage of the bill.

Senator Baumgartner spoke on passage of the bill.

Senators Nelson and Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5615.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5615 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Saldaña and Wellman

SENATE BILL NO. 5615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

SENATE BILL NO. 5705, by Senators Becker, O'Ban, Rivers, Bailey, Miloscia, Schoesler, Warnick, Brown, Zeiger and Honeyford

Concerning inspection and review of state contracted behavioral health and recovery agencies.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5705 was substituted for Senate Bill No. 5705 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

Senator Darneille spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, King, McCoy, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Frockt, Hasegawa, Keiser, Kuderer, Liias, Mullet, Nelson, Pedersen, Ranker, Saldaña and Wellman

SUBSTITUTE SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5382, by Senators Liias, Hobbs, Walsh, King, Takko, Saldaña, Cleveland, Chase, Kuderer and Wellman

Authorizing the issuance of identicards at a reduced cost to applicants who are under the age of eighteen and without a permanent residence address.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5382.

The Secretary called the roll on the final passage of Senate Bill No. 5382 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators O'Ban and Padden

SENATE BILL NO. 5382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5234, by Senators Mullet, Palumbo, Rivers, Liias, Wilson and Kuderer

Requiring establishment of a systemwide credit policy regarding AP exams

The measure was read the second time.

MOTION

Senator Mullet moved that the following floor striking amendment no. 58 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 12. The legislature finds that advanced placement coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses. The legislature further finds that eighty-four thousand eight hundred sixty-six students took an AP exam in Washington state in 2015. The legislature further finds that six thousand six hundred sixty-seven of those students were underrepresented minority students and nine thousand four hundred seventy-one were low-income students. The legislature further finds that of the students that took an AP exam in Washington state in 2015, fifty-one thousand seven hundred twenty-five scored a 3, 4, or 5.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have earned a minimum score of 3 on their AP exams and clearly communicate credit awarding policies and course equivalencies to students. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for AP exam scores of 3 or higher.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.77 RCW to read as follows:

(1) The institutions of higher education must establish a coordinated, evidence-based policy for granting as many undergraduate college credits to students who have earned minimum scores of 3 on AP exams as possible and appropriate.

(2) Credit policy regarding all AP exams must be posted on campus web sites effective for the 2017 fall academic term. The institutions of higher education must conduct biennial reviews of their AP credit policy and report noncompliance to appropriate

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committees of the legislature by November 1st each year beginning November 1, 2019."

On page 1, line 1 of the title, after "exams;" strike the remainder of the title and insert "adding a new section to chapter 28B.77 RCW; and creating a new section."

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 58 by Senator Mullet to Senate Bill No. 5234.

The motion by Senator Mullet carried and floor striking amendment no. 58 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Senate Bill No. 5234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Wilson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5234.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5234 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5107, by Senators Billig, Fain, Rolfes, Wellman, Walsh, Zeiger, Lias, Cleveland, Hunt, Conway, Saldaña, Kuderer and Mullet

Creating a local pathway for local governments, school districts, and nonprofit organizations to provide more high quality early learning opportunities by reducing barriers and increasing efficiency. Revised for 2nd Substitute: Facilitating local funding and involvement in expanding early childhood education and assistance program eligibility.

MOTIONS

On motion of Senator Billig, Second Substitute Senate Bill No. 5107 was substituted for Senate Bill No. 5107 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Second Substitute Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Billig and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Honeyford, Padden and Schoesler

SECOND SUBSTITUTE SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5394, by Senators Rivers, Takko, Hasegawa, Braun, Chase, Warnick, Honeyford, Rolfes and Zeiger

Concerning the forest riparian easement program.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5394 was substituted for Senate Bill No. 5394 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5394.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5394 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5300, by Senators Zeiger, Wellman, Fain, Billig, Walsh, Nelson and Hasegawa

Authorizing specified local governments, including municipalities and federally recognized Indian tribes, that typically have limited access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission. Revised for 2nd Substitute: Authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission.

MOTIONS

On motion of Senator Zeiger, Second Substitute Senate Bill No. 5300 was substituted for Senate Bill No. 5300 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Second Substitute Senate Bill No. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Brown and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5300.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5285, by Senators Wilson and Palumbo

Conducting a workforce study of employment opportunities in the agriculture, environment, and natural resources economic sectors intended to provide educators with the information needed for informing students about employment opportunities in the studied fields. Revised for 2nd Substitute: Conducting a workforce study of employment opportunities in the agriculture, environment, outdoor recreation, and natural resources economic sectors intended to provide educators with the information needed

for informing students about employment opportunities in the studied fields.

MOTIONS

On motion of Senator Wilson, Second Substitute Senate Bill No. 5285 was substituted for Senate Bill No. 5285 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, the rules were suspended, Second Substitute Senate Bill No. 5285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5285.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5285 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5119, by Senators Takko, Danel, Sheldon, Angel, Chase, Palumbo and Wellman

Concerning water-sewer districts.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5119.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5119 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias,

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SENATE BILL NO. 5119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5671, by Senators Fortunato, Sheldon, Rivers and Wilson

Simplifying the process for bona fide charitable and nonprofit organization to engage in activities and social pastimes, and raise funds for their authorized purposes.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5671 was substituted for Senate Bill No. 5671 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, the following floor amendment no. 38 by Senator Fortunato to Substitute Senate Bill No. 5671 was withdrawn:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.46.0321 and 1987 c 4 s 28 are each amended to read as follows:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(1) Such activities are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission;

(2) Said activities are ~~are~~ conducted no more than four times each calendar year for raffles and twice each calendar year for bingo and amusement games; and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.0205: PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days;

(3) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities;

(4) Gross revenues to the organization from ~~all the activities together~~ raffles do not exceed twenty thousand dollars during any calendar year;

(5) Gross revenues to the organization from bingo and amusement games do not exceed five thousand dollars during any calendar year;

~~(6)~~ (6) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization;

~~(7)~~ (7) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be

conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

~~((7))~~ (8) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

Bona fide charitable or bona fide nonprofit organizations authorized to conduct activities under this chapter may offer raffle tickets purchased as part of a multiple ticket package to be purchased at a discount. The organization may offer different levels of discounts based on the volume of tickets sold in the multiple packages.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:

Bona fide charitable or bona fide nonprofit organizations authorized to conduct activities under this chapter who are engaging in a gambling activity where the participants select their own numbered, physical item, to hold pending a random selection of winning numbers, are not required to attach an individual numbered ticket with the item.

Sec. 4. RCW 9.46.070 and 2012 c 116 s 1 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punchboards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association, or organization to utilize punchboards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by

the commission meeting the requirements of this chapter and meeting the requirements of any rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended, permitting said person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by this chapter. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and such portion of said fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the application and investigation into the granting thereof: PROVIDED FURTHER, That if in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant: AND PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any

gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof. The commission may require a separate accounting by a bona fide charitable or nonprofit organization, but may not require the organizations to keep separate accounts for funds generated from gambling activities;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (a) the nature, character, and scope of the activities of the licensee; (b) the source of all other income of the licensee; and (c) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16)(a) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

(b) In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the

limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter;

(20) To renew the license of every person who applies for renewal within six months after being honorably discharged, removed, or released from active military service in the armed forces of the United States upon payment of the renewal fee applicable to the license period, if there is no cause for denial, suspension, or revocation of the license;

(21) To issue licenses under subsections (1) through (4) of this section that are valid for a period of up to eighteen months, if it chooses to do so, in order to transition to the use of the business licensing services program through the department of revenue; and

(22) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter."

On page 1, line 3 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 9.46.0321 and 9.46.070; and adding new sections to chapter 9.46 RCW."

MOTION

Senator Fortunato moved that the following floor striking amendment no. 60 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.46.0321 and 1987 c 4 s 28 are each amended to read as follows:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(1) Such activities are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission;

(2) Said activities are(~~(, alone or in any combination,))~~ conducted no more than four times each calendar year for raffles and twice each calendar year for bingo and amusement games; and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.0205: PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days;

(3) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities;

(4) Gross revenues to the organization from (~~(all the activities together))~~ raffles do not exceed ten thousand dollars during any calendar year;

(5) Gross revenues to the organization from bingo and amusement games do not exceed five thousand dollars during any calendar year;

~~((5))~~ (6) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization;

~~((6))~~ (7) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

~~((7))~~ (8) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

Bona fide charitable or bona fide nonprofit organizations authorized to conduct activities under this chapter may offer raffle tickets purchased as part of a multiple ticket package to be purchased at a discount. The organization may offer different levels of discounts based on the volume of tickets sold in the multiple packages.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:

Bona fide charitable or bona fide nonprofit organizations authorized to conduct activities under this chapter who are engaging in a gambling activity where the participants select their own numbered, physical item, to hold pending a random selection of winning numbers, are not required to attach an individual numbered ticket with the item.

Sec. 4. RCW 9.46.0277 and 2009 c 133 s 1 are each amended to read as follows:

"Raffle," as used in this chapter, means a game in which tickets bearing an individual number are sold for not more than one hundred dollars each and in which a prize or prizes are awarded on the basis of a drawing from the tickets by the person or persons conducting the game, when the game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of the organization takes any part in the management or operation of the game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting the game. For the purposes of section 3 of this act, "raffle" also means a game in which a numbered, physical item is used without a ticket attached."

On page 1, line 3 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 9.46.0321 and 9.46.0277; and adding new sections to chapter 9.46 RCW."

Senators Fortunato, Chase and Conway spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 60 by Senator Fortunato to Substitute Senate Bill No. 5671.

The motion by Senator Fortunato carried and floor striking amendment no. 60 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5671.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Honeyford, King, Miloscia, Mullet, Padden, Pearson, Pedersen, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson, O'Ban, Palumbo, Ranker, Saldaña, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5751, by Senator Schoesler

Concerning personnel requirements for municipal ambulance services.

MOTION

On motion of Senator Schoesler, Substitute Senate Bill No. 5751 was substituted for Senate Bill No. 5751 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following floor amendment no. 56 by Senators Cleveland, Hobbs, Mullet, Schoesler and Van De Wege be adopted:

On page 2, line 4, after "at least" strike "seventeen" and insert "eighteen"

On page 2, line 5, after "old," insert "successfully passes a background check issued or approved by the department."

On page 2, line 8, after "and" strike "does not provide any medical care to patients" and insert "only provides medical care to patients to the level that they are trained"

Senators Van De Wege and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 56 by Senators Cleveland, Hobbs, Mullet, Schoesler and Van De Wege on page 2, line 4 to Substitute Senate Bill No. 5751.

The motion by Senator Van De Wege carried and floor amendment no. 56 was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Substitute Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler, Cleveland, Saldaña and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5751.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5629, by Senators Angel and Hobbs

Creating and establishing the rights and duties for title insurance rating and advisory organizations.

The measure was read the second time.

MOTION

Senator Angel moved that the following floor amendment no. 44 by Senators Angel and Mullet be adopted:

On page 5, line 1, after "fee of" strike "twenty-five dollars" and insert "the amount established by the commissioner pursuant to RCW 48.29.005"

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On page 11, beginning on line 12, after "(b)" strike all material through "review" on line 18 and insert "Before the commissioner approves a filing by a rating organization, the commissioner shall review all materials contained in the filing, including, as applicable, materials submitted by the rating organization, materials provided by the statistical reporting agent pursuant to RCW 48.29.017, as well as materials concerning any public hearings, market investigations, studies, or other information collected during the review, and determine that the filing complies with the requirements of this chapter."

On page 11, beginning on line 24, after "(9)" strike all material through "company" on line 32 and insert "A filing made under this section is exempt from RCW 48.02.120(3). However, the filing and all supporting information accompanying it is open to public inspection only after the filing becomes effective"

On page 13, after line 21, insert the following:

"Sec. 23. RCW 48.29.005 and 2008 c 110 s 9 are each amended to read as follows:

The commissioner may adopt rules to implement and administer this chapter, including but not limited to:

(1) Establishing the information to be included in the report required under RCW 48.29.015;

(2) Establishing the information required for the filing of rates for title insurance under RCW 48.29.147;

(3) Establishing standards which title insurance rate filings must satisfy under RCW 48.29.147;

(4) Establishing a date, which date shall not be earlier than January 1, 2010, by which all title insurers selling policies in this state must file their rates with the commissioner under RCW 48.29.143 and 48.29.147 rather than under RCW 48.29.140 and refile any rates that were in effect prior to the date established by the commissioner; (~~and~~)

(5) Defining what things of value a title insurance insurer or title insurance agent is permitted to give to any person in a position to refer or influence the referral of title insurance business under RCW 48.29.210(2). In adopting rules under this subsection, the commissioner shall work with representatives of the title insurance and real estate industries and consumer groups in developing the rules;

(6) Establishing the fee for a license as a rating organization under section 5 of this act;

(7) Establishing license requirements that an applicant for a license as a rating organization and a licensee must comply with; and

(8) Requiring a rating organization to periodically update the title insurance rates, manuals of rules and rates, rating plans, rate schedules, minimum rates, class rates, or rating rules, filed by the rating organization on behalf of its members or subscribers."

On page 1, line 3 of the title, after "48.29.147," strike "and 48.29.017" and insert "48.29.017, and 48.29.005"

Senator Angel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 44 by Senators Angel and Mullet on page 5, line 1 to Senate Bill No. 5629.

The motion by Senator Angel carried and floor amendment no. 44 was adopted by voice vote.

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5629.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5266, by Senators O'Ban, Pedersen, Angel and Darneille

Modifying theft of rental, leased, lease-purchased, or loaned property provisions.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following floor amendment no. 48 by Senators O'Ban and Pedersen be adopted:

On page 1, beginning on line 16, after "rental" strike all material through "loaned" on line 17

On page 1, line 21, after "property," insert "Rental property agreements must contain a warning that failure to return property and pay all outstanding obligations pursuant to the terms of the agreement may result in charges up to and including a gross misdemeanor. For purposes of this subsection, applicable rental charge is determined pursuant to the late return provisions in the written agreement; however, if the written agreement contains no late return provisions, applicable rental charge means a value equal to the terms of the written rental agreement prorated from the due date of the rental period through the receipt of the returned property. This subsection applies only to rental property agreements, and does not apply to leased property, lease-purchased property, rent to own property, and motor vehicles."

On page 2, beginning on line 36, after "(d)" strike all material through "misdemeanor" on line 37 and insert "(i)(A) Theft of rental property under subsection (2) of this section is a gross misdemeanor if the outstanding obligation is valued at seven hundred fifty dollars or more;

(B) Theft of rental property under subsection (2) of this section is a misdemeanor if the outstanding obligation is valued at two hundred fifty dollars or more but less than seven hundred fifty dollars;

(C) Theft of rental property under subsection (2) of this section is a class 1 civil infraction if the outstanding obligation is

valued at fifty dollars or more but less than two hundred fifty dollars.

(ii) This subsection (6)(d) applies only to rental property, and does not apply to leased property, lease-purchased property, rent to own property, and motor vehicles"

Senators O'Ban and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 48 by Senators O'Ban and Pedersen on page 1, line 16 to Senate Bill No. 5266.

The motion by Senator O'Ban carried and floor amendment no. 48 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5266.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Saldaña

ENGROSSED SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5281, by Senators Angel, Fortunato, Takko, Fain, Sheldon and Hobbs

Concerning rules for on-site sewage systems.

MOTION

On motion of Senator Angel, Substitute Senate Bill No. 5281 was substituted for Senate Bill No. 5281 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Angel moved that the following floor amendment no. 50 by Senator Angel be adopted:

On page 3, line 16, after "and" strike "are encouraged to observe" and insert "must comply with"

Senator Angel spoke in favor of adoption of the amendment.

PARLIAMENTARY INQUIRY

Senator Liias: "Mr. President, has the Senate taken the ninety minute dinner break required by Rule 15 yet?"

MOTION

Senator Fain, moved that Rule 15 be suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

The President declared the question before the Senate to be the suspension of Senate Rule 15.

The motion by Senator Fain carried and Senate Rule 15 was suspended for the remainder of the day by voice vote.

The President declared the question before the Senate to be the adoption of floor amendment no. 50 by Senator Angel on page 3, line 16 to Substitute Senate Bill No. 5281.

The motion by Senator Angel carried and floor amendment no. 50 was adopted by voice vote.

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Substitute Senate Bill No. 5281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Becker spoke in favor of passage of the bill.

Senators Nelson and Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5281.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5281 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5725, by Senators Hasegawa and Chase

Concerning the mitigation of public facilities in certain cities.

MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5725 was substituted for Senate Bill No. 5725 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5725.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Liias and Mullet

SUBSTITUTE SENATE BILL NO. 5725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5042, by Senators Angel, Hobbs and Wellman

Authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies.

The measure was read the second time.

MOTION

Senator Angel moved that the following floor striking amendment no. 51 by Senator Angel be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 24. RCW 48.24.280 and 2016 c 143 s 1 are each amended to read as follows:

(1) A life insurer may include the following noninsurance benefits as part of a policy or certificate of group life insurance, with the prior approval of the commissioner:

- (a) Will preparation services;
- (b) Financial planning and estate planning services;
- (c) Probate and estate settlement services;
- (d) Grief counseling; (~~and~~)
- (e) Funeral planning and funeral services, but it must be disclosed that this noninsurance benefit does not constitute an

insurance funded prearrangement contract, pursuant to RCW 18.39.255; and

(f) Such other services as the commissioner may identify by rule.

(2) The commissioner may adopt rules to regulate the disclosure of noninsurance benefits permitted under this section, including but not limited to guidelines regarding the coverage provided under the policy or certificate of insurance.

(3) Those providing the services listed in subsection (1) of this section must be appropriately licensed.

(4) This section does not require the commissioner to approve any particular proposed noninsurance benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title.

(5) This section does not expand, limit, or otherwise affect the authority and ethical obligations of those who are authorized by the state supreme court to practice law in this state. This section does not limit the prohibition against the unauthorized practice of law under chapter 2.48 RCW.

(6) This section does not affect the application of chapter 21.20 RCW.

Sec. 25. RCW 48.21.380 and 2016 c 143 s 2 are each amended to read as follows:

(1) A disability insurer may include the following noninsurance benefits as part of a policy or certificate of group disability insurance, with the prior approval of the commissioner and where such benefits bear a reasonable relationship to the disability insurance with which they are intended to be offered:

- (a) Will preparation services;
- (b) Financial planning and estate planning services;
- (c) Probate and estate settlement services;
- (d) Grief counseling; (~~and~~)
- (e) Funeral planning and funeral services, but it must be disclosed that this noninsurance benefit does not constitute an insurance funded prearrangement contract, pursuant to RCW 18.39.255; and

(f) Such other services as the commissioner may identify by rule.

(2) The commissioner may adopt rules to regulate the disclosure of noninsurance benefits permitted under this section, including but not limited to guidelines regarding the coverage provided under the policy or certificate of insurance.

(3) Those providing the services listed in subsection (1) of this section must be appropriately licensed.

(4) This section does not require the commissioner to approve any particular proposed noninsurance benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title.

(5) This section does not expand, limit, or otherwise affect the authority and ethical obligations of those who are authorized by the state supreme court to practice law in this state. This section does not limit the prohibition against the unauthorized practice of law under chapter 2.48 RCW.

(6) This section does not affect the application of chapter 21.20 RCW.

(7) This section does not affect wellness programs as described in RCW 48.30.140(6)."

On page 1, line 3 of the title, after "policies;" strike the remainder of the title and insert "and amending RCW 48.24.280 and 48.21.380."

Senator Angel spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 51 by Senator Angel to Senate Bill No. 5042.

The motion by Senator Angel carried and floor striking amendment no. 51 was adopted by voice vote.

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5200, by Senators Becker, Warnick, Fain, Bailey, Brown, Hasegawa and Rolfes

Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Van De Wege, Chase, Ranker, Pearson and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5200.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5200 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5040, by Senators Pedersen and Padden

Making revisions to the uniform business organizations code.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5040.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:56 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o'clock a.m. Thursday, March 2, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 2, 2017

The Senate was called to order at 11:03 a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Lucia Opalka and Miss Aleah Keys, presented the Colors. Page Miss Susanna Kearns led the Chamber in the Pledge of Allegiance. The prayer was offered by Senator Kirk Pearson, 39th Legislative District, Monroe.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 1, 2017

MR. PRESIDENT:
The House has passed:

HOUSE BILL NO. 1754,
HOUSE BILL NO. 1757,
SUBSTITUTE HOUSE BILL NO. 1988,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 1, 2017

MR. PRESIDENT:
The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1169,
HOUSE BILL NO. 1606,
HOUSE BILL NO. 1674,
HOUSE BILL NO. 1709,
HOUSE BILL NO. 1849,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 1, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1055,
SUBSTITUTE HOUSE BILL NO. 1129,
SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1275,
SUBSTITUTE HOUSE BILL NO. 1321,
SECOND SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1445,

HOUSE BILL NO. 1571,
SUBSTITUTE HOUSE BILL NO. 1838,
HOUSE BILL NO. 2007,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 1, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1258,
SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1434,
HOUSE BILL NO. 1468,
SUBSTITUTE HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 1524,
SECOND SUBSTITUTE HOUSE BILL NO. 1540,
SUBSTITUTE HOUSE BILL NO. 1680,
HOUSE BILL NO. 1732,
HOUSE BILL NO. 1790,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 1010 by House Committee on Environment (originally sponsored by Representatives Shea, Taylor, Holy, Short, McCaslin, Pike, Haler and Young)

AN ACT Relating to directing the department of ecology to submit an annual report to the legislature detailing the department's participation in interagency agreements; amending RCW 43.21A.150; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1036 by House Committee on Transportation (originally sponsored by Representatives Harmsworth, Kirby, Short and Muri)

AN ACT Relating to business practices of registered tow truck operators by authorizing electronic records creation and storage; and amending RCW 46.55.150 and 46.55.160.

Referred to Committee on Transportation.

SHB 1038 by House Committee on Commerce & Gaming (originally sponsored by Representatives Condotta, Stanford, Johnson, Vick, Haler and Sawyer)

AN ACT Relating to increasing the number of tasting rooms allowed under a domestic winery license; amending RCW 66.24.170; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

EHB 1081 by Representatives Kirby and Vick

AN ACT Relating to authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies; and amending RCW 48.24.280 and 48.21.380.

Referred to Committee on Financial Institutions & Insurance.

ESHB 1153 by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Pellicciotti, Hayes, Orwall, Griffey, Chapman, Holy, Kilduff, Stanford, Fey, Haler, Doglio and Frame)

AN ACT Relating to crimes against vulnerable persons; amending RCW 9A.42.020, 9A.42.030, 9A.42.035, 9A.56.010, 9A.04.080, 9A.56.030, 9A.56.040, and 74.34.020; reenacting and amending RCW 9.94A.411 and 9.94A.515; adding a new section to chapter 9A.56 RCW; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Law & Justice.

SHB 1218 by House Committee on Transportation (originally sponsored by Representatives Fey, McCaslin and Goodman)

AN ACT Relating to the termination of towing fees; and amending RCW 46.55.063.

Referred to Committee on Transportation.

SHB 1232 by House Committee on Health Care & Wellness (originally sponsored by Representatives Clibborn, Macri, Rodne, Caldier, Jinkins and Goodman)

AN ACT Relating to strengthening the timing and content of disclosures by continuing care retirement communities; and amending RCW 18.390.060 and 18.390.070.

Referred to Committee on Health Care.

SHB 1235 by House Committee on Education (originally sponsored by Representatives Riccelli, Harris, Stonier, Bergquist, Caldier, Robinson, Nealey, Stokesbary, Jinkins, McBride, Goodman, Ryu, Frame, Gregerson, Dolan and Ormsby)

AN ACT Relating to assessing physical education practices in public schools; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1239 by House Committee on Health Care & Wellness (originally sponsored by Representative Sullivan)

AN ACT Relating to requests for medical records to support an application for social security benefits; amending RCW 70.02.030, 70.02.045, and 70.02.080; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SHB 1279 by House Committee on Education (originally sponsored by Representative Pettigrew)

AN ACT Relating to school safety drills; and amending RCW 28A.320.125.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1296 by House Committee on Finance (originally sponsored by Representatives Nealey, Springer, Harris, Vick, MacEwen, Stokesbary, Orcutt, Haler and Condotta)

AN ACT Relating to consolidating and simplifying the annual report and annual survey used for economic development tax incentives; amending RCW 82.32.534, 82.32.590, 82.32.600, 82.32.605, 82.32.607, 82.32.710, 82.32.808, 82.04.240, 82.04.2404, 82.04.2909, 82.04.426, 82.04.4277, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.08.986, 82.12.022, 82.12.025651, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.040, 82.75.070, 82.82.020, 82.82.040, 84.36.645, and 84.36.655; reenacting and amending RCW 82.04.260 and 82.32.790; providing an effective date; and providing a contingent effective date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

ESHB 1319 by House Committee on Education (originally sponsored by Representatives McCaslin, Bergquist, Holy, Ryu, Stokesbary, Orwall, Volz, Haler, Stambaugh, Griffey, Chandler, Blake, Dent, McDonald, Dolan, Shea, Koster, Short, Pettigrew, Fey, Santos, Smith, Hargrove, Sells, Pollet, Muri and Young)

AN ACT Relating to the frequency of evaluations for certain educators; and amending RCW 28A.405.100.

Referred to Committee on Early Learning & K-12 Education.

SHB 1320 by Representatives Reeves, McDonald, Dolan, Stambaugh, Kilduff, Ryu, Klippert, Tarleton, Appleton, Sawyer, Jinkins, Bergquist, Pellicciotti, McBride and Riccelli

AN ACT Relating to certain gold star license plate qualified applicants and recipients; and amending RCW 46.18.245.

Referred to Committee on Transportation.

2SHB 1341 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, McCaslin, Stonier, Muri and Pollet)

AN ACT Relating to professional certification for teachers and school administrators; amending RCW 28A.410.210, 28A.410.220, 28A.410.250, and 28A.410.270; adding new sections to chapter 28A.410 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 1395 by Representatives Peterson and Koster

AN ACT Relating to job order contracts and procedure; amending RCW 39.10.420; and reenacting and amending RCW 43.131.408.

Referred to Committee on Transportation.

FIFTY THIRD DAY, MARCH 2, 2017

2017 REGULAR SESSION

HB 1400 by Representatives Dent, Gregerson, Hargrove, McBride, Klippert, Tarleton, Dye, Blake, Peterson, Sells, Griffey, Holy, Harris, McCabe, Buys, Koster, Haler, Wilcox, Graves, Jenkin, Van Werven, Stokesbary, Pike, Condotta, Rodne, MacEwen, Irwin, Steele, Nealey, Volz, McDonald, McCaslin, Chandler, Stambaugh, Barkis, Kraft, Manweller, Muri, J. Walsh, Pettigrew, Bergquist and Kagi

AN ACT Relating to creating Washington state aviation special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 1417 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins and Smith)

AN ACT Relating to the harmonization of the open public meetings act with the public records act in relation to information technology security matters; and amending RCW 42.30.110.

Referred to Committee on State Government.

ESHB 1431 by House Committee on Health Care & Wellness (originally sponsored by Representatives Slatter, Cody and Jinkins)

AN ACT Relating to increasing the number of members on the board of osteopathic medicine and surgery; and amending RCW 18.57.003.

Referred to Committee on Health Care.

HB 1437 by Representatives Pollet, Stambaugh, Orwall, Tarleton, Macri, Bergquist, Stanford and Dolan

AN ACT Relating to adding a faculty member to the board of regents at the research universities; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on Higher Education.

HB 1470 by Representatives Hudgins, Koster, Haler, Griffey, Manweller and Doglio

AN ACT Relating to declaration of candidacy; and amending RCW 29A.24.070 and 29A.24.091.

Referred to Committee on State Government.

ESHB 1489 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake and Short)

AN ACT Relating to private wildland fire suppression contractors; amending RCW 76.04.181 and 43.30.111; amending 2015 c 182 s 2 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

HB 1494 by Representative Morris

AN ACT Relating to private road maintenance agreements; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

EHB 1507 by Representatives Holy and Hudgins

AN ACT Relating to enhancing election reconciliation reports; and amending RCW 29A.60.235.

Referred to Committee on State Government.

ESHB 1514 by House Committee on Judiciary (originally sponsored by Representatives Robinson, McBride, Pellicciotti, Orwall, Macri, Ormsby, Gregerson, Kloba, Pollet, Appleton, Bergquist, Tharinger, Clibborn, Farrell and Dolan)

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060, 59.20.080, 59.21.030, and 59.20.073; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SHB 1526 by House Committee on Finance (originally sponsored by Representatives Griffey, Kilduff, MacEwen, Muri, Dent, Hayes, Haler, Smith and Pollet)

AN ACT Relating to exempting multipurpose senior citizen centers from property taxation; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 1547 by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

AN ACT Relating to exempting certain hospitals from certificate of need requirements for the addition of psychiatric beds until June 2019; amending RCW 70.38.111 and 70.38.260; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

EHB 1551 by Representatives Riccelli, Smith, Johnson, Gregerson, Stonier, Peterson, Doglio, Pettigrew, Reeves, Sells, Ryu, Macri, Farrell, Clibborn, Tarleton, Santos, Lovick, Senn, Slatter, McBride, Orwall, Pollet, Dolan, Hudgins, Stanford, Haler, DeBolt, Appleton, Fitzgibbon, Goodman, Bergquist, Vick, Tharinger, Sawyer, Ormsby and Cody

AN ACT Relating to equipment assistance grants to enhance student nutrition in public schools; adding a new section to chapter 28A.235 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

HB 1560 by Representatives Stanford, Chandler, Ormsby, Harris, Bergquist, Fey, Stonier, Peterson and Doglio

AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.32.835, 41.35.610, and 41.40.785; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1568 by House Committee on Transportation (originally sponsored by Representatives Pettigrew, Macri, Harris, Bergquist and Farrell)

AN ACT Relating to creating Fred Hutch special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 1586 by House Committee on Health Care & Wellness (originally sponsored by Representatives Macri and Cody)

AN ACT Relating to dental professions; amending RCW 18.32.0351; and reenacting and amending RCW 18.32.040.

Referred to Committee on Health Care.

SHB 1605 by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Hayes and Klippert)

AN ACT Relating to vessel impoundment; and adding a new section to chapter 79A.60 RCW.

Referred to Committee on Law & Justice.

HB 1616 by Representatives McBride, Johnson, Stanford, Pollet and Jinkins

AN ACT Relating to affordable housing loan programs; and amending RCW 43.185A.110.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1627 by Representatives Ryu and McBride

AN ACT Relating to nonprofit corporation facilities financing; and amending RCW 43.180.300.

Referred to Committee on Human Services, Mental Health & Housing.

EHB 1648 by Representatives Stonier, Frame, Peterson, Harris, Vick, Wylie and Pike

AN ACT Relating to county treasurer administrative efficiencies; amending RCW 84.56.020, 84.56.050, and 82.45.090; and repealing 2014 c 13 s 3 (uncodified).

Referred to Committee on Local Government.

HB 1676 by Representatives Sullivan, Hansen, Goodman, Rodne, Shea, Ortiz-Self and Tarleton

AN ACT Relating to crimes involving a dog guide or service animal; amending RCW 9.91.170; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1741 by House Committee on Appropriations (originally sponsored by Representatives Slatter, Hargrove, Dolan, Stonier, Senn, Ortiz-Self, Jinkins, Tarleton, Pollet and Santos)

AN ACT Relating to educator preparation data for use by the professional educator standards board; amending RCW 28B.77.100; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1751 by House Committee on Local Government (originally sponsored by Representatives Farrell and Goodman)

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, 52.04.131, 52.04.171, and 52.06.010.

Referred to Committee on Local Government.

SHB 1845 by House Committee on Business & Financial Services (originally sponsored by Representatives Vick, Kirby and Haler)

AN ACT Relating to the delivery of insurance notices and documents by electronic means; and amending RCW 48.185.005.

Referred to Committee on Financial Institutions & Insurance.

HB 1931 by Representatives Hayes, Macri, McDonald and Jinkins

AN ACT Relating to posting child abuse and neglect mandated reporter requirements; and amending RCW 26.44.030.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1965 by Representatives Lovick and Irwin

AN ACT Relating to standardizing the collection and distribution of criminal records; and amending RCW 9.41.070, 9.41.173, 9A.44.130, and 43.43.735.

Referred to Committee on Law & Justice.

HB 1983 by Representatives Dye, Riccelli and Dent

AN ACT Relating to reducing the population requirement in a consortium of counties in order to operate a juvenile correctional facility; and amending RCW 13.04.035.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 2016 by House Committee on Health Care & Wellness (originally sponsored by Representatives DeBolt, Hayes, Stanford, Doglio and Muri)

AN ACT Relating to access to midwifery and doula services for incarcerated women; adding a new section to chapter 72.09 RCW; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Health Care.

HB 2038 by Representatives Jenkin, Ryu, McBride, Condotta, Vick, Sawyer and Harris

AN ACT Relating to clarifying the applicability of RCW 70.345.080 to only vapor products; and amending RCW 70.345.080.

Referred to Committee on Commerce, Labor & Sports.

HB 2064 by Representatives Shea, Blake, Taylor, Condotta, Buys, Kloba and Ormsby
 AN ACT Relating to removing industrial hemp from the scope of the uniform controlled substances act; and reenacting and amending RCW 69.50.101.

Referred to Committee on Law & Justice.

HB 2097 by Representatives Stanford, Fitzgibbon, Ortiz-Self, Senn, Pettigrew, Jinkins, Kagi, Lytton, Ormsby, Peterson, Pollet, Ryu, Farrell, Santos, Appleton and Macri
 AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals; adding a new section to chapter 49.60 RCW; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 42 RCW; and creating a new section.

Referred to Committee on Law & Justice.

HJM 4002 by Representatives Riccelli, Clibborn, Johnson, Ormsby, Jinkins, Fitzgibbon, Haler, Reeves, Kilduff, Manweller, Ortiz-Self, Tarleton, Hudgins, Stanford, Chapman, Dolan, Jenkin, Fey and Farrell
 Requesting that state route number 395 be named the Thomas S. "Tom" Foley Memorial Highway.

Referred to Committee on Transportation.

SHJM 4008 by Representative Morris
 Requesting that the Bonneville Power Administration consider a rate design for the Eastern Intertie that eliminates or reduces the transmission rate associated with that part of the Eastern Intertie known as the Montana Intertie.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5405, by Senators Wilson, Fortunato and Zeiger

Requiring protection for occupants of national guard facilities.

MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Hunt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Hasegawa, Ranker, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5849, by Senators Angel, Bailey, Rolfes, Braun, Brown, Sheldon, Pearson, Becker, Fortunato, Wilson, Palumbo, O'Ban, Warnick and Conway

Addressing the need for veterans' services.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5849 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5628, by Senators Takko, Fortunato and Sheldon

Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval.

MOTION

On motion of Senator Takko, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Takko moved that the following floor amendment no. 27 by Senator Takko be adopted:

On page 2, line 8, after "(i) The" strike all material through "district" and insert "dollar amount the fire protection district will levy"

On page 2, beginning on line 12, after "(ii)" strike all material through "used" on line 19 and insert "The city's or town's highest lawful levy for the purposes of RCW 84.55.092, reduced by the fire protection district's levy amount from (b)(i) of this subsection. This reduced highest lawful levy becomes the city's or town's highest lawful levy since 1986 for subsequent levy limit calculations under chapter 84.55 RCW"

On page 2, line 21, after "on the" strike "levy rate"

On page 4, line 23, after "district" insert "as proposed by the district in accordance with subsection (1)(b)(i) of this section"

On page 4, line 24, after "The" strike "tax rate reduction" and insert "reduced levy amount"

On page 4, line 32, after "years" insert ", by the amount of such levy or levies initially imposed in a subsequent year"

On page 12, after line 4, insert the following:

"**Sec. 8.** RCW 84.09.030 and 2012 c 186 s 17 are each amended to read as follows:

(1)(a) Except as provided in (b) ((and)), (c), and (d) of this subsection (1), for the purposes of property taxation and the levy of property taxes, the boundaries of counties, cities, and all other taxing districts shall be the established official boundaries of such districts existing on the first day of August of the year in which the property tax levy is made.

(b) The boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of August of that year.

(c) The boundaries of a school district that is required to receive or annex territory due to the dissolution of a financially insolvent school district under RCW 28A.315.225 must be the established official boundaries of such districts existing on the first day of September of the year in which the property tax levy is made.

(d) The boundaries of a newly established fire protection district authorized under section 1 of this act are the established official boundaries of the district as of the date that the voter-approved proposition required under section 1 of this act is certified.

(2) In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in the boundaries, is required by law to be filed in the office of the county auditor or other county official, the instrument shall be filed in triplicate. The officer with whom the

instrument is filed shall transmit two copies of the instrument to the county assessor.

(3) No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section."

Senator Takko spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 27 by Senator Takko on page 2, line 8 to Substitute Senate Bill No. 5628.

The motion by Senator Takko carried and floor amendment no. 27 was adopted by voice vote.

On motion of Senator Takko, the rules were suspended, Engrossed Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5628.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5198, by Senators Becker, Warnick, Fain, Bailey and Brown

Concerning fire suppression methodologies.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 5198 was substituted for Senate Bill No. 5198 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Becker moved that the following floor amendment no. 53 by Senators Ranker and Becker be adopted:

On page 2, line 11, after "subsection;" strike "and"

On page 2, line 12, after "(g)" insert "An analysis of relevant material safety data sheets and impacts to human health, and natural resources, including forests, from long-term fire retardants, foams, and gels; and

(h)"

Senator Ranker spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 53 by Senators Ranker and Becker on page 2, line 11 to Substitute Senate Bill No. 5198.

The motion by Senator Becker carried and floor amendment no. 53 was adopted by voice vote.

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5198.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students of Wainwright Intermediate School, Tacoma, who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5085, by Senators Pedersen, Padden, Frockt and O'Ban

Enacting the uniform voidable transactions act.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5449, by Senators Liias, Zeiger, Billig, Hunt and Frockt

Concerning digital citizenship, media literacy, and internet safety in schools.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5449 was substituted for Senate Bill No. 5449 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 36 by Senators Short and Liias be adopted:

On page 3, line 26, after "schools." insert "The model policy and procedures must contain provisions requiring that media literacy resources consist of a balance of sources and perspectives."

On page 4, line 6, after "year." insert "The web-based location must incorporate the information gathered by the survey in section 3 of this act."

On page 4, after line 10, insert the following:

"(3) Media literacy resources must consist of a balance of sources and perspectives."

Senators Short and Liias spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 36 by Senators Short and Liias on page 3, line 26 to Substitute Senate Bill No. 5449.

The motion by Senator Short carried and floor amendment no. 36 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Zeiger spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Baumgartner, Becker, Brown, Ericksen, Fortunato, Honeyford, Padden and Pearson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5068, by Senators Miloscia, Rivers, Schoesler, Honeyford and Padden

Establishing a voting rights act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections in cities, towns, code cities, and counties.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Schoesler, Walsh and King spoke in favor of passage of the bill.

Senators Hasegawa, McCoy, Saldaña, Hunt, Nelson, Kuderer, Ranker, Liias and Chase spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5068.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:22 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of lunch.

Senator Fain announced a meeting of the Majority Coalition Caucus at 1:45 p.m.

Senator McCoy announced a meeting of the Democratic Caucus at 1:30 p.m.

EVENING SESSION

The Senate was called to order at 4:46 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 1, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1513,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
ENGROSSED HOUSE BILL NO. 1795,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 1, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1163,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1323,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1358,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1440,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,
ENGROSSED HOUSE BILL NO. 1620,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1713,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,
ENGROSSED HOUSE BILL NO. 1728,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1819,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
ENGROSSED HOUSE BILL NO. 2073,
ENGROSSED HOUSE BILL NO. 2107,
and the same are herewith transmitted.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

PERSONAL PRIVILEGE

Senator King: “Well, right before we went to lunch, and broke for lunch, we had a discussion on what was called the district-based elections. And I wanted to commend the body for what I thought was a very good debate, and a very good discussion. And I felt like it was one of our better moments as a Senate. We had heartfelt statements from both sides of the aisle and I felt that there was a willingness to really try and work out a way that we can resolve this conflict that we have. And I just wanted to commend the body for that. Thank you Mr. President.”

SECOND READING

SENATE BILL NO. 5639, by Senators Conway and Zeiger

Concerning alternative student assessments.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5639.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5639 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Mullet

SENATE BILL NO. 5639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Tyler Lockett, Wide Receiver for the Seattle Seahawks, who was seated at the rostrum. Mr. Lockett was in attendance after participating in the morning’s annual Governor’s Prayer Breakfast.

SENATE BILL NO. 5438, by Senators Braun, Angel, Bailey, Rivers, Becker, O'Ban, Schoesler, Brown, Warnick, King, Honeyford, Fortunato, Baumgartner, Rossi, Sheldon, Wilson and Takko

Promoting the completion of environmental impact statements within two years.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5438 was substituted for Senate Bill No. 5438 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Carlyle, Takko, Short and Angel spoke in favor of passage of the bill.

Senators Ranker and McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Lias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hunt and McCoy

SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5500, by Senators Honeyford, Zeiger, Schoesler, Wilson, Angel and Hobbs

Concerning the state building code council.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5500 was substituted for Senate Bill No. 5500 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

Senators Takko and Palumbo spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5702, by Senators Keiser, Honeyford, Frockt and Pedersen

Improving state funding for school construction, modernization, and asset preservation.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following floor amendment no. 62 by Senators Honeyford and Keiser be adopted:

On page 22, line 32, after "the", strike "speaker", and insert "majority and minority leaders of the two major caucuses"

On page 22, line 35, after "the", strike "president", and insert "majority and minority leaders of the two major caucuses"

Senators Honeyford and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 62 by Senators Honeyford and Keiser on page 22, line 32 to Substitute Senate Bill No. 5702.

The motion by Senator Honeyford carried and floor amendment no. 62 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Fortunato, Honeyford, Kuderer and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8009, by Senator Chase

Requesting Congress to provide the National Oceanic and Atmospheric Administration Fisheries with sufficient resources to expedite its endangered species act and national environmental policy act review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration Fisheries prioritize and conduct immediate review and approval of Puget Sound hatchery and genetic management plans.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Senator Chase, and I am just going to remind all members of the Senate here, that we need to speak, these are in your rules. These are in Reed's Rules. We are here to speak to the matter that is before the Senate at the time, so there are times when we might come close to a topic that you want to discuss and there might be times when there is leniency on that, this is not an issue that comes close to school funding. So Senator, I would just ask that you please refrain from bringing in extraneous topics. Thank you. Alright, the point has been made, the remarks are concluded. Are there any more remarks on the topic of this Joint Memorial?"

Senator Pearson spoke in favor of passage of the bill.

Senator Baumgartner spoke on passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Senator, we are all going to be on our best behavior, alright. There is a member of the NFL here and he is watching."

FIFTY THIRD DAY, MARCH 2, 2017

2017 REGULAR SESSION

MOTION

Senator Fain moved that further consideration of Senate Joint Memorial No. 8009 be deferred and that the bill hold its place on the third reading calendar.

MOTION

Senator Fain withdrew his motion to defer further action on Senate Joint Memorial No. 8009.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8009.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8009 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rolfes, Rossi, Saldaña, Sheldon, Takko, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Brown, Honeyford, King, Padden, Rivers, Schoesler, Short, Van De Wege, Walsh and Wilson

SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5435, by Senators Rivers, Cleveland and Darneille

Specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5435 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5223, by Senators Miloscia, O'Ban and Becker

Concerning safe injection sites in Washington state.

MOTIONS

On motion of Senator Miloscia, Substitute Senate Bill No. 5223 was substituted for Senate Bill No. 5223 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 5223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Fain, Baumgartner, Becker and Hobbs spoke in favor of passage of the bill.

Senators Darneille, Cleveland, Frockt, Hunt, Saldaña, Carlyle, Kuderer, Ranker, Rolfes, Liias and Palumbo spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5223.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5223 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5214, by Senators Wilson, Zeiger and Schoesler

Adding responsibilities to the duties of the joint administrative rules review committee.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 61 by Senators Hasegawa, Padden and Wilson be adopted:

Beginning on page 2, line 25, strike all of section 2
Renumber the remaining section consecutively.

On page 1, at the beginning of line 3 of the title, strike "and 34.05.655"

Senator Padden spoke in favor of adoption of the amendment.
Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 61 by Senators Hasegawa, Padden and Wilson on page 2, line 25 to Senate Bill No. 5214.

The motion by Senator Padden carried and floor amendment no. 61 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 5214 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Wilson spoke in favor of passage of the bill.

Senator Hunt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5214.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5214 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SENATE BILL NO. 5214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5064, by Senators Fain, Rolfes, Rivers, Pedersen, Ranker, Mullet, Billig, Becker, Braun, King, Darneille, Chase, Carlyle and Palumbo

Concerning freedom of expression rights of students at public schools and institutions of higher education.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Padden, Pearson and Short

SUBSTITUTE SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5013, by Senators Warnick and Hobbs

Concerning the disposition of tenant property placed upon the nearest public property.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Mullet and Fortunato spoke in favor of passage of the bill.

Senator Kuderer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5013.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5013 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker and Saldaña

SENATE BILL NO. 5013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Ranker: "Thank you Mr. President. It is my understanding that under section 4 rule 29, when any Senator is about to speak in debate and submit any matter to the Senate, the senator shall rise and while standing in place respectfully address the President. Many of our members haven't been addressing the President, and I just wanted to ask Mr. President, have we changed this rule?"

REPLY BY THE PRESIDENT

President Habib: "I have corrected Senators that have spoken to other Senators and the body if it has come to my attention."

SECOND READING

SENATE BILL NO. 5413, by Senators Cleveland, Bailey and Kuderer

Concerning physician limited licenses.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Senate Bill No. 5413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5413.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5413 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5126, by Senators Hunt, Palumbo, Miloscia, Kuderer and Billig

Concerning uniform ballot design.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following floor striking amendment no. 35 by Senator Hasegawa be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 9.** RCW 29A.36.111 and 2009 c 414 s 1 are each amended to read as follows:

(1) The secretary of state, in conjunction with the Washington state association of county auditors, shall develop a uniform ballot format to be used by each county. The format must be implemented by the year 2019, or upon replacement of vote tallying equipment, whichever occurs first.

(2) Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked by or at the direction

of an election official in any way that would permit the identification of the person who voted that ballot.

((2)) (3) An election official may not enter into or extend any contract with a vendor if such contract may allow the vendor to acquire an ownership interest in any data pertaining to any voter, any voter's address, registration number, or history, or any ballot.

(4) The secretary of state, in consultation with the department of enterprise services, the office of the chief information officer, and with county auditors, may develop a master contract for vote tallying equipment for purchase by counties.

NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.36 RCW to read as follows:

A county auditor may establish an equipment replacement fund that must be used explicitly to replace vote tallying equipment and only the county auditor may authorize expenditures from the fund. Election billing charges must be sufficient to fund the replacement of the equipment no later than the year 2019."

On page 1, line 1 of the title, after "design;" strike the remainder of the title and insert "amending RCW 29A.36.111; and adding a new section to chapter 29A.36 RCW."

Senator Hasegawa spoke in favor of adoption of the striking amendment.

Senator Miloscia spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 35 by Senator Hasegawa to Senate Bill No. 5126.

The motion by Senator Hasegawa did not carry and floor striking amendment no. 35 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt and Miloscia spoke in favor of passage of the bill.

Senators Padden and Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5126 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hasegawa, Hawkins, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Warnick and Wellman

Voting nay: Senators Angel, Bailey, Becker, Brown, Ericksen, Fortunato, Hobbs, Honeyford, King, O'Ban, Padden, Pearson, Rivers, Rossi, Sheldon, Short, Walsh, Wilson and Zeiger

SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

March 2, 2017

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1120,
- SUBSTITUTE HOUSE BILL NO. 1186,
- SUBSTITUTE HOUSE BILL NO. 1200,
- SUBSTITUTE HOUSE BILL NO. 1291,
- SUBSTITUTE HOUSE BILL NO. 1388,
- SUBSTITUTE HOUSE BILL NO. 1456,
- SUBSTITUTE HOUSE BILL NO. 1462,
- HOUSE BILL NO. 1558,
- SUBSTITUTE HOUSE BILL NO. 1717,
- SUBSTITUTE HOUSE BILL NO. 1723,
- SUBSTITUTE HOUSE BILL NO. 1893,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 2, 2017

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1086,
- HOUSE BILL NO. 1806,
- SUBSTITUTE HOUSE BILL NO. 1825,
- HOUSE BILL NO. 1829,
- HOUSE BILL NO. 1832,
- HOUSE BILL NO. 1844,
- SUBSTITUTE HOUSE BILL NO. 1905,
- SUBSTITUTE HOUSE BILL NO. 1966,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 7:04 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, March 3, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 3, 2017

The Senate was called to order at 10:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senators Carlyle and Frockt.

The Sergeant at Arms Color Guard consisting of Pages Miss Rose Graff and Miss Annde Hurst, presented the Colors. Page Miss Sophia Kershaw led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Mark Tietjen of Rainier Chapel Church.

Sergeant Thomas O'Ban, son of Senator Steve O'Ban performed the National Anthem.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5862 by Senator Darneille

AN ACT Relating to removal of public assistance eligibility requirements to support household stability; reenacting and amending RCW 74.04.005; and repealing RCW 74.12.037.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1055 by House Committee on Appropriations (originally sponsored by Representatives Kilduff, Muri, Haler, Shea, Appleton, Klippert, Lovick, Stokesbary, Stanford, Jinkins, Reeves, MacEwen, Koster, Hayes, Barkis, Kloba, Frame, Ormsby, Bergquist, Goodman, Gregerson, Young, Kirby, Fey, Slatter, Sawyer and Tarleton)

AN ACT Relating to pro bono legal services for military service members, veterans, and their families; adding new sections to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SHB 1129 by House Committee on Higher Education (originally sponsored by Representatives Haler and Pollet)

AN ACT Relating to providing associate degree education to enhance education opportunities and public safety; amending RCW 72.09.460 and 72.09.465; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Law & Justice.

2SHB 1169 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Pollet, Appleton, Goodman, Tarleton, Bergquist, Stanford, Fitzgibbon, Doglio and Wylie)

AN ACT Relating to student opportunity, assistance, and relief for student loans; amending RCW 67.08.100, 4.56.110, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, 6.27.140, and 6.27.150; adding a new chapter to Title 28B RCW; creating new sections; repealing RCW 2.48.165, 18.04.420, 18.08.470, 18.11.270, 18.16.230, 18.20.200, 18.27.360, 18.39.465, 18.43.160, 18.46.055, 18.76.100, 18.85.341, 18.96.190, 18.104.115, 18.106.290, 18.130.125, 18.140.200, 18.145.125, 18.160.085, 18.165.280, 18.170.163, 18.180.050, 18.185.055, and 28A.410.105; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

SHB 1234 by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Lytton, Senn, Frame, Doglio, Tarleton, Hansen, Jinkins, Cody, Ortiz-Self, Riccelli, Stambaugh, Macri, Pollet, Tharinger, Clibborn, Stonier, Caldier, Sells, Gregerson, Wylie, Kilduff, McBride, Goodman, Bergquist, Ormsby, Stanford, Slatter and Kloba)

AN ACT Relating to private health plan coverage of contraceptives; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

SHB 1258 by House Committee on Judiciary (originally sponsored by Representatives McCabe, Orwall, Johnson, Cody, Dent, Kirby, Griffey, Van Werven, Caldier, Dye, Gregerson, Wylie, Jinkins, Haler, McBride and Muri)

AN ACT Relating to persons with a disability present at the scene of an accident; adding a new section to chapter 43.70 RCW; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SHB 1275 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Chapman, MacEwen, J. Walsh, Orcutt, Buys, Pettigrew, Fitzgibbon, Haler, Condotta and Muri)

AN ACT Relating to including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181; and amending RCW 77.55.181.

Referred to Committee on Natural Resources & Parks.

SHB 1298 by House Committee on Appropriations (originally sponsored by Representatives Ortiz-Self, Manweller, Haler, Sells, Kilduff, Frame, Gregerson, Kagi, Tarleton, Jinkins, Stanford, Appleton, Ormsby,

Senn, McBride, Santos, Lovick, Bergquist, Farrell and Young)

AN ACT Relating to prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position; adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SHB 1321 by House Committee on Local Government (originally sponsored by Representatives Jenkin, Appleton, Nealey and Gregerson)

AN ACT Relating to authorizing certain public facilities districts to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area with voter approval; and amending RCW 35.57.020.

Referred to Committee on Local Government.

2SHB 1338 by House Committee on Appropriations (originally sponsored by Representatives Cody, Schmick, Jinkins, Johnson, Robinson and Riccelli)

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.100 and 48.41.160; and creating new sections.

Referred to Committee on Health Care.

SHB 1434 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Robinson, Ormsby, Jinkins, Appleton, Senn, Kilduff, Stanford, Slatter, Kagi and Pollet)

AN ACT Relating to adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child; amending RCW 41.04.650, 41.04.655, 41.04.660, and 41.04.665; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SHB 1444 by House Committee on Education (originally sponsored by Representatives Caldier, Santos, Kilduff, Muri, Senn, Appleton, Fey, Pollet and Slatter)

AN ACT Relating to facilitating on-time grade level progression and graduation for certain students; and amending RCW 28A.320.192.

Referred to Committee on Early Learning & K-12 Education.

SHB 1445 by House Committee on Appropriations (originally sponsored by Representatives Ortiz-Self, Stambaugh, Santos, Orwall, Harris, Caldier, Springer, Appleton, Lytton, Condotta, Fey, Pollet, Goodman, Slatter, Bergquist, Macri, Doglio and Kagi)

AN ACT Relating to dual language in early learning and K-12 education; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 1468 by Representatives Manweller, Fitzgibbon, Griffey, Hudgins, Jinkins, Haler, Riccelli, Kilduff, Pollet and Doglio

AN ACT Relating to extending the time period for voter registration to no later than eleven days before the day of a primary, special election, or general election; amending RCW 29A.08.140, 29A.08.125, 29A.08.410, and 29A.08.620; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.420; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on State Government.

SHB 1521 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Dolan, Doglio, Ormsby, Appleton, Bergquist and Pollet)

AN ACT Relating to removing the requirement that an employee must work at least six months before taking vacation leave; amending RCW 43.01.040, 43.01.044, and 43.01.041; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SHB 1524 by House Committee on Appropriations (originally sponsored by Representatives Kloba, Klippert, Goodman, Holy, Macri, Peterson, Haler, Doglio, Appleton and Stanford)

AN ACT Relating to increasing success in therapeutic courts; amending RCW 71.24.580; and creating a new section.

Referred to Committee on Law & Justice.

2SHB 1540 by House Committee on Appropriations (originally sponsored by Representatives Santos, Pollet, Appleton, Fitzgibbon, Hudgins, Gregerson, Stanford, Macri, Fey, Pettigrew and Slatter)

Providing public notices of public health, safety, and welfare in a language other than English.

Referred to Committee on Local Government.

HB 1571 by Representatives Reeves, Muri, Ryu, Kilduff, Sawyer, Steele, Macri, Orwall, Tharinger, Chapman, Stanford, Doglio, Fey, Hudgins, Stonier, Frame, Kloba, Springer, J. Walsh, McBride, Ortiz-Self, Riccelli and Slatter

AN ACT Relating to creating a community care and supportive services program for veterans; adding new sections to chapter 43.60A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government.

HB 1606 by Representatives Pike, Tarleton, Orcutt, Stambaugh, Harmsworth, Gregerson and Hargrove

AN ACT Relating to requiring transportation benefit districts to hold public hearings prior to imposing fees or charges by a vote of the governing board; and amending RCW 36.73.065.

Referred to Committee on Transportation.

HB 1674 by Representatives Ormsby, Sells, Gregerson, Doglio, Frame, Macri, Goodman, Stonier, McBride, Peterson, Cody, Ortiz-Self, Tarleton and Pollet

AN ACT Relating to establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available; and amending RCW 39.12.015.

Referred to Committee on Commerce, Labor & Sports.

SHB 1680 by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert and Pettigrew)

AN ACT Relating to sentencing elements worksheet; amending RCW 9.94A.480 and 9.94A.585; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law & Justice.

HB 1709 by Representatives Chandler, Ormsby and Stanford
AN ACT Relating to transferring public employees' retirement system service credit to the public safety employees' retirement system due to differing definitions of full-time; adding a new section to chapter 41.37 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1732 by Representatives Springer and Bergquist
AN ACT Relating to confidentiality of educator professional growth plans; and amending RCW 42.56.250.

Referred to Committee on Early Learning & K-12 Education.

HB 1754 by Representatives Klippert and Hayes
AN ACT Relating to sex offender treatment based on the offender's risk to reoffend; and amending RCW 72.09.335.

Referred to Committee on Law & Justice.

HB 1757 by Representatives Hayes and Pellicciotti
AN ACT Relating to transient accommodations contaminated by methamphetamine; and amending RCW 64.44.005, 64.44.010, and 64.44.060.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1790 by Representatives Lovick, Dent, Kagi, Frame and Jinkins

AN ACT Relating to dependency petitions where the department of social and health services is the petitioner; and amending RCW 13.34.040.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1838 by House Committee on Transportation (originally sponsored by Representative Schmick)

AN ACT Relating to the crossing of certain public roadways by wheeled all-terrain vehicles; and amending RCW 46.09.455.

Referred to Committee on Transportation.

HB 1849 by Representatives Sells, Doglio, Pollet, Ormsby, Tharinger and Farrell

AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.310, 39.04.320, 39.04.350, and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Transportation.

SHB 1988 by House Committee on Judiciary (originally sponsored by Representatives Ortiz-Self, Santos, McBride and Frame)

AN ACT Relating to implementing a vulnerable youth guardianship program; adding a new chapter to Title 13 RCW; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

HB 2007 by Representatives Kagi, Appleton, Hudgins, Jinkins, Johnson, Kilduff, Senn, Tarleton, Frame, Stonier, Stambaugh, Lytton, Macri, Robinson, Ormsby, Doglio, Slatter and Pollet

AN ACT Relating to commemorating the centennial of national women's suffrage; adding a new chapter to Title 27 RCW; and providing an expiration date.

Referred to Committee on State Government.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator O'Ban moved adoption of the following resolution:

SENATE RESOLUTION
8627

By Senators O'Ban, Conway, and Hobbs

WHEREAS, Joint Base Lewis-McChord (JBLM) has a legacy of significance to the United States and to the world that brings honor and pride to the entire state of Washington; and

WHEREAS, Camp Lewis, as it was then known, began construction in May of 1917 under the direction of Captain David L. Stone; who, in less than 90 days, created one thousand seven hundred fifty-seven buildings as well as four hundred twenty-two other structures with light and heat, exhibiting the "can do" spirit that inhabits the exploits of JBLM to this day; and

WHEREAS, In 1927, just to the north of Camp Lewis, Pierce County residents established an airfield of the highest quality; in

1939, that airfield was transferred to the United States Government and would later become McChord Field; and

WHEREAS, On February 1, 2010, Camp Lewis, later known as Fort Lewis, and McChord Field, later known as McChord Air Force Base, consolidated facilities and became Joint Base Lewis-McChord; and

WHEREAS, The first recruits to Camp Lewis became the "Ninety-First Division" or the "Wild West Division," which served in numerous battles in World War I, including the Meuse-Argonne offensive and the Battle of Flanders, and captured more than 2,200 German soldiers; and

WHEREAS, In 1940, McChord Field was the General Headquarters of the Air Force Northwest District; and

WHEREAS, With the outbreak of World War II, Colonel Dwight David Eisenhower, who later became President of the United States, was assigned to Fort Lewis as commander to the 15th Infantry Regiment and while there was promoted and placed in command of the entire pacific coast defense; and

WHEREAS, The first military group to arrive at McChord Field was the 17th Bombardment Group that patrolled the west coast for enemy submarines after the December 7, 1941 attack on Pearl Harbor and destroyed an imperial Japanese submarine near the mouth of the Columbia River on December 24, 1941; and

WHEREAS, Colonel James H. "Jimmy" Doolittle came to McChord and selected ten aircrew members to participate in the courageous 1942 Doolittle Raid on Tokyo, which was the first American strike against the homeland of imperial Japan after the attack on Pearl Harbor; and

WHEREAS, During World War II, Fort Lewis contributed and deployed many divisions that were essential to the war effort, and McChord Field continued to play a strategic, vital, and heroic role until the close of World War II; and

WHEREAS, Both institutions were essential for the war efforts that followed, including the Korean War, the Vietnam War, and the Cold War; and

WHEREAS, In 1972, Fort Lewis was given the task of making up a volunteer Army; for this, the 9th Infantry Division was reactivated and became the first volunteer division in the United States Army; and

WHEREAS, During the Reagan administration, Fort Lewis was selected to be the testing ground for molding the Army into a highly skilled, efficient fighting machine with lighter mobilized units capable of rapid deployment; and

WHEREAS, Fort Lewis and McChord played a strategic role in the First Gulf War; Operation Desert Storm; and, following the September 11, 2001, terror attacks, played a key role in Operation Iraqi Freedom, Operation Enduring Freedom, and to homeland security; and

WHEREAS, In 2004, Task Force Olympia was activated to deploy units into Iraq, including reserves, National Guards, Marines, Australian officers, and several subordinate units including the 3rd Stryker Brigade Combat Team, 2nd Infantry Division and the 1st Brigade Combat Team, 25th Infantry Division; and

WHEREAS, McChord Field, individually and as a part of JBLM, has an honorable and lifesaving record of humanitarian relief; and

WHEREAS, JBLM represents thirty percent of the Pierce County economy; is its largest employer, and is the second largest employer in the state; and has a 6.1 billion dollar impact on our economy; and

WHEREAS, JBLM is among the largest and most important bases in the United States, and currently supports over one hundred twenty-five thousand military retirees and more than thirty-two thousand family members who live both on and off base and enjoy Washington as their home; and

WHEREAS, The remarkable deeds of the men and women who have served at JBLM are too numerous to recount, and many have never been told due to the full measure of sacrifice given to the cause of freedom; and

WHEREAS, The gratitude the world owes them for their role in securing liberty is beyond measure;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 100th anniversary of JBLM, which began in 1917 with land gifted for use as a permanent army post to the federal government by the citizens of Pierce County, which would in return give the United States and the world support and protection in our darkest hours so that we might live free.

Senators O'Ban, Conway, Becker, Darneille, Fortunato, Hobbs, Bailey and Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8627.

The motion by Senator O'Ban carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Colonel Timothy King, Deputy Chief of Staff I Corps, Sergeant Major Kenneth Breeding, Commanders Initiative Group, and Director Alfie Alvarado-Ramos of Washington State Department of Veteran's Affairs, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Colonel Timothy King to address the Senate.

REMARKS BY COLONEL KING

Colonel King: "Mr. President. Ladies and gentlemen of the Senate. I just want to say on behalf of General Lanza and the Joint Base Lewis McChord, thank you for this great honor and thank you to the people of the great state of Washington for this honor as well and I look forward to another one hundred years of the wonderful relationship that we have. Thank you again."

REMARKS BY THE PRESIDENT

President Habib: "The President will add his words of gratitude to all of those who serve our state, to those at Joint Base Lewis McChord, both service members and all of those who work on the base. It is truly an issue, there are many issues that we debate here that can become partisan, that can become geographically divided, but support for our armed services and for our veterans and their families is absolutely something about that there is unanimity and one hundred percent agreement which is heartfelt. And so the Senate is so pleased to be able to honor Joint Base Lewis McChord centenary through this resolution."

MOTION

At 10:42 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator Becker announced a meeting of the Majority Coalition Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

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The Senate was called to order at 10:58 a.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Walsh moved that TIMOTHY BURT, Gubernatorial Appointment No. 9171, be confirmed as a member of the Walla Walla Community College Board of Trustees.

Senator Walsh spoke in favor of the motion.

APPOINTMENT OF TIMOTHY BURT

MOTION

On motion of Senator Liias, Senators Carlyle and Frockt were excused.

The President declared the question before the Senate to be the confirmation of TIMOTHY BURT, Gubernatorial Appointment No. 9171, as a member of the Walla Walla Community College Board of Trustees.

The Secretary called the roll on the confirmation of TIMOTHY BURT, Gubernatorial Appointment No. 9171, as a member of the Walla Walla Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Frockt

TIMOTHY BURT, Gubernatorial Appointment No. 9171, having received the constitutional majority was declared confirmed as a member of the Walla Walla Community College Board of Trustees.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5826, by Senators Hobbs, Zeiger, O'Ban, Conway, Fain, Keiser, Hunt and Saldaña

Concerning eligibility for veteran or national guard tuition waivers.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5826.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5826 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Frockt

SENATE BILL NO. 5826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5834, by Senator Baumgartner

Concerning the licensing of bonded spirits warehouses.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following floor striking amendment no. 64 by Senator Baumgartner be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a license for bonded spirits warehouses that authorizes the storage and handling of bulk or barreled spirits. Under this license a licensee may maintain a warehouse for the storage of bulk or barreled spirits off the premises of a distillery for distillers qualified under RCW 66.24.140, 66.24.145, or 66.24.150, or entities otherwise licensed and permitted in this state, or bulk or barreled spirits transferred in bond from out-of-state distilleries, so long as the storage of the bulk or barreled spirits transferred into the state is for storage only and not for processing or bottling in the bonded spirits warehouse.

(2) The board must adopt similar qualifications for a bonded spirits warehouse license as required for obtaining a distillery license as specified in RCW 66.24.140, 66.24.145, and 66.24.150. A licensee must be a sole proprietor, partnership, limited liability company, corporation, port authority, city, county, or any other public entity or subdivision of the state that elects to license a bonded spirits warehouse as an agricultural or economic development activity. One or more domestic distilleries or manufacturers may operate as a partnership, corporation, business co-op, cotenant, or agricultural co-op for the purposes of

obtaining a bonded spirits warehouse license or storing spirits in the facility under a common management and oversight agreement free of charge or for a fee.

(3) Spirits may be removed from a bonded spirits warehouse for purposes of being:

- (a) Exported from the state;
- (b) Returned to a distillery or bonded spirits warehouse; or
- (c) Transferred to a distillery, bonded spirits warehouse, or bottling or packaging facility.

(4) Warehousing of spirits by any person other than (a) a licensed domestic distillery, (b) a bonded spirits warehouse licensee licensed under the provisions of this section, (c) a licensed Washington spirits distributor, (d) a licensed Washington spirits importer, (e) licensees utilizing warehouses authorized under RCW 66.24.630 or 66.28.340, or (f) a spirits certificate of approval holder is prohibited.

(5) The ownership and operation of a bonded spirits warehouse facility licensed under this section may be by a person or entity other than those described in this subsection acting in a commercial warehouse management position under contract for such licensed persons or entities on their behalf.

(6) A license applicant shall demonstrate the right to have warehoused spirits under a valid federal permit held by a properly licensed licensee who maintains ownership and title to the spirits while they are in storage in the bonded spirits warehouse. The fee for this license is one hundred dollars per annum.

(7) The board must adopt rules requiring a bonded spirits warehouse to be physically secure, zoned for the intended use, and physically separated from any other use.

(8) The operator or licensee operating a bonded spirits warehouse must submit to the board a monthly report of movement of bulk or barreled spirits to and from a bonded spirits warehouse in a form prescribed by the board. The board may adopt other necessary procedures by which bonded spirits warehouses are licensed and regulated.

(9) The board may require a single annual permit valid for a full calendar year issued to each licensee or entity warehousing spirits in a bonded spirits warehouse that must allow for unlimited transfers to and from such warehouse within that year. The fee for this permit is one hundred dollars per annum.

Sec. 12. RCW 66.24.640 and 2012 c 2 s 206 are each amended to read as follows:

Any distiller licensed under this title may act as a retailer and/or distributor to retailers selling for consumption on or off the licensed premises of spirits of its own production, and any manufacturer, importer, or bottler of spirits holding a certificate of approval may act as a distributor of spirits it is entitled to import into the state under such certificate. The board must by rule provide for issuance of certificates of approval to spirits suppliers. An industry member operating as a distributor and/or retailer under this section must comply with the applicable laws and rules relating to distributors and/or retailers, except that an industry member operating as a distributor under this section may maintain a warehouse off the distillery premises for the distribution of bottled spirits of its own production to spirits retailers within the state, if the warehouse is within the United States and has been approved by the board."

On page 1, line 1 of the title, after "warehouses;" strike the remainder of the title and insert "amending RCW 66.24.640; and adding a new section to chapter 66.24 RCW."

Senator Baumgartner spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 64 by Senator Baumgartner to Senate Bill No. 5834.

The motion by Senator Baumgartner carried and floor striking amendment no. 64 was adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Pearson and Van De Wege

Excused: Senators Carlyle and Frockt

ENGROSSED SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5087, by Senators Honeyford and Frockt

Concerning the evaluation and prioritization of capital budget projects at the public two-year and four-year institutions of higher education.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5087.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5087 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman
Excused: Senators Carlyle and Frockt

Excused: Senators Carlyle and Frockt

SENATE BILL NO. 5087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND READING

SENATE BILL NO. 5089, by Senators Honeyford and Frockt

SENATE BILL NO. 5258, by Senators Zeiger, Fain, Mullet, Rolfes, Chase, Kuderer and Hunt

Concerning more efficient use of state facilities through aligning the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections.

Creating the Washington academic, innovation, and mentoring (AIM) program.

The measure was read the second time.

MOTIONS

MOTION

On motion of Senator Honeyford, and without objection, further consideration of Senate Bill No. 5089 was deferred and the bill held its place on the second reading calendar.

On motion of Senator Fain, Second Substitute Senate Bill No. 5258 was substituted for Senate Bill No. 5258 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Second Substitute Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5258.

SENATE BILL NO. 5286, by Senators Angel, Hobbs, Fain and Takko

ROLL CALL

Prohibiting regulation of the amount of rent for commercial properties.

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5286 was substituted for Senate Bill No. 5286 and the substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting nay: Senator Padden

Excused: Senators Carlyle and Frockt

Senator Angel spoke in favor of passage of the bill.

Senators Pedersen and Mullet spoke against passage of the bill.

SECOND SUBSTITUTE SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5286.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5286 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

SENATE BILL NO. 5525, by Senators Wilson, Palumbo, Cleveland, Baumgartner, Zeiger, O'Ban, Lias, Frockt, Schoesler, Hobbs, Kuderer, Conway and Bailey

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Concerning veterans' mental health services at institutions of higher education.

The measure was read the second time.

MOTION

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy,

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Frockt

SENATE BILL NO. 5525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5577, by Senators Conway and Keiser

Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults.

MOTIONS

On motion of Senator Conway, Second Substitute Senate Bill No. 5577 was substituted for Senate Bill No. 5577 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Second Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Frockt

SECOND SUBSTITUTE SENATE BILL NO. 5577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students and representatives of the Saint Joseph's Catholic School, Vancouver who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5581, by Senators Angel and Mullet

Authorizing public hospital districts to participate in self-insurance risk pools with nonprofit hospitals.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5581.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Carlyle and Frockt

SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5235, by Senator Takko

Withdrawing territory from a cemetery district.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 5235 was substituted for Senate Bill No. 5235 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5235.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Frockt

SUBSTITUTE SENATE BILL NO. 5235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:51 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:36 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 5720, by Senators Hawkins, Hobbs, Takko, Baumgartner, Sheldon, King, Brown and Schoesler

Addressing the payment of production-based compensation wages for the employment and use of labor in agricultural activities and in the production, handling, and storage of farm products.

The measure was read the second time.

MOTION

Senator Hawkins moved that the following floor striking amendment no. 81 by Senator Hawkins be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 49.48 RCW to read as follows:

(1)(a) To encourage and expedite full compensation for break times or rest and recovery periods that occurred prior to the effective date of this section for employees paid on a production basis or piece work basis in connection with work related to the growing, production, handling, or storage of farm products as

defined in RCW 7.48.310(4) or in performing agricultural activities as defined in RCW 7.48.310(1), employers may elect to pursue one of the two following remedies:

(i) The employer may make payments, including interest at the rate of twelve percent per annum from the date the payments were due, to each of its employees for previously uncompensated or undercompensated break times or rest and recovery periods for the prior three years from the effective date of this section; or

(ii) The employer may pay each employee an amount equal to four and thirty-five one-hundredths percent of the employee's gross earnings, including interest at the rate of twelve percent per annum from the date the wages were due to the employee, for work performed on a production basis or piece work basis during the three-year period prior to the effective date of this section, less the amounts previously and separately paid to that employee for break times or rest and recovery periods, if any.

(b) Employers must make reasonable and good faith efforts to locate and pay employees the amounts required under this section, and if after reasonable and good faith efforts, employers are unable to locate any employees entitled to the payments described in (a) of this subsection, employers must pay the amounts due the employees under (a) of this subsection to the department of labor and industries, with the supporting records of the employees entitled to this compensation, which, if paid, shall have the same effect as though the compensation was paid to the employees entitled to that compensation and shall satisfy the remedies under (a) of this subsection as to those employees.

(i) Funds collected under this subsection (1)(b) must be held in a separate trust on behalf of agricultural employees. The department of labor and industries shall act as trustee and administrator of such trust and shall establish a system for tracking, locating, and paying out funds to these employees. The department may contract with a nonprofit entity in Washington state to achieve the purposes of this section.

(ii) If, after January 30, 2021, moneys are still available in the trust established under (b)(i) of this subsection, a committee consisting of the director of the department of labor and industries or the director's designee, the chair and ranking member on the senate and house of representatives committees on agriculture, and a representative from an association representing agricultural workers and a labor union association appointed by the director shall determine how the moneys should be spent on behalf of agriculture employees in the state.

(2) Employers that have paid the compensation as provided in subsection (1) of this section by January 1, 2018, shall not be held liable for any claim or cause of action arising under this chapter or chapter 49.52 RCW, based solely upon the employer's failure to timely pay the employee compensation for break times or rest and recovery periods during the three-year period prior to the effective date of this section.

(3) An employer who makes a reasonable and good faith effort to pay the compensation as provided in subsection (1) of this section, but who solely through good faith error fails to make a payment to one or more employees shall not be held liable for any claim or cause of action arising under this chapter or chapter 49.52 RCW, based solely upon the employer's failure to timely pay the employee compensation for break times or rest and recovery periods during the three-year period prior to the effective date of this section, if the employer, within thirty days of discovery or notice of the error, pays the compensation as described in subsection (1) of this section to the employee.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 49.48 RCW; and declaring an emergency."

Senators Hawkins, Schoesler and Hobbs spoke in favor of adoption of the striking amendment.

Senator Chase spoke against adoption of the striking amendment.

MOTION

On motion of Senator Saldaña, Senator Ranker was excused.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 81 by Senator Hawkins to Senate Bill No. 5720.

The motion by Senator Hawkins carried and floor striking amendment no. 81 was adopted by voice vote.

MOTION

On motion of Senator Hawkins, the rules were suspended, Engrossed Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Warnick spoke in favor of passage of the bill.

Senators Chase and Saldaña spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Rolfes, Saldaña, Van De Wege and Wellman

Excused: Senators Carlyle, Frockt and Ranker

ENGROSSED SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5036, by Senators Takko and Sheldon

Clarifying the authority and procedures for unit priced contracting by public utility districts.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle, Frockt and Ranker

SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5189, by Senators Warnick, Takko and Angel

Eliminating the collection of anticipated taxes and assessments.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Takko was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5189.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5189 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon,

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Short, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

MOTION

Excused: Senators Carlyle, Frockt, Ranker and Takko

SENATE BILL NO. 5189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5844, by Senator Braun

Adopting citizen commission 2016 recommendations and making adjustments to the commission's review process.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5844 was substituted for Senate Bill No. 5844 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5844.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5844 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker and Takko

SUBSTITUTE SENATE BILL NO. 5844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5761, by Senators McCoy, Hunt and Hasegawa

Exempting certain confidential fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act.

The measure was read the second time.

MOTION

On motion of Senator Pearson, Substitute Senate Bill No. 5761 was not substituted for Senate Bill No. 5761 and the substitute bill was not adopted.

Senator Pearson moved that the following floor striking amendment no. 67 by Senators McCoy and Pearson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 15. RCW 42.56.430 and 2008 c 252 s 1 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration;

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040; ((and))

(4) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b));

(5) The following tribal fish and shellfish harvest information, shared with the department of fish and wildlife:

(a) Fisher name;

(b) Fisher signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tribal tax information; and

(6) The following commercial shellfish harvest information, shared with the department of fish and wildlife:

(a) Individual farmer name;

(b) Individual farmer signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tax information."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "exempting certain fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act; and amending RCW 42.56.430."

Senator Pearson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 67 by Senators McCoy and Pearson to Senate Bill No. 5761.

The motion by Senator Pearson carried and floor striking amendment no. 67 was adopted by voice vote.

MOTION

On motion of Senator McCoy, the rules were suspended, Engrossed Senate Bill No. 5761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy, Pearson and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5761.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker and Takko

ENGROSSED SENATE BILL NO. 5761, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, Senator Wellman was excused.

SECOND READING

SENATE BILL NO. 5736, by Senators Brown, Palumbo, Keiser, Rossi, Frockt, Braun, Bailey, Hasegawa and Rolfes

Concerning the expansion of nutrition programs for older adults.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5736 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5736.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5736 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

SENATE BILL NO. 5736, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5343, by Senators Warnick and Takko

Concerning notice sent by and certain release of information affecting registered tow truck operators.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5343 was substituted for Senate Bill No. 5343 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

SUBSTITUTE SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5652, by Senators Angel and Rolfes

Concerning actions by the boundary review board.

The measure was read the second time.

MOTION

Senator Angel moved that the following floor amendment no. 89 by Senators Angel and Rolfes be adopted:

On page 2, line 20, after "(5)" strike "Direct" and insert "Allow"

On page 4, line 18, after "economic" insert the following: ", fiscal."

On page 4, line 21, after "do not" strike "include" and insert "create or result in"

On page 5, line 2, after "character;" strike "((and))" and insert "and"

On page 5, beginning on line 5, after "authority" strike all material through "boundary" on line 7

Senator Angel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 89 by Senators Angel and Rolfes on page 2, line 20 to Senate Bill No. 5652.

The motion by Senator Angel carried and floor amendment no. 89 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Angel and without objection, the following floor amendment no. 49 by Senator Angel on page 4, line 18 to Senate Bill No. 5652 was withdrawn:

On page 4, line 18, after "economic" insert the following: ", fiscal."

On page 4, line 21, after "do not" strike "include" and insert "create or result in"

On page 5, beginning on line 6, after "(10)" strike all material through "boundary" on line 7 and insert "Assessment of fiscal impacts on jurisdictions"

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5652.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

ENGROSSED SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5346, by Senators Walsh, Rolfes, Zeiger, Hobbs, Warnick, Pedersen, Nelson, Darneille, Kuderer, Hunt, Keiser, McCoy, Honeyford, Fain, Liias, Cleveland, Sheldon, Conway, Pearson, Frockt, Wilson, Bailey and Hasegawa

Creating a legislative page scholarship program.

MOTIONS

On motion of Senator Walsh, Substitute Senate Bill No. 5346 was substituted for Senate Bill No. 5346 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Substitute Senate Bill No. 5346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Walsh and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5346.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

SUBSTITUTE SENATE BILL NO. 5346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5431, by Senators Warnick, Takko, Brown, Hawkins, Liias, Schoesler, Honeyford and Fortunato

Concerning the protection of composting from nuisance lawsuits.

MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 5431 was substituted for Senate Bill No. 5431 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 87 by Senators McCoy and Warnick be adopted:

On page 2, line 11, strike "and" and insert "or"

On page 2, line 12, strike "nonagricultural and" and insert "nonagricultural or"

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 87 by Senators McCoy and Warnick on page 2, line 11 to Substitute Senate Bill No. 5431.

The motion by Senator Warnick carried and floor amendment no. 87 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs,

Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Absent: Senator O'Ban

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5674, by Senators Palumbo and Fain

Addressing the final approval of subdivisions of land.

The measure was read the second time.

MOTION

On motion of Senator Palumbo, the rules were suspended, Senate Bill No. 5674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5674.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5777, by Senators Brown, Carlyle, Angel, Chase and Saldaña

Improving the business climate in this state by simplifying the administration of municipal general business licenses.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 5777 was substituted for Senate Bill No. 5777 and the substitute bill was placed on the second reading and read the second time.

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MOTION

Senator Brown moved that the following floor striking amendment no. 93 by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 16. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Business licensing service," "business licensing system," and "business license" have the same meaning as in RCW 19.02.020.

(2) "City" means a city, town, or code city.

(3) "Department" means the department of revenue.

(4) "General business license" means a license, not including a regulatory license or a temporary license, that a city requires all or most businesses to obtain to conduct business within that city.

(5) "Partner" means the relationship between a city and the department under which general business licenses are issued and renewed through the business licensing service in accordance with chapter 19.02 RCW.

(6) "Regulatory business license" means a license, other than a general business license, required for certain types of businesses that a city has determined warrants additional regulation, such as taxicab or other for-hire vehicle operators, adult entertainment businesses, amusement device operators, massage parlors, debt collectors, door-to-door sales persons, trade-show operators, and home-based businesses.

NEW SECTION. Sec. 17. (1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and by December 31, 2022, if specific funding for the purposes of this section is appropriated by June 30, 2017, in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the department in writing of its intent to do so at least ninety days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect, except as otherwise provided in subsection (7) of this section. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The city legislative body determines partnering with the department creates an undue hardship because the city lacks the fiscal or technical ability.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate agriculture, water, trade and economic development committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of thirty days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7) A city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if:

(a) The city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020. For the purposes of this subsection (7)(a), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section;

(b) The city determines that partnering with the department would cause an undue hardship. A city that declines to partner with the department for the issuance and renewal of its general business license as provided in this subsection must provide written notice to the department within sixty days of the date that a city appears on the department's biennial partnering plan or receives notice that the partnering plan has been amended as provided in subsection (4) of this section. Such written notice must include an explanation of the nature of the hardship. Hardship may include, but is not limited to, lack of fiscal or technical ability to participate in the partnering process as determined by the city legislative body, lack of support from the

city legislative authority to become a partner, preference for a local system based on local circumstances or conditions, or other hardships identified by the city; or

(c) The city, after partnering with the department for a minimum of one year, determines that continuing to partner with the department creates an undue hardship. A city that partners with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section may terminate partnering with the department. The city must provide written notice to the department of its reasons for terminating the partnership at least sixty days before termination.

(8) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the governor; legislative fiscal committees; house local government committee; senate agriculture, water, trade and economic development committee; senate local government committee; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:

(a) A list of cities that have partnered with the department as required in subsection (1) of this section;

(b) A list of cities that have not partnered with the department;

(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;

(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;

(e) An explanation of lessons learned and any process efficiencies incorporated by the department;

(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and

(g) Any other information the department considers relevant.

NEW SECTION. Sec. 18. (1) A general business license that must be issued and renewed through the business licensing service in accordance with chapter 19.02 RCW is subject to the provisions of this section.

(2)(a) A city has broad authority to impose a fee structure as provided by RCW 35.22.280, 35.23.440, and 35A.82.020. However, any fee structure selected by a city must be within the department's technical ability to administer. The department has the sole discretion to determine if it can administer a city's fee structure.

(b) If the department is unable to administer a city's fee structure, the city must work with the department to adopt a fee structure that is administrable by the department.

(3) A general business license may not be renewed more frequently than once per year except that the department may require a more frequent renewal date as may be necessary to synchronize the renewal date for the general business license with the business's business license expiration date.

(4) The business licensing system need not accommodate any monetary penalty imposed by a city for failing to obtain or renew a general business license. The penalty imposed in RCW 19.02.085 applies to general business licenses that are not renewed by their expiration date.

(5) The department may refuse to administer any provision of a city business license ordinance that is inconsistent with this chapter.

NEW SECTION. Sec. 19. The department is not authorized to enforce a city's licensing laws except to the extent of issuing or renewing a license in accordance with this chapter and chapter 19.02 RCW or refusing to issue a license due to an incomplete application, nonpayment of the appropriate fees as

indicated by the license application or renewal application, or the nonpayment of any applicable penalty for late renewal.

NEW SECTION. Sec. 20. Cities whose general business licenses are issued through the business licensing system retain the authority to set license fees, provide exemptions and thresholds for these licenses, approve or deny license applicants, and take appropriate administrative actions against licensees.

NEW SECTION. Sec. 21. Cities may not require a person to obtain or renew a general business license unless the person engages in business within its respective city. For the purposes of this section, a person may not be considered to be engaging in business within a city unless the person is subject to the taxing jurisdiction of a city under the standards established for interstate commerce under the commerce clause of the United States Constitution.

NEW SECTION. Sec. 22. A general business license change enacted by a city whose general business license is issued through the business licensing system takes effect no sooner than seventy-five days after the department receives notice of the change if the change affects in any way who must obtain a license, who is exempt from obtaining a license, or the amount or method of determining any fee for the issuance or renewal of a license.

NEW SECTION. Sec. 23. (1)(a) The cities, working through the association of Washington cities, must form a model ordinance development committee made up of a representative sampling of cities that impose a general business license requirement. This committee must work through the association of Washington cities to adopt a model ordinance on general business license requirements by July 1, 2018. The model ordinance and subsequent amendments developed by the committee must be adopted using a process that includes opportunity for substantial input from business stakeholders and other members of the public. Input must be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that require a person that conducts business in the city to obtain a general business license.

(b) The department, association of Washington cities, and municipal research and services center must post copies of, or links to, the model ordinance on their internet web sites. Additionally, a city that imposes a general business license requirement must make copies of its general business license ordinance or ordinances available for inspection and copying as provided in chapter 42.56 RCW.

(c) The definitions in the model ordinance may not be amended more frequently than once every four years, except that the model ordinance may be amended at any time to comply with changes in state law or court decisions. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a general business license requirement must adopt the mandatory provisions of the model ordinance by January 1, 2019. The following provisions are mandatory:

(a) A definition of "engaging in business within the city" for purposes of delineating the circumstances under which a general business license is required;

(b) A uniform minimum licensing threshold under which a person would be relieved of the requirement to obtain a city's general business license. A city retains the authority to create a higher threshold for the requirement to obtain a general business license but must not deviate lower than the level required by the model ordinance.

(3)(a) A city may require a person that is under the uniform minimum licensing threshold as provided in subsection (2) of this section to obtain a city registration with no fee due to the city.

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(b) A city that requires a city registration as provided in (a) of this subsection must partner with the department to have such registration issued through the business licensing service in accordance with chapter 19.02 RCW. This subsection (3)(b) does not apply to a city that is excluded from the requirement to partner with the department for the issuance and renewal of general business licenses as provided in section 2 of this act.

NEW SECTION. Sec. 24. Cities that impose a general business license must adopt the mandatory provisions of the model ordinance as provided in section 8 of this act by January 1, 2019. A city that has not complied with the requirements of this section by January 1, 2019, may not enforce its general business licensing requirements on any person until the date that the mandatory provisions of the model ordinance take effect within the city.

NEW SECTION. Sec. 25. Cities must coordinate with the association of Washington cities to submit a report to the governor; legislative fiscal committees; house local government committee; and the senate agriculture, water, trade and economic development committee by January 1, 2019. The report must:

(1) Provide information about the model ordinance adopted by the cities as required in section 8 of this act;

(2) Identify cities that have and have not adopted the mandatory provisions of the model ordinance; and

(3) Incorporate comments from statewide business organizations concerning the process and substance of the model ordinance. Statewide business organizations must be allowed thirty days to submit comments for inclusion in the report.

NEW SECTION. Sec. 26. (1) The legislature directs cities, towns, and identified business organizations to partner in recommending changes to simplify the two factor apportionment formula provided in RCW 35.102.130.

(2)(a) The local business and occupation tax apportionment task force is established. The task force must consist of the following seven representatives:

(i) Three voting representatives selected by the association of Washington cities that are tax managers representing municipalities that impose a local business and occupation tax, including at least one jurisdiction that has performed an audit where apportionment errors were discovered.

(ii) Three voting representatives selected by the association of Washington business, including at least one tax practitioner or legal counsel with experience representing business clients during municipal audits that involved apportionment errors or disputes.

(iii) One nonvoting representative from the department of revenue.

(b) The task force may seek input or collaborate with other parties, as it deems necessary. The department of revenue must serve as the task force chair and must staff the task force.

(c) Beginning in the first month following the effective date of this section, the task force must meet no less frequently than once per month until it reports to the legislature as provided under subsection (3) of this section.

(3) By October 31, 2018, the task force established in subsection (2) of this section must prepare a report to the legislature to recommend changes to RCW 35.102.130 and related sections, as needed, to develop a method for assigning gross receipts to a local jurisdiction using a market-based model. The task force must focus on methods that rely on information typically available in commercial transaction receipts and captured by common business recordkeeping systems.

(4) The task force terminates January 1, 2019, unless legislation is enacted to extend such termination date.

NEW SECTION. Sec. 27. Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW."

On page 1, line 3 of the title, after "licenses;" strike the remainder of the title and insert "adding a new chapter to Title 35 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 93 by Senator Brown to Substitute Senate Bill No. 5777.

The motion by Senator Brown carried and floor striking amendment no. 93 was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5777.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5777 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5618, by Senators Darneille and Keiser

Concerning arrest of sixteen and seventeen year olds for domestic violence assault.

MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 5618 was substituted for Senate Bill No. 5618 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 5618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, O'Ban and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5618.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5618 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

SUBSTITUTE SENATE BILL NO. 5618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5097, by Senators Braun and Takko

Clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor striking amendment no. 80 by Senators Braun and Takko be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 28.** RCW 43.21A.731 and 2016 c 194 s 2 are each amended to read as follows:

(1) The Chehalis board is created consisting of seven voting members.

(2)(a) Four members of the board must be voting members who are appointed ((by)) through the governor(, subject to confirmation by the senate. One member must represent the Chehalis Indian tribe and one member must represent the Quinault Indian nation)). The governor shall invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate a voting member of the board. In addition, the governor shall appoint two members of the board, subject to confirmation by the senate. Three board members must be selected by the Chehalis basin flood authority. No member may have a direct financial ((or regulatory)) interest in the ((work)) actions of the board. The governor shall appoint one of the flood authority appointees as the chair. The voting members of the board must be appointed for terms of four years, except that ((two members)) one member appointed by the governor and one member appointed by the flood authority initially must be appointed for terms of two years, and ((three members)) one member appointed by the governor and two members appointed by the flood authority must initially be appointed for terms of three years. In making the appointments, ((the governor)) each appointing authority shall seek a board membership that collectively provides the expertise necessary to provide strong oversight for implementation of the Chehalis basin strategy, that provides extensive knowledge of local government processes and functions, and that has an understanding of issues relevant to reducing flood damages and restoring aquatic species.

(b) In addition to the seven voting members of the board, the following five state officials must serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the Washington state conservation commission, the secretary of the department of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. These designations must be made in writing and in such a manner as is specified by the board.

(3) Staff support to the board must be provided by the department. For administrative purposes, the board is located within the department.

(4) Members of the board who do not represent state agencies must be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(5) The board is responsible for oversight of a long-term strategy resulting from the department's programmatic environmental impact statement for the Chehalis river basin to reduce flood damages and restore aquatic species habitat.

(6) The board is responsible for overseeing the implementation of the strategy and developing biennial and supplemental budget recommendations to the governor.

NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "Laws of 2016;" strike the remainder of the title and insert "amending RCW 43.21A.731; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 80 by Senators Braun and Takko to Senate Bill No. 5097.

The motion by Senator Braun carried and floor striking amendment no. 80 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Carlyle, Frockt, Ranker, Takko and Wellman

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ENGROSSED SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 3:56 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o'clock a.m. Monday, March 6, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

MOTION

FIFTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Monday, March 6, 2017

The Senate was called to order at 11:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Andrew Flury and Miss Terra Korve, presented the Colors. Page Miss Miriam Lovelace led the Chamber in the Pledge of Allegiance. The prayer was offered by Senator Christine Rolfes, 23rd Legislative District, Kitsap County.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 1, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JAY M. BALASBAS, appointed March 1, 2017, for the term beginning May 1, 2017 and ending January 1, 2023, as Member of the Utilities and Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9250.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 2, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115,

ENGROSSED HOUSE BILL NO. 1201,
ENGROSSED HOUSE BILL NO. 1322,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1531,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1614,
ENGROSSED HOUSE BILL NO. 1654,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1783,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1802,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1807,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808,
ENGROSSED HOUSE BILL NO. 1924,
ENGROSSED HOUSE BILL NO. 2005,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 3, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1347,
SUBSTITUTE HOUSE BILL NO. 1420,
SUBSTITUTE HOUSE BILL NO. 1490,
SUBSTITUTE HOUSE BILL NO. 1501,
HOUSE BILL NO. 1578,
HOUSE BILL NO. 1603,
SUBSTITUTE HOUSE BILL NO. 1655,
SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1683,
HOUSE BILL NO. 1722,
SUBSTITUTE HOUSE BILL NO. 1782,
SECOND SUBSTITUTE HOUSE BILL NO. 1789,
HOUSE BILL NO. 1906,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 3, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1060,
SECOND SUBSTITUTE HOUSE BILL NO. 1402,
SUBSTITUTE HOUSE BILL NO. 1413,
SUBSTITUTE HOUSE BILL NO. 1477,
HOUSE BILL NO. 1499,
SUBSTITUTE HOUSE BILL NO. 1520,
HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1630,
SUBSTITUTE HOUSE BILL NO. 1755,
HOUSE BILL NO. 1772,
SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1867,
SECOND SUBSTITUTE HOUSE BILL NO. 2009,

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and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 3, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1237,
 ENGROSSED HOUSE BILL NO. 1248,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1426,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,
 ENGROSSED HOUSE BILL NO. 1595,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1612,
 ENGROSSED HOUSE BILL NO. 1857,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2121,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5863 by Senator Miloscia

AN ACT Relating to requiring adoption of outcome and performance measures to evaluate substance use disorder treatment providers; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Human Services, Mental Health & Housing.

SB 5864 by Senator Miloscia

AN ACT Relating to ending homelessness; amending RCW 26.44.020, 26.44.030, 74.15.030, 43.330.700, 43.330.705, 43.330.706, 43.330.710, 43.185C.180, 43.185C.030, 43.185C.040, 43.185C.070, 43.185C.160, 43.185C.170, 36.22.178, 36.22.179, 36.22.1791, and 43.185C.240; reenacting and amending RCW 71.05.020 and 71.05.020; adding a new section to chapter 13.32A RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 9A RCW; creating new sections; prescribing penalties; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1086 by House Committee on Environment (originally sponsored by Representatives Blake, J. Walsh, Springer, Wilcox and Hargrove)

AN ACT Relating to promoting the completion of environmental impact statements within two years; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

2SHB 1120 by House Committee on Appropriations (originally sponsored by Representatives Smith, Morris, Short, Hayes, Stanford, Koster, Van Werven, McDonald, MacEwen, Muri, Haler, Ryu, Condotta and Buys)

AN ACT Relating to enhancing the economic development and viability of small businesses; amending RCW 19.85.025, 19.85.030, and 43.42.010; adding a new section to chapter 43.09 RCW; and creating a new section.

Referred to Committee on State Government.

ESHB 1136 by House Committee on Environment (originally sponsored by Representatives Dye, Blake, Haler, Shea, Taylor, Farrell, Dent, Nealey, Manweller, Short, Muri, Schmick, Ormsby, Fey, Young and Buys)

AN ACT Relating to exempting short-line railroads that haul nonfuel oils from oil spill contingency planning requirements; and amending RCW 90.56.210.

Referred to Committee on Energy, Environment & Telecommunications.

E2SHB 1163 by House Committee on Appropriations (originally sponsored by Representatives Goodman, Hayes, Orwall, Appleton, Klippert, Pellicciotti, Pettigrew, Chapman, Kilduff, Bergquist, Stanford and Kloba)

AN ACT Relating to domestic violence; amending RCW 9A.36.041, 9.94A.525, 43.43.754, 43.43.830, 18.16.100, and 18.16.110; reenacting and amending RCW 9.94A.411; adding a new section to chapter 7.36 RCW; adding a new section to chapter 18.16 RCW; creating new sections; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Law & Justice.

SHB 1186 by House Committee on Judiciary (originally sponsored by Representatives Santos, Goodman, Jinkins, Kilduff and Senn)

AN ACT Relating to the provision of and reimbursement for certain court interpreter services; and amending RCW 2.43.030, 2.43.040, and 2.42.120.

Referred to Committee on Law & Justice.

SHB 1200 by House Committee on Public Safety (originally sponsored by Representatives McCabe, Goodman, Klippert, Orwall, Hayes, Johnson, Griffey, Caldier, Dye, Sells, McDonald, Kilduff and Smith)

AN ACT Relating to the crime of voyeurism; amending RCW 9A.44.115 and 13.40.070; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1291 by House Committee on Appropriations (originally sponsored by Representatives Santos, Jinkins, Fey, Robinson, Fitzgibbon, Stanford, Ormsby and Riccelli)

AN ACT Relating to health care for Pacific Islanders residing in Washington under a compact of free association;

adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health Care.

ESHB 1323 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Wylie, Harris, Nealey, McBride, Stanford and Muri)

AN ACT Relating to loss prevention reviews by state agencies; and amending RCW 43.19.003, 43.19.782, and 43.19.783.

Referred to Committee on State Government.

E2SHB 1358 by House Committee on Appropriations (originally sponsored by Representatives Griffey and Cody)

AN ACT Relating to reimbursement for services provided pursuant to community assistance referral and education services programs; amending RCW 35.21.930; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care.

SHB 1388 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

AN ACT Relating to changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health; amending RCW 43.20A.025, 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, 43.20A.897, 74.04.015, 71.05.026, 71.05.026, 71.05.027, 71.05.040, 71.05.100, 71.05.203, 71.05.203, 71.05.214, 71.05.214, 71.05.215, 71.05.240, 71.05.285, 71.05.320, 71.05.320, 71.05.325, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 71.05.340, 71.05.350, 71.05.380, 71.05.435, 71.05.435, 71.05.510, 71.05.520, 71.05.525, 71.05.560, 71.05.560, 71.05.590, 71.05.590, 71.05.590, 71.05.620, 71.05.620, 71.05.720, 71.05.732, 71.05.740, 71.05.745, 71.05.745, 71.05.750, 71.05.750, 71.05.755, 71.05.760, 71.05.801, 71.05.940, 71.24.015, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.045, 71.24.061, 71.24.100, 71.24.155, 71.24.160, 71.24.215, 71.24.220, 71.24.240, 71.24.300, 71.24.310, 71.24.320, 71.24.330, 71.24.330, 71.24.340, 71.24.350, 71.24.360, 71.24.370, 71.24.380, 71.24.385, 71.24.400, 71.24.405, 71.24.415, 71.24.420, 71.24.430, 71.24.455, 71.24.460, 71.24.470, 71.24.480, 71.24.490, 71.24.500, 71.24.515, 71.24.520, 71.24.525, 71.24.530, 71.24.535, 71.24.540, 71.24.545, 71.24.555, 71.24.565, 71.24.580, 71.24.590, 71.24.595, 71.24.605, 71.24.610, 71.24.615, 71.24.620, 71.24.625, 71.24.630, 71.24.640, 71.24.645, 71.24.650, 71.24.805, 71.24.810, 71.24.850, 71.24.860, 71.24.902, 71.34.010, 71.34.300, 71.34.365, 71.34.375, 71.34.375, 71.34.380, 71.34.385, 71.34.385, 71.34.390, 71.34.395, 71.34.400, 71.34.400, 71.34.405, 71.34.420, 71.34.420, 71.34.600, 71.34.600, 71.34.610, 71.34.630, 71.34.630, 71.34.640, 71.34.720, 71.34.720, 71.34.760, 71.34.760, 71.34.780, 71.34.780, 71.34.780, 71.34.790, 71.36.025, 71.36.040, 71.36.060, 70.96A.011, 70.96A.020, 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.148, 70.96A.160, 70.96A.180, 70.96A.235,

70.96A.240, 70.96A.245, 70.96A.260, 70.96A.265, 70.96A.915, 70.96B.010, 70.96B.020, 70.96B.030, 70.96B.045, 70.96B.050, 70.96B.070, 70.96B.090, 70.96B.140, 41.05.015, 41.05.021, 41.05A.005, 74.09.050, 74.09.055, 74.09.080, 74.09.120, 74.09.160, 74.09.210, 74.09.220, 74.09.230, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.315, 74.09.325, 74.09.522, 74.09.530, 74.09.540, 74.09.730, 74.09.780, 74.64.010, 74.66.010, 70.02.010, 70.02.230, 70.02.240, 70.02.250, 70.02.260, 70.02.340, 70.02.350, 43.70.080, 43.59.030, 48.21.180, 48.44.240, 48.46.350, 69.50.540, 2.30.020, 2.30.030, 9.41.300, 9.94A.703, 10.05.040, 10.05.050, 18.205.080, 18.88A.020, 46.61.5056, 72.09.350, 72.09.370, 72.09.370, 72.09.380, 72.09.381, 72.09.585, and 74.34.020; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.215, 71.05.240, 71.05.320, 71.05.425, 71.05.445, 71.24.025, 71.24.025, 71.24.600, 71.34.020, 71.34.020, 71.34.720, 71.36.010, 70.02.010, 70.02.230, 42.56.270, and 46.61.5055; adding new sections to chapter 71.24 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 71.34 RCW; adding new sections to chapter 74.09 RCW; creating new sections; recodifying RCW 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, and 43.20A.897; decodifying RCW 71.24.065; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Health Care.

E2SHB 1440 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Stambaugh, Hudgins, Johnson, Ortiz-Self, Stokesbary, Sells, Jinkins, Ryu, Appleton, Pollet, Senn, Peterson, Kilduff, Bergquist, Stanford, Frame, Slatter and Dolan)

AN ACT Relating to establishing a student loan bill of rights; amending RCW 43.320.110, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.145, 31.04.165, 31.04.277, and 31.04.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 28B.77 RCW; adding new sections to chapter 31.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Higher Education.

SHB 1456 by House Committee on Local Government (originally sponsored by Representatives Kloba, Springer, McBride, Goodman, Stanford, Slatter, Appleton, Ryu and Doglio)

AN ACT Relating to metropolitan park districts; and amending RCW 35.61.020, 35.61.100, 35.61.120, 35.61.210, 35.61.290, 35.61.040, and 35.61.180.

Referred to Committee on Local Government.

SHB 1462 by House Committee on Commerce & Gaming (originally sponsored by Representatives Kloba, Condotta, Sawyer, Appleton and Ormsby)

AN ACT Relating to adding authority to the department of agriculture to regulate sanitary processing of marijuana-infused edibles; amending RCW 69.07.010, 69.07.020, and 19.02.110; adding a new section to chapter 69.07 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

FIFTY SEVENTH DAY, MARCH 6, 2017

2017 REGULAR SESSION

ESHB 1513 by House Committee on Transportation (originally sponsored by Representatives Bergquist, Stambaugh, Frame, Hudgins, Sawyer, Slatter, Macri, Gregerson, Peterson, McBride, Doglio, Appleton, Fitzgibbon, Goodman, Tharinger, Farrell, Pollet, Ormsby, Dolan and Riccelli)

AN ACT Relating to collecting youth voter registration sign up information; amending RCW 46.20.155, 29A.08.330, 29A.08.210, 28A.230.150, 29A.08.710, 29A.08.810, 29A.08.110, 29A.08.720, 29A.08.760, 29A.84.140, 29A.08.125, and 29A.08.615; reenacting and amending RCW 42.56.230; adding new sections to chapter 29A.08 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

ESHB 1523 by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Johnson, Cody, Harris, Pollet, Doglio, Appleton, Fitzgibbon, Tharinger, Farrell, McBride, Fey and Macri)

AN ACT Relating to requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

ESHB 1548 by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

AN ACT Relating to curricula for persons in long-term care facilities with behavioral health needs; amending RCW 74.42.360; reenacting and amending RCW 74.42.010; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health Care.

HB 1558 by Representatives Kilduff, MacEwen, Sawyer, Hayes, Harris, Griffey, Ormsby, Riccelli, Bergquist, Dolan, Doglio, Lovick, Ryu, Goodman, Peterson, Fitzgibbon, Muri, Stanford and Fey

AN ACT Relating to membership in the Washington public safety employees' retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers; amending RCW 41.37.010; and adding a new section to chapter 41.37 RCW.

Referred to Committee on Ways & Means.

ESHB 1600 by House Committee on Appropriations (originally sponsored by Representatives Santos, Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton)

AN ACT Relating to increasing the career and college readiness of public school students; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 28C.18 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

EHB 1620 by Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri and Haler

AN ACT Relating to expanding the authority of local governments to require criminal history background checks; and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130.

Referred to Committee on Local Government.

E2SHB 1713 by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi and Kilduff)

AN ACT Relating to implementing recommendations from the children's mental health work group; amending RCW 74.09.495 and 74.09.520; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 28B.30 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1717 by House Committee on Technology & Economic Development (originally sponsored by Representatives Smith, Morris, Harmsworth, DeBolt, Hudgins, Van Werven, Santos and Stanford)

AN ACT Relating to state agency collection, use, and retention of biometric identifiers; and adding a new chapter to Title 40 RCW.

Referred to Committee on State Government.

ESHB 1719 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Lovick, Dent, Kagi, Senn and Frame)

AN ACT Relating to updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements; and amending RCW 43.215.090 and 43.215.130.

Referred to Committee on Early Learning & K-12 Education.

SHB 1723 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Haler, Riccelli, Sells, Gregerson, Ormsby, Doglio and Pollet)

AN ACT Relating to the presumption of occupational disease for certain employees at the United States department of energy Hanford site; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce, Labor & Sports.

EHB 1728 by Representatives Sawyer, Smith, Caldier, Jinkins, Fey, Kloba, Ortiz-Self, Stanford and Frame

AN ACT Relating to protecting minors from sexual exploitation; adding a new chapter to Title 10 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 1753 by House Committee on Judiciary (originally sponsored by Representatives Cody and Jinkins)

AN ACT Relating to integrating the treatment systems for mental health and substance use disorders; amending RCW 70.96A.140 and 71.05.760; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services, Mental Health & Housing.

EHB 1795 by Representatives Kloba, Farrell, Stambaugh, Stokesbary, Fitzgibbon, Doglio, Stanford and McBride

AN ACT Relating to the Cooper Jones bicyclist safety advisory council; adding a new section to chapter 43.59 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

ESHB 1796 by House Committee on Appropriations (originally sponsored by Representatives Farrell, Kilduff, Doglio, Robinson, Stanford, Hudgins, McBride, Macri, Ormsby, Frame, Slatter, Jinkins and Pollet)

AN ACT Relating to providing reasonable accommodations in the workplace for pregnant women; amending RCW 49.60.230; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

HB 1806 by Representatives Pellicciotti, Lovick, Dolan, Goodman, Stanford, Riccelli, Ryu, Bergquist, Kilduff, Pollet, Sells, Orwall, Robinson, Stonier, Macri, Clibborn, Pettigrew, Chapman, Gregerson, McBride, Tharinger, Fitzgibbon, Wylie, Sawyer, Appleton, Doglio, Hudgins, Farrell, Ormsby, Senn, Fey, Frame and Jinkins

AN ACT Relating to increasing monetary penalties for crimes committed by corporations; amending RCW 10.01.100; and prescribing penalties.

Referred to Committee on Law & Justice.

ESHB 1809 by House Committee on Finance (originally sponsored by Representatives Fey, Orcutt and McBride)

AN ACT Relating to tax credits for clean alternative fuel commercial vehicles; amending RCW 82.16.0496; amending 2016 c 29 s 3 (uncodified); reenacting and amending RCW 82.04.4496; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

E2SHB 1819 by House Committee on Appropriations (originally sponsored by Representatives Dent, Senn, Kagi, Griffey, Johnson and McBride)

AN ACT Relating to paperwork reduction in order to improve the availability of mental health services to protect children and families; adding a new section to chapter 71.24 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

ESHB 1824 by House Committee on Environment (originally sponsored by Representatives Peterson, Lovick, Kagi, Ortiz-Self, Tarleton, Robinson, Stanford, Ormsby and Doglio)

AN ACT Relating to electronic product recycling; amending RCW 70.95N.010, 70.95N.280, 70.95N.250, 70.95N.060, 70.95N.260, and 70.105.080; and reenacting and amending RCW 70.95N.140.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1825 by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kilduff, Muri, Sawyer, Klippert, Ortiz-Self, Kagi, Goodman, Ormsby and Fey)

AN ACT Relating to extending the timeline for completing a family assessment response, allowing the department of social and health services to complete a family assessment response upon the verbal agreement of a parent to participate, and defining disqualifying crimes; and amending RCW 26.44.030.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1829 by Representatives Hudgins, Johnson, Goodman, Klippert, Smith, Dolan, Haler, Koster, Volz, Kraft, Irwin, Stanford, Tarleton, Muri, Ormsby and McBride

AN ACT Relating to the exemption from public disclosure of information regarding public and private computer and telecommunications networks; and amending RCW 42.56.420.

Referred to Committee on Energy, Environment & Telecommunications.

HB 1832 by Representatives Pellicciotti, Irwin, Lovick, Ormsby and Ortiz-Self

AN ACT Relating to the commercially sexually exploited children statewide coordinating committee; amending RCW 7.68.801; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1844 by Representatives Sells, Robinson, Hayes and Lovick

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.61.024; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 1893 by House Committee on Commerce & Gaming (originally sponsored by Representatives Vick, Kirby, Dolan, Doglio, Haler and McDonald)

FIFTY SEVENTH DAY, MARCH 6, 2017

2017 REGULAR SESSION

AN ACT Relating to the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises; and amending RCW 66.28.270.

Referred to Committee on Commerce, Labor & Sports.

SHB 1905 by House Committee on Transportation (originally sponsored by Representatives Orcutt and Clibborn)

AN ACT Relating to the volume limitation for certain vessels exempt from the pilotage act; and amending RCW 88.16.070.

Referred to Committee on Transportation.

SHB 1966 by House Committee on Business & Financial Services (originally sponsored by Representatives Stanford, Vick, Kirby and Ormsby)

AN ACT Relating to the minimum operating requirements and the review of plans necessary to be included in the small business retirement marketplace; and amending RCW 43.330.735 and 43.330.750.

Referred to Committee on Financial Institutions & Insurance.

EHB 2073 by Representatives Dent and Buys

AN ACT Relating to the beef commission; amending RCW 16.67.035, 16.67.090, 16.67.091, and 16.67.110; and adding a new section to chapter 16.67 RCW.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

EHB 2107 by Representatives Schmick, Cody and Ormsby

AN ACT Relating to the addition of services for long-term placement of mental health patients in community settings that voluntarily contract to provide the services; amending RCW 71.24.310 and 71.24.380; and adding new sections to chapter 71.24 RCW.

Referred to Committee on Human Services, Mental Health & Housing.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5864 which had been designated to the Committee on Human Services, Mental Health & Housing and referred to the Committee on Ways & Means.

MOTION

At 11:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator Becker announced a meeting of the Majority Coalition Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 11:36 a.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5426, by Senator Warnick

Increasing the number of tasting rooms allowed under a domestic winery license.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5426 was substituted for Senate Bill No. 5426 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5426.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5426 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, O'Ban, Padden, Pearson and Van De Wege

SUBSTITUTE SENATE BILL NO. 5426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5661, by Senator Rolfes

Addressing interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5021, by Senators O'Ban, Frockt, Schoesler, Darneille, Nelson, Pearson, Rolfes, Conway, Sheldon, Fortunato, Fain, Hasegawa and Kuderer

Concerning pro bono legal services for military service members, veterans, and their families.

MOTIONS

On motion of Senator O'Ban, Second Substitute Senate Bill No. 5021 was substituted for Senate Bill No. 5021 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Second Substitute Senate Bill No. 5021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5021.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5021 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5749, by Senators Darneille, Frockt, Kuderer, Warnick and Saldaña

Concerning paperwork reduction in order to improve the availability of mental health services to protect children and families.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 5749 was substituted for Senate Bill No. 5749 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5749.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5325, by Senators Zeiger and Conway

Clarifying the authority of a nurse working in a school setting.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5325.

ROLL CALL

FIFTY SEVENTH DAY, MARCH 6, 2017

2017 REGULAR SESSION

The Secretary called the roll on the final passage of Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5810, by Senator Padden

Adding attempted murder to the list of offenses that may be prosecuted at any time after their commission. Revised for 1st Substitute: Adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5810 was substituted for Senate Bill No. 5810 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 47 by Senators Padden and Pedersen be adopted:

On page 3, after line 29, insert the following:

"NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 9A.04.080; and declaring an emergency."

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 47 by Senators Padden and Pedersen on page 3, after line 29 to Substitute Senate Bill No. 5810.

The motion by Senator Padden carried and floor amendment no. 47 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5810.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5808, by Senators Warnick, Chase, Walsh, Brown, Becker, Short and Bailey

Concerning agritourism.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5808 was substituted for Senate Bill No. 5808 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

Senators Pedersen and Billig spoke against passage of the bill.

MOTION

On motion of Senator Fain, and without objection, further consideration of Substitute Senate Bill No. 5808 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5331, by Senators Takko and Warnick

Concerning irrigation district administration.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 5331 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5331.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5331 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Saldaña

SENATE BILL NO. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5294, by Senators Padden and O'Ban

Concerning the department of corrections.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5294 was substituted for Senate Bill No. 5294 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 85 by Senators Padden and Pedersen be adopted:

On page 2, beginning on line 28, after "purpose," strike all material through "ombuds" on line 29 and insert "the office of the corrections ombuds is funded through the office of the state auditor"

On page 3, beginning on line 1, strike all of section 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 5, line 19, after "(1)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 7, line 6, after "(b)" insert "Prior to filing a complaint with the ombuds, an inmate shall have reasonably pursued resolution of the complaint through the internal grievance process with the department of corrections. However, in no event may an inmate be prevented from filing a complaint more than ninety days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c)"

Re-letter the remaining subsections consecutively and correct any internal references accordingly.

Senators Padden and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 85 by Senators Padden and Pedersen on page 2, line 28 to Substitute Senate Bill No. 5294.

The motion by Senator Padden carried and floor amendment no. 85 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5294.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5660, by Senators Hunt, Becker and Darneille

Removing references to specific nonoperational historical facilities from state statute.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Miloscia and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5660.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5660 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers,

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Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Brown, Ericksen and Fortunato

SENATE BILL NO. 5660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5358, by Senators Schoesler and Ranker

Improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5358 was substituted for Senate Bill No. 5358 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5589, by Senators Keiser and Baumgartner

Concerning distillery promotional items and spirit sample sales.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5589 was substituted for Senate Bill No. 5589 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5589.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5589 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Carlyle, Hasegawa, O'Ban, Padden and Pearson

SUBSTITUTE SENATE BILL NO. 5589, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5443, by Senators Brown, Darneille, Miloscia, Becker, Rivers, McCoy, Sheldon, Walsh, Chase, Bailey, Hobbs, Ericksen, Warnick, Angel, Honeyford, Rolfes, Padden, Billig, Zeiger, Wilson, Conway, Fain, Keiser, Hunt and Kuderer

Concerning fiscal notes.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5443 was substituted for Senate Bill No. 5443 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5443.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5634, by Senators Padden, Angel, Palumbo, Wilson, Zeiger and Rossi

Concerning aggregating counts of retail theft with special circumstances.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hasegawa and Saldaña

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5635, by Senators Padden, Pedersen, Angel, Palumbo, O'Ban, Wilson, Rossi and Zeiger

Concerning retail theft with special circumstances.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5635.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

SENATE BILL NO. 5635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5713, by Senators Palumbo, Wilson, Zeiger and King

Creating the skilled worker outreach, recruitment, and key training program. Revised for 1st Substitute: Creating the skilled worker outreach, recruitment, and career awareness training program.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5713 was substituted for Senate Bill No. 5713 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Wilson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5713.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

SUBSTITUTE SENATE BILL NO. 5713, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5778, by Senators Wilson and Zeiger

Modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 5778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5778.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5778 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5179, by Senators Bailey, Keiser, Palumbo, Hasegawa and Conway

Requiring coverage for hearing instruments under public employee and medicaid programs.

MOTION

On motion of Senator Bailey, Second Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Van De Wege moved that the following floor amendment no. 79 by Senators Cleveland, Rolfes, Van De Wege and Walsh be adopted.

On page 2, line 20 after "void." Insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 48.43 RCW to read as follows:

(1) Each health benefit plan entered into, or renewed on or after January 1, 2018, shall include coverage for hearing aids for children under the age of eighteen when medically necessary. Coverage must include a new hearing aid every five years, a new hearing aid when alterations to the existing hearing aid cannot meet the needs of the child, and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) For purposes of this section, "hearing aid" or "hearing instrument" has the same meaning as in RCW 18.35.010.

(3) The hearing aid must be recommended by a licensed audiologist or hearing aid specialist and dispensed by a licensed audiologist or hearing aid specialist."

On page 1, line 1 of the title, after "requiring", insert "coverage for hearing instruments; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 48.43 RCW; and creating a new section."

Senators Van De Wege, Darneille, Nelson, Rolfes, Takko and Keiser spoke in favor of adoption of the amendment.

Senators Bailey and Fortunato spoke against adoption of the amendment.

A roll call was demanded.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of floor amendment no. 79 by Senators Cleveland, Rolfes, Van De Wege and Walsh on page 2, line 20 to Second Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the adoption of floor amendment no. 79 by Senators Cleveland, Rolfes, Van De Wege and Walsh and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Rolfes, Becker and Walsh spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5333, by Senators Miloscia, Lias, Zeiger and Pearson

Modifying presidential primary provisions.

The measure was read the second time.

MOTION

Senator Hunt moved that the following floor amendment no. 45 by Senators Billig, Hunt and Kuderer be adopted:

On page 6, after line 30, insert the following:

"**Sec. 10.** RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary other than a presidential primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than twenty-nine days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than twenty-nine days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) In order to vote in any presidential primary election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than twenty-nine days before the day of the election; or

(b) Register in person at the county auditor's office, or other location designated by the county auditor, in his or her county of residence no later than 5:00 p.m. on the day of the election."

On page 1, line 2 of the title, after "29A.08.161," strike "and 29A.04.206" and insert "29A.04.206, and 29A.08.140"

Senators Hunt, Kuderer, Billig, Ranker, Chase, Darneille, Lias and Carlyle spoke in favor of adoption of the amendment.

Senators Miloscia, Rossi, Schoesler, Walsh and Becker spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Baumgartner: "Thank you Mr. President. I think I am opposed to the amendment but I do have a question. I was wondering if the prime sponsor of the amendment would yield to a question?"

Senator Hunt: "Yes."

Senator Baumgartner: "It is my understanding that the Democratic party didn't actually want a presidential primary and that you were using super-delegates and that your current party chair was against holding the primary, actually called it a waste of resources. I would just like clarification of that and if it is your stance that there actually should not be a primary. What is the motivation for the same day registration for a primary that you presumably don't even want?"

Senator Hunt: "Thank you Senator Baumgartner. Hating to speak for our new party chair, but I personally favor a presidential primary. I have all along and will discuss this a little more when we discuss the main bill as to how we can get both parties to a presidential primary. I certainly think that is the way to go."

Senator Carlyle spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 45 by Senators Billig, Hunt and Kuderer on page 6, after line 30 to Senate Bill No. 5333.

The motion by Senator Hunt did not carry and floor amendment no. 45 was not adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Angel spoke in favor of passage of the bill.

Senators Hunt and Kuderer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5333.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5333 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, King, Lias, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Nelson, Saldaña, Van De Wege and Wellman

SENATE BILL NO. 5333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5781, by Senators Fortunato and Baumgartner

Concerning special occasion and banquet provisions for charitable or nonprofit organizations.

MOTION

On motion of Senator Fortunato, Substitute Senate Bill No. 5781 was substituted for Senate Bill No. 5781 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fortunato moved that the following floor striking amendment no. 90 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 11. RCW 66.20.010 and 2016 c 235 s 6 and 2016 c 129 s 1 are each reenacted and amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee must issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to:

(a) Such applicants as may be fixed by the board; and

(b) A not-for-profit society or charitable organization as authorized under section 2 of this act;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation;

(8) Where the application is for a special permit by a vendor that manufactures or sells a product which cannot be effectively presented to potential buyers without serving it with liquor or by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a liquor spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a facility offering from one to eight lodging units and breakfast to travelers and guests;

(12) Where the application is for a special permit to allow tasting of alcohol by persons at least eighteen years of age under the following circumstances:

(a) The application is from a community or technical college as defined in RCW 28B.50.030, a regional university, or a state university;

(b) The person who is permitted to taste under this subsection is enrolled as a student in a required or elective class that is part of a culinary, sommelier, wine business, enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program;

(c) The alcohol served to any person in the degree-related programs under (b) of this subsection is tasted but not consumed for the purposes of educational training as part of the class curriculum with the approval of the educational provider;

(d) The service and tasting of alcoholic beverages is supervised by a faculty or staff member of the educational provider who is twenty-one years of age or older. The supervising

faculty or staff member ((shall)) must possess a class 12 or 13 alcohol server permit under the provisions of RCW 66.20.310;

(e) The enrolled student permitted to taste the alcoholic beverages does not purchase the alcoholic beverages; and

(f) The permit fee for the special permit provided for in this subsection (12) must be waived by the board;

(13) Where the application is for a special permit by a distillery or craft distillery for an event not open to the general public to be held or conducted at a specific place, including at the licensed premise of the applying distillery or craft distillery, upon a specific date for the purpose of tasting and selling spirits of its own production. The distillery or craft distillery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted for private banquet permits prior to the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No licensee may receive more than twelve permits under this subsection (13) each year;

(14) Where the application is for a special permit by a manufacturer of wine for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling wine of its own production. The winery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted at least ten days before the event and once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than twelve events per year may be held by a single manufacturer under this subsection;

(15) Where the application is for a special permit by a manufacturer of beer for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling beer of its own production. The brewery or microbrewery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted at least ten days before the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than twelve events per year may be held by a single manufacturer under this subsection;

(16) Where the application is for a special permit by an individual or business to sell a private collection of wine or spirits to an individual or business. The seller must obtain a permit at least five business days before the sale, for a fee of twenty-five dollars per sale. The seller must provide an inventory of products sold and the agreed price on a form provided by the board. The seller shall submit the report and taxes due to the board no later than twenty calendar days after the sale. A permit may be issued under this section to allow the sale of a private collection to licensees, but may not be issued to a licensee to sell to a private individual or business which is not otherwise authorized under the license held by the seller. If the liquor is purchased by a licensee, all sales are subject to taxes assessed as on liquor acquired from any other source. The board may adopt rules to implement this section.

NEW SECTION. Sec. 12. A new section is added to chapter 66.28 RCW to read as follows:

(1) There is a special permit to be designated as a banquet permit to be issued to a not-for-profit society or charitable organization to provide free of charge, spirits, beer, and wine by the individual serving for on-premises consumption at a specified date and place.

(2) The banquet permit is available for an unlimited number of the organization's business or social events that are held solely for the organization's members and guests. The events may not be open to the general public.

(3) Liquor served at the event may be:

(a) Provided by individuals attending the event for their own consumption or with the intent to share, at no cost, with other attendees;

(b) Included in the total price for an event when participants receive an equal share by distribution of exchangeable tickets as part of the package; or

(c) Purchased by the event organizers at an authorized retail source.

(4) The organization may accept cash donations at an event so long as there is no expectation or implied obligation to give a donation in exchange for a beverage containing liquor.

(5) The fee for the banquet permit is ten dollars per day.

(6) For events occurring under this section, the board must provide for an online permit to be issued on the day the event occurs."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "banquet provisions for charitable or nonprofit organizations; reenacting and amending RCW 66.20.010; and adding a new section to chapter 66.28 RCW."

MOTION

Senator Keiser moved that the following floor amendment no. 91 by Senators Fortunato and Keiser, to floor amendment no. 90, be adopted:

On page 5, line 15 of the amendment, after "organization" insert ", which has annual gross income of less than two hundred fifty thousand dollars,"

Senators Keiser and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 91 by Senators Fortunato and Keiser on page 5, line 15 to floor amendment no. 90.

The motion by Senator Keiser carried and floor amendment no. 91 was adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 92 by Senators Fortunato and Schoesler, to floor amendment no. 90, be adopted:

On page 5, line 28 of the amendment, after "package;" strike "or"

On page 5, line 29 of the amendment, after "(c)" insert "Donated to the organization by any person, industry member, or entity so long as the donor or the organization pays any fees established by RCW 66.24.630(4), taxes imposed on a retail sale under RCW 82.08.150, or other sales taxes that would be paid, if the sale were made to a consumer; or

(d)"

On page 5, after line 37 of the amendment, insert the following:

"**Sec. 3.** RCW 66.28.040 and 2016 c 235 s 15 are each amended to read as follows:

Except as provided under section 2 of this act, or permitted by the board under RCW 66.20.010, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor may, within the state of Washington, give to any person any liquor; but nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from

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furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150; nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises; nothing in this section prevents donations of wine for the purposes of RCW 66.12.180; nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises; and nothing in this section prevents a craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145."

On page 6, line 3 of the title amendment, after "organizations;" insert "amending RCW 66.28.040;"

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 92 by Senators Fortunato and Schoesler on page 5, line 28 to floor amendment no. 90.

The motion by Senator Schoesler carried and floor amendment no. 92 was adopted by voice vote.

Senators Fortunato and Keiser spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 90, as amended, by Senator Fortunato to Substitute Senate Bill No. 5781.

The motion by Senator Fortunato carried and floor striking amendment no. 90, as amended, was adopted by voice vote.

MOTION

On motion of Senator Fortunato, the rules were suspended, Engrossed Substitute Senate Bill No. 5781 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5781.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5781 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Cleveland, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Conway, Darneille, Hasegawa, Hobbs, Lias, O'Ban, Pearson, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5458, by Senator Takko

Changing the date in which community impact statements are provided to the department of corrections.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 5458 was substituted for Senate Bill No. 5458 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 5458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5458.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5458 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5621, by Senators Brown, Hobbs, Rivers, Sheldon, Ericksen, Warnick, Honeyford, Becker, Braun and Wilson

Concerning projects of statewide significance for economic development and transportation.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.
Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5621.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5621 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SENATE BILL NO. 5621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5632, by Senators O'Ban, Palumbo, Angel, Wilson, Zeiger, Rossi and Padden

Modifying organized retail theft provisions.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Padden spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5632.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi,

Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SENATE BILL NO. 5632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators Wilson, Keiser, Conway and King

Concerning the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises.

The measure was read the second time.

MOTION

Senator Wilson moved that the following floor amendment no. 100 by Senator Wilson be adopted:

On page 1, line 19, after "distributor of" strike "spirits" and insert "beer, spirits."

On page 1, line 20, after "to sell" strike "spirits" and insert "beer, spirits."

On page 1, at the beginning of line 2 of the title, strike "spirits and wine by a purchaser licensed to sell spirits" and insert "beer, spirits, and wine by the purchaser licensed to sell beer, spirits,"

Senators Wilson and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 100 by Senator Wilson on page 1, line 19 to Senate Bill No. 5665.

The motion by Senator Wilson carried and floor amendment no. 100 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

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ENGROSSED SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5729, by Senators Liias, Miloscia and Kuderer

Concerning legislative technology. Revised for 1st Substitute: Concerning legislative technology.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5729 was substituted for Senate Bill No. 5729 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following floor amendment no. 57 by Senators Liias and Miloscia be adopted:

On page 1, line 1 of the title, after "to" strike "legislative technology" and insert "making nonsubstantive changes to statutes affecting legislative technology administration"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 57 by Senators Liias and Miloscia on page 1, line 1 to Substitute Senate Bill No. 5729.

The motion by Senator Liias carried and floor amendment no. 57 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5729.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5729 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5435, which had been deferred on March 2, 2017, the fifty-third legislative day.

SECOND READING

SENATE BILL NO. 5435, by Senators Rivers, Cleveland and Darneille

Specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5435.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5573, by Senators McCoy, Hunt and Miloscia

Increasing membership of the state interoperability executive committee in order to foster interoperability. Revised for 1st Substitute: Increasing membership of the state interoperability executive committee and foster radio system interoperability.

MOTIONS

On motion of Senator McCoy, Substitute Senate Bill No. 5573 was substituted for Senate Bill No. 5573 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 5573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy and Zeiger spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Baumgartner: "What is the Senate rule, I was a little unclear on this bill on what it actually does. What is the Senate rule that requires the reading of the entire bill? And how would I invoke that?"

RULING BY THE PRESIDENT

President Habib: "Senator Baumgartner, ordinarily, you would be in a position to ask that the bill be read. You missed your opportunity because we are now on third reading. The bill has been read three times."

Senator Baumgartner: "Which rule number is it?"

REPLY BY THE PRESIDENT

President Habib: "Senator, that is rule 62."

PARLIAMENTARY INQUIRY

Senator Baumgartner: "And that would have to happen before the third reading, is that correct Mr. President?"

REPLY BY THE PRESIDENT

President Habib: "When the bill is being read if you object to my calling of the last line, or the other time you would make that objection would be when the motion is made to suspend the rule and consider the second reading the third, you would want to object and say, 'I don't want the second reading considered the third. I feel very strongly that this bill needs to be read a third time today or tomorrow'."

Senator Baumgartner: "Ok. Thank you Mr. President. I appreciate the clarification."

REMARKS BY THE PRESIDENT

President Habib: "Senator Baumgartner, I actually teach a class on legislative procedure and I know that you are already highly educated but we will get you the syllabus for that course if you would like to enroll."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5573.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5573 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa,

Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5537, by Senators King and Keiser

Authorizing licensed spirits and wine distributors to sell spirits and wine products to their employees in certain circumstances.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5537 was substituted for Senate Bill No. 5537 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5537.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Lias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Darneille, Kuderer, McCoy, Pearson, Van De Wege and Wellman

Excused: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5399, by Senators O'Ban, Miloscia, Darneille, Pearson, Takko and Hunt

Concerning the use of background checks for persons who work with children, persons with developmental disabilities, and vulnerable adults.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5399.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5289, by Senators Rivers, Liias, Miloscia, Carlyle and Kuderer

Modifying the infraction of and penalties for distracted driving.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5289 was substituted for Senate Bill No. 5289 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Liias and Chase spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5289.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt,

Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Takko, Van De Wege, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Becker, Ericksen, Fortunato, Hasegawa, Hawkins, Honeyford, Padden, Schoesler, Sheldon, Short, Walsh and Warnick

SUBSTITUTE SENATE BILL NO. 5289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Rolfes moved that the Senate advance to the ninth order of business.

MOTION

Senator Fain moved that the Senate adjourn until 10:00 o'clock a.m., Tuesday, March 7, 2017.

RULING BY THE PRESIDENT

President Habib: "The motion before the Senate that takes the highest precedence is the motion to adjourn. So, the question before the Senate is the motion to adjourn. If members of the Senate want to discuss further the motion by Senator Rolfes, they would first have to defeat the motion by Senator Fain to adjourn."

Senator Liias objected to the motion by Senator Fain to adjourn and demanded a roll call.

The President declared that the question before the Senate to be the motion by Senator Fain that the Senate adjourn until 10:00 o'clock a.m., Tuesday, March 7, 2017.

ROLL CALL

The Secretary called the roll on the on the motion by Senator Fain and the motion was carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

At 5:09 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 7, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, March 7, 2017

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Kaitlyn Riley and Mr. Gary Tou, presented the Colors. Page Mr. Aiden Herrick led the Chamber in the Pledge of Allegiance.

The prayer was offered by Reverend Meredith Manning Brown of Evergreen United Methodist Church, Lacey.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Mr. Gurmit Singh; Mr. Hacchinder Sandho; Mr. Sam Virk; and Mr. Balbir Singh, guests of Senator Fain, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Mr. Gurmit Singh, Priest of Sikh Temple, Auburn to bless the Senate. Mr. Hacchinder Sandho provided the translation.

REMARKS BY THE PRESIDENT

President Habib: "Thank you gentlemen, and thank you for being here. Our thoughts are with the victim of this crime and your community and the fourteen temples around Washington state that you operate. Thank you so much."

Editor's Note: On Monday, March 6, a resident of Kent, wearing clothing traditional to the Sikh faith, was confronted, assaulted and shot by an assailant unknown to him. The victim was treated and released from the hospital later in the week.

PERSONAL PRIVILEGE

Senator Fain: "Thank you Mr. President. I greatly appreciate the Chamber allowing our guests down today, but more importantly I am greatly appreciative of the comments I have heard from many members in the Senate today. I share in the appreciation that I wish to extend to you that you are willing to come down and spend this time today. Your community, our community, was shocked by the events recently and I think that it was important that we have a moment to, as one community, as one State Senate, as one State of Washington, to be able to say in one voice that we appreciate you and we stand by you, and we are very honored by your presence here today. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Frockt: "Thank you Mr. President. On behalf of this side of the aisle, I wanted to rise on our behalf and say thank you for being here. Know that as Senator Fain said, the entire state of Washington was shocked by this hate crime, we were shocked by what we had seen at religious centers and religious institutions around the country. And please know that in this

America, a pluralistic America, Sikhs, Jews, Muslims, Catholics, all denominations are always welcome and part of America's fabric. I want to thank, especially Senator Fain, for arranging this, we are appreciative of it. And we thank you again for being here."

PERSONAL PRIVILEGE

Senator Keiser: "As the other Senator from the Kent region, I'd like to also extend my thanks to Senator Fain, as well as to our guests today. I have visited your temple. I've seen the graffiti that has been spray painted on it in the past that has been the subject of hate. And I want to announce that on Saturday from 2 p.m. to 5 p.m. at the Kent Town Square there will be a rally in support of our communities, and it is a love not hate rally. This is on Second Avenue in Kent from 2 p.m. to 5 p.m. and you are all invited."

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 6, 2017

MR. PRESIDENT:

The House has passed:

HOUSE JOINT MEMORIAL NO. 4011,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 6, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1070,
HOUSE BILL NO. 1089,
SUBSTITUTE HOUSE BILL NO. 1155,
SECOND SUBSTITUTE HOUSE BILL NO. 1168,
SUBSTITUTE HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1433,
HOUSE BILL NO. 1475,
HOUSE BILL NO. 1859,
HOUSE BILL NO. 2052,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 6, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1043,

HOUSE BILL NO. 1132,
 SUBSTITUTE HOUSE BILL NO. 1266,
 SECOND SUBSTITUTE HOUSE BILL NO. 1280,
 HOUSE BILL NO. 1492,
 HOUSE BILL NO. 1734,
 SUBSTITUTE HOUSE BILL NO. 1747,
 SUBSTITUTE HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1816,
 SUBSTITUTE HOUSE BILL NO. 1863,
 SUBSTITUTE HOUSE BILL NO. 1877,
 SUBSTITUTE HOUSE BILL NO. 1944,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 6, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1046,
 HOUSE BILL NO. 1063,
 SECOND SUBSTITUTE HOUSE BILL NO. 1170,
 SUBSTITUTE HOUSE BILL NO. 1176,
 SUBSTITUTE HOUSE BILL NO. 1196,
 SUBSTITUTE HOUSE BILL NO. 1421,
 SECOND SUBSTITUTE HOUSE BILL NO. 1541,
 SUBSTITUTE HOUSE BILL NO. 1566,
 SUBSTITUTE HOUSE BILL NO. 1787,
 HOUSE BILL NO. 1794,
 SECOND SUBSTITUTE HOUSE BILL NO. 1929,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5865 by Senators Fain, Zeiger and Miloscia

AN ACT Relating to prohibiting contributions to candidates by entities with close financial interests in state policy; amending RCW 42.17A.405; reenacting and amending RCW 42.17A.005; adding a new section to chapter 82.32 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

SHB 1060 by House Committee on Health Care & Wellness (originally sponsored by Representatives Blake, J. Walsh, Appleton and Chapman)

AN ACT Relating to the administration of marijuana to students for medical purposes; amending RCW 69.51A.060; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 69.51A RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1115 by House Committee on Education (originally sponsored by Representatives Bergquist, Muri, Ortiz-

Self, Harris, Stanford, Stambaugh, Gregerson and Kilduff)

AN ACT Relating to paraeducators; amending RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new chapter to Title 28A RCW; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

EHB 1201 by Representatives Stonier, Orcutt, Harris, Wylie, J. Walsh, Riccelli, Tharinger and Ormsby

AN ACT Relating to the taxing authority of public facilities districts; and amending RCW 82.14.390 and 82.14.485.

Referred to Committee on Ways & Means.

EHB 1237 by Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey and Stanford

AN ACT Relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

Referred to Committee on Commerce, Labor & Sports.

EHB 1248 by Representatives Griffey, Appleton, Goodman, Klippert, Holy and Hayes

AN ACT Relating to correcting a conflict between state and federal law regarding class I correctional industries work programs; and amending RCW 72.09.111.

Referred to Committee on Law & Justice.

EHB 1322 by Representatives Kilduff, Harris, Kagi, Senn, Cody, Short, McDonald, Calder, Dent, Tharinger, Dye, Robinson, Lovick, Appleton, Goodman, Fey, Hudgins, Sawyer, Muri, Jinkins, McBride and Doglio

AN ACT Relating to reducing training requirements for developmental disability respite providers working three hundred hours or less in any calendar year; and amending RCW 74.39A.076.

Referred to Committee on Health Care.

ESHB 1340 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jinkins, Johnson, Robinson and Tharinger)

AN ACT Relating to modernizing substance use disorder professional practice; amending RCW 18.205.010, 18.205.020, 18.205.030, 18.205.040, 18.205.080, 18.205.090, 18.205.095, 10.77.079, 13.40.042, 18.130.040, 43.70.442, 70.96B.010, 70.96B.090, 70.97.010, 70.97.010, 70.97.030, 71.34.720, and 71.34.760; reenacting and amending RCW 13.40.020, 71.05.020, 71.34.020, and 71.34.720; providing effective dates; and providing expiration dates.

Referred to Committee on Health Care.

SHB 1347 by House Committee on Local Government (originally sponsored by Representatives Riccelli, Holy and Ormsby)

AN ACT Relating to the creation of a countywide port district within a county containing no port districts; amending RCW 53.12.172; adding a new section to chapter 53.04 RCW; and providing an expiration date.

Referred to Committee on Local Government.

ESHB 1359 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Harris, Macri, Kilduff, Riccelli, Cody, Slatter, Appleton, Kloba, Frame and Doglio)

AN ACT Relating to notice of charity care availability at time of billing and collection; amending RCW 70.170.060; and providing an effective date.

Referred to Committee on Health Care.

2SHB 1402 by House Committee on Appropriations (originally sponsored by Representatives Jinkins, Griffey, Rodne, Goodman, Muri, Kilduff, Orwall, Haler, Kirby, Hansen, Frame, Johnson, Appleton, Ortiz-Self and Cody)

AN ACT Relating to the rights and obligations associated with incapacitated persons and other vulnerable adults; amending RCW 74.34.020 and 11.92.043; adding a new section to chapter 11.92 RCW; adding a new section to chapter 2.72 RCW; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1413 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Macri, Harris, Jinkins, Appleton and Springer)

AN ACT Relating to specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment; amending RCW 70.02.230; reenacting and amending RCW 70.02.230; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1420 by House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins, MacEwen and Bergquist)

AN ACT Relating to theatrical wrestling; amending RCW 67.08.100 and 67.08.160; reenacting and amending RCW 67.08.002; adding a new section to chapter 67.08 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

E2SHB 1426 by House Committee on Appropriations (originally sponsored by Representatives Robinson, Harris, Cody, Caldier, Rodne, Slatter, Jinkins, Peterson, Kilduff and Kagi)

AN ACT Relating to persons and entities to whom the department of health may provide prescription monitoring

program data; amending RCW 70.225.040; adding a new section to chapter 70.225 RCW; and creating a new section.

Referred to Committee on Health Care.

ESHB 1427 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Peterson and Pollet)

AN ACT Relating to opioid treatment programs; and amending RCW 71.24.560, 71.24.585, 71.24.590, and 71.24.595.

Referred to Committee on Health Care.

ESHB 1432 by House Committee on Appropriations (originally sponsored by Representatives Robinson, Harris, Jinkins, Pollet, Kilduff, Slatter and Cody)

AN ACT Relating to foundational public health services; amending RCW 43.70.512, 43.70.514, and 43.70.516; adding a new section to chapter 43.70 RCW; repealing RCW 43.70.520; and creating a new section.

Referred to Committee on Health Care.

SHB 1477 by House Committee on Health Care & Wellness (originally sponsored by Representatives Kilduff, Muri, Lytton, Stambaugh, Orwall, McDonald, Robinson, Lovick, Goodman, Sells, Appleton and Fey)

AN ACT Relating to disclosure of health-related information with persons with a close relationship with a patient; amending RCW 70.02.050, 70.02.200, 70.02.220, and 70.02.230; reenacting and amending RCW 70.02.230; adding a new section to chapter 70.02 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1490 by House Committee on Transportation (originally sponsored by Representatives Fey, Rodne, Clibborn, Hargrove, Riccelli, Van Werven, McBride and Irwin)

AN ACT Relating to eliminating the requirement that a city or town provide preservation rating information on a certain percentage of its arterial network; and amending RCW 46.68.113.

Referred to Committee on Transportation.

ESHB 1493 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Harmsworth, Smith, Tarleton and Stanford)

AN ACT Relating to biometric identifiers; and adding a new chapter to Title 19 RCW.

Referred to Committee on Law & Justice.

HB 1499 by Representatives Pollet, Ryu, Sells, Lovick, Bergquist and Stanford

AN ACT Relating to creating protections and fairness for students in the student loan disbursement process; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education.

SHB 1501 by House Committee on Judiciary (originally sponsored by Representatives Hansen, Hayes, Kagi, Smith, Tharinger, Clibborn and Muri)

AN ACT Relating to protecting law enforcement and the public from persons who illegally attempt to obtain firearms; amending RCW 43.10.232; adding a new section to chapter 9.41 RCW; adding new sections to chapter 43.43 RCW; adding a new section to chapter 36.28A RCW; and creating a new section.

Referred to Committee on Law & Justice.

ESHB 1508 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew)

AN ACT Relating to promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205, 28A.235.150, and 28A.235.160; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 1520 by House Committee on Appropriations (originally sponsored by Representatives Tharinger, Short, Cody, Schmick and Springer)

AN ACT Relating to allowing alternative payment methodologies for critical access hospitals participating in the Washington rural health access preservation pilot; and amending RCW 74.09.5225.

Referred to Committee on Health Care.

HB 1530 by Representatives Gregerson, Morris and Appleton
AN ACT Relating to grandfathering the accrual of vacation leave above the statutory maximum for certain employees of the Washington state ferries; amending RCW 43.01.040; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 1531 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chapman, DeBolt, Blake, Koster, Orcutt, Tharinger, Kraft, Pettigrew, Smith, Dolan and Fitzgibbon)

AN ACT Relating to the forestry riparian easement program; and amending RCW 76.13.120.

Referred to Committee on Natural Resources & Parks.

HB 1578 by Representatives Dent, Ortiz-Self, McBride, Lovick, Dye, Harris and Griffey

AN ACT Relating to irrigation district authority; and amending RCW 87.03.015, 87.03.0155, and 87.03.115.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1594 by House Committee on Appropriations (originally sponsored by Representatives McBride, Nealey, Springer, Clibborn, Hayes, Gregerson, Peterson, Koster, Griffey, Klippert, Kilduff, Muri, Senn, Goodman, Haler, Robinson, Sells, Steele, Fitzgibbon, Fey, Kraft, Bergquist, Smith, Tharinger, Stanford, Kloba, Jinkins, Hargrove, Slatter and Kagi)

AN ACT Relating to improving public records administration; amending RCW 42.56.152, 42.56.520, 42.56.570, 40.14.024, and 36.22.175; adding a new section to chapter 40.14 RCW; creating new sections; making an appropriation; and providing expiration dates.

Referred to Committee on State Government.

EHB 1595 by Representatives Nealey, McBride, Senn, Springer, Koster, Klippert, Dye, Schmick, J. Walsh, Haler, Manweller, Harris, Dent, Peterson, Bergquist, Gregerson, Clibborn, Fey, Fitzgibbon, Dolan, Wilcox, Lytton, Griffey, Hayes, Muri, Goodman, Robinson, Sells, Steele, Kraft, Smith, Tharinger, Stanford, Kloba, Jinkins, Hargrove, Slatter and Kagi

AN ACT Relating to costs associated with responding to public records requests; and amending RCW 42.56.070, 42.56.080, and 42.56.120.

Referred to Committee on State Government.

HB 1603 by Representatives Kilduff, Sawyer, Goodman, McBride and Frame

AN ACT Relating to updating the child support economic table based on recommendations of the child support work group; amending RCW 26.19.020; and providing an effective date.

Referred to Committee on Law & Justice.

E2SHB 1612 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Harris, Jinkins, Goodman, Haler, Robinson, Fey, Kilduff and McBride)

AN ACT Relating to a public health educational platform for suicide prevention and strategies to reduce access to lethal means; amending RCW 43.70.445, 43.70.442, and 9.41.113; adding new sections to chapter 43.70 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Human Services, Mental Health & Housing.

E2SHB 1614 by House Committee on Transportation (originally sponsored by Representatives Goodman, Klippert, Orwall, Hayes, Pellicciotti, Holy, Griffey, Pettigrew, Muri and Haler)

AN ACT Relating to impaired driving; amending RCW 46.20.385, 46.20.720, 46.61.506, 46.61.517, and 46.64.025; and reenacting and amending RCW 9.96.060, 10.31.100, and 46.61.5055.

Referred to Committee on Law & Justice.

SHB 1624 by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

AN ACT Relating to working connections child care eligibility for vulnerable children; amending RCW 43.215.135; creating new sections; and providing an effective date.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1630 by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington homeless client management information system; and amending RCW 43.185C.180.

Referred to Committee on Human Services, Mental Health & Housing.

EHB 1654 by Representatives McCaslin, Bergquist, Ortiz-Self, Muri and Pollet

AN ACT Relating to changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes; amending RCW 28A.660.020 and 28A.660.035; and repealing RCW 28A.660.040.

Referred to Committee on Early Learning & K-12 Education.

SHB 1655 by House Committee on Appropriations (originally sponsored by Representatives Lovick, Holy, Griffey, Hayes, Sells, Doglio, Stokesbary, Frame, Irwin, Fitzgibbon, Pike, Fey, Goodman, Pollet and Stanford)

AN ACT Relating to providing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system; and amending RCW 51.08.142.

Referred to Committee on Commerce, Labor & Sports.

SHB 1673 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Doglio, Sells, Gregerson, Ormsby, Macri, Goodman, Frame, Stonier, McBride, Cody, Senn, Ortiz-Self and Pollet)

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; amending RCW 39.04.350; creating a new section; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

SHB 1683 by House Committee on Environment (originally sponsored by Representatives Appleton and Griffey)

AN ACT Relating to sewer service within urban growth areas; and amending RCW 36.70A.110.

Referred to Committee on Local Government.

HB 1722 by Representatives Kirby and Vick

AN ACT Relating to wholesale vehicle dealers; amending RCW 46.70.005, 46.70.011, 46.70.023, 46.70.027, and 46.70.070; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1755 by House Committee on Labor & Workplace Standards (originally sponsored by Representative Manweller)

AN ACT Relating to notice to state fund employers for certain workers' compensation third-party settlements; and amending RCW 51.24.090.

Referred to Committee on Commerce, Labor & Sports.

HB 1772 by Representatives Appleton, Johnson, Tharinger, Jinkins, Harris, Goodman and Santos

AN ACT Relating to increasing the personal needs allowance for persons receiving state-financed care; adding a new section to chapter 74.09 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SHB 1782 by House Committee on Health Care & Wellness (originally sponsored by Representatives Stonier, Harris, Cody, Schmick and Caldier)

AN ACT Relating to dental laboratories; adding new sections to chapter 18.32 RCW; and prescribing penalties.

Referred to Committee on Health Care.

E2SHB 1783 by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and Pollet)

AN ACT Relating to legal financial obligations; amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections.

Referred to Committee on Law & Justice.

2SHB 1789 by House Committee on Appropriations (originally sponsored by Representatives Jinkins, Pettigrew, Frame, Stambaugh, Ortiz-Self, Fitzgibbon, Macri, Ormsby and Gregerson)

AN ACT Relating to rehabilitated offenders; and creating new sections.

Referred to Committee on Law & Justice.

E2SHB 1802 by House Committee on Appropriations (originally sponsored by Representatives Reeves, Springer, Kilduff, Farrell, Appleton, Stonier, Stanford, Kloba, Frame, Ryu, Tharinger, Pellicciotti, Macri, Chapman, Fitzgibbon, Jinkins, Orwall, Doglio, Lovick,

Riccelli, Peterson, Gregerson, Blake, Ortiz-Self, Ormsby, Bergquist, Fey and Pollet)

AN ACT Relating to increasing the access of veterans, military service members, and military spouses to shared leave in state employment; amending RCW 41.04.665; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on State Government.

ESHB 1807 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Pellicciotti, Hudgins, Riccelli, Orwall, Kirby, Macri, Pollet, Appleton, Wylie, Fitzgibbon, Sawyer, Frame, Lovick, Reeves, Slatter, Chapman, Ryu, Kagi, Doglio, Ortiz-Self, McBride, Farrell, Ormsby and Bergquist)

AN ACT Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2017; amending RCW 42.17A.235 and 42.17A.240; reenacting and amending RCW 42.17A.005; adding new sections to chapter 42.17A RCW; and creating new sections.

Referred to Committee on State Government.

ESHB 1808 by House Committee on Transportation (originally sponsored by Representatives Clibborn, McDonald, Kagi, Caldier, Senn, Graves, Lovick, Dent, McBride, Farrell, Wylie, Slatter, Macri, Doglio, Robinson, Ortiz-Self, Ormsby, Sells, Fey, Frame, Muri, Riccelli, Springer, Jinkins, Gregerson, Stanford and Pollet)

AN ACT Relating to providing support for foster youth in obtaining drivers' licenses and automobile liability insurance; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1820 by House Committee on Environment (originally sponsored by Representatives Volz, Tharinger, Senn, McCaslin, Koster, Haler, Shea, Irwin and Holy)

AN ACT Relating to the maintenance and operations of parks and recreational land acquired through the conservation futures program; and amending RCW 84.34.240.

Referred to Committee on Natural Resources & Parks.

EHB 1857 by Representatives Kloba, Sawyer, Appleton and Condotta

AN ACT Relating to marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, processor wholesale events, and jurisdictional requirements; amending RCW 69.50.325, 69.50.331, 69.50.372, and 66.08.100; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

SHB 1867 by House Committee on Appropriations (originally sponsored by Representatives Fey, Stambaugh, Senn, Kagi, Kilduff, Appleton, Graves,

Hudgins, Orwall, Ryu, Sells, Stanford, Robinson, McDonald, Ortiz-Self, Doglio, Slatter, Tharinger and Ormsby)

AN ACT Relating to improving transitions in extended foster care to increase housing stability for foster youth; amending RCW 74.13.031; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1906 by Representatives Orcutt, Blake, McDonald, Pike and Doglio

AN ACT Relating to the expansion of counties qualifying for the farm internship program, including certain southwest Washington counties; amending RCW 49.12.470; amending 2014 c 131 s 5 (uncodified); and providing expiration dates.

Referred to Committee on Commerce, Labor & Sports.

EHB 1924 by Representatives Dent and Fitzgibbon

AN ACT Relating to small forest landowners; and amending RCW 19.30.010, 76.04.205, and 70.94.6534.

Referred to Committee on Commerce, Labor & Sports.

ESHB 1952 by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Blake, J. Walsh, Pellicciotti, Chapman, Stambaugh and Ormsby)

AN ACT Relating to enforcement of the electrical laws; amending RCW 19.28.010; adding a new section to chapter 19.28 RCW; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

EHB 2005 by Representatives Lytton, Nealey, Kagi and Ormsby

AN ACT Relating to improving the business climate in this state by simplifying the administration of municipal general business licenses; adding a new chapter to Title 35 RCW; and creating a new section.

Referred to Committee on Commerce, Labor & Sports.

2SHB 2009 by House Committee on Appropriations (originally sponsored by Representatives Reeves, Stonier, Riccelli, Peterson, Doglio, Jinkins, Kilduff, Lovick, Tarleton, McBride, Ormsby, Stanford, Orwall, Muri, Slatter, Ryu and Fey)

AN ACT Relating to providing higher education support for gold star families; amending RCW 28B.15.621; and creating a new section.

Referred to Committee on Higher Education.

ESHB 2121 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Tarleton and Macri)

AN ACT Relating to income eligibility for temporary assistance for needy families benefits for a child who lives with a nonparent caregiver; creating a new section; repealing RCW 74.12.037; and providing an effective date.

Referred to Committee on Human Services, Mental Health & Housing.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

PERSONAL PRIVILEGE

Senator Carlyle: “Thank you so much Mr. President. The institution of government in this Chamber and across the hall lost a great giant this morning and it is my sad duty to share with you Mr. President that former Representative Helen Sommers, who served the 36th District for thirty-six years passed away this morning. In 2008, when I had the extraordinary honor of being elected by the people of the 36th District to succeed Representative Sommers, it was an extraordinarily meaningful opportunity to learn about government, to learn about higher education, to learn about public policy at a whole different level and she represented the best of our representative democracy. She was the first woman elected in 1972 from our district, from an area that was an extremely competitive area and just had an extraordinary career spanning 36 years. She served in the House as Chair of the Appropriations Committee for many, many years and I think all of us can recognize that the state, for example of our pension system is among the strongest in the nation today because of her incredible singular focus on the core integrity of the financial wherewithal of that system. I think we can also recognize that she had a special place in her heart for higher education, the University of Washington, and so many other institutions and played just an extraordinary role. So, it is just a deep personal honor on behalf of the people of the 36th Legislative District, on behalf of the 7 million people of our state, on behalf of women’s voices, on behalf of so many people that she represented on so many different levels to bring just an incredible sense of personal conviction, the integrity of public service, the integrity of public policy, and I just want to honor her on this day and show my appreciation to this institution and the institution that she served directly for so many years. And it is very meaningful to me to have the opportunity to succeed her and I encourage all of my colleagues when they have some time to read the oral history that she shared with us through the Secretary of State’s Office. It is a fabulous read that really goes through our latest history. Thank you Mr. President and I ask that you join us in recognizing her service.”

PERSONAL PRIVILEGE

Senator Sheldon: “Thank you Mr. President. It is sad to hear and I am glad that Senator Carlyle brought us that news, although it is so sad. I had the opportunity to serve with Representative Sommers in the Democratic Caucus for many years in the House of Representatives. What an outstanding Representative she was. She brought a degree in economics, and she was very concerned about all the citizens of Washington. Incidentally she owned an apartment house in Shelton and one time there was a fire at that apartment house and it was a pretty big loss and so we worked together on some of the insurance

issues and she was a very good business person because she had those business principals that she brought to Olympia and applied in everything she did and all the budgets that we went through in the House in those days. So it is a big loss. I have just incredible memories of her and her outstanding will and personality and she was a force here in Olympia for many many years and will be sadly missed. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Conway: “I also rise here saddened by the news of losing Helen. Helen was a very special person, leading the House for many years. I was one of her ‘pension nerds’. There was a group of us who were called her pension nerds because I will let you know that not many people understood pensions in the 1970s and 1980s and even into the 1990s. The pension world was so complicated, the funding of pensions was so complicated that there were very few people that actually understood how to fund our pension system and Helen gathered those who were willing to take the time to try and understand our pension system and to really work at ensuring that we fund the system properly. And recognizing that this isn’t something that should be taken lightly. In fact, Helen was responsible for many of the institutions of our pension system. But I think you know Helen was also so deeply committed to higher education. I can’t tell you the times that I served on the Ways & Means, I mean the Appropriations Committee in the House for many years, I can’t tell you how many times she fought over ensuring that there was appropriate funding for higher ed in these budgets because sometimes we run away from higher ed institutions and they come secondary in our funding schemes. And Helen, Helen worked very hard to ensure that the House at that time recognize the importance of funding higher ed. You know I know a lot of the personal stories here and I don’t think they are all in the memoir, because there were some interesting tensions that went on, but Helen was a very sincere person. She spoke her mind. She wasn’t one to hide behind politics. She was one who told you exactly where she was at and exactly what she wanted to see happen. And you know losing her is a real loss to our state, I mean I really mean that. This is one of the great leaders of our state in the late part of the last century and I am saddened to hear this news and I am hoping we can, as a state, find a fitting way to honor her. Thank you.”

PERSONAL PRIVILEGE

Senator Bailey: “You know there are some people that really get your attention. Helen was definitely one of those individuals. When I first came to the Legislature in the House, there was one person that I valued their opinion on things and that was Helen Sommers. In trying to learn the ins and outs of Ways & Means, actually we called it Appropriations at that time, I did find that there was a place there that I was really drawn to and that was our state pension system. The good gentleman that just spoke talked about that. He and I worked very hard to continue to make sure that we have viable pension systems. And even the time when we are not in session he and I have been working on pensions for some time. Helen was one of those people though, that if you really wanted to know where everything, as they say, ‘Where the skeletons are,’ Helen is the one that you would go and talk with. My seatmate at that time was a gentleman by the name of Barry Sehlin. And Barry was Chair of Appropriations, or actually the Minority Chair, and Barry had absolutely wonderful things to say about Helen in trying to train me in the House about how Appropriations worked. And I just remember

the unique relationship that Barry Sehlin and Helen Sommers had and it was so impressive to see how two people could work together productively but yet still have their own separate interests and ways of thinking about things but yet come together in the end. It was very impressive. It had a lasting impression upon me. I really feel as though this state has had an incredible loss. Thank you.”

PERSONAL PRIVILEGE

Senator Keiser: “Well, I too, was fortunate enough to be trained by Helen Sommers in the Appropriations Committee, and it was great training. And one of the things I learned from her was that it is really hard to be in a position, like Chair of an appropriations committee or other important financial committees, and not get really beat up. And she was one tough woman. She had to be. I remember one of her campaigns, her slogan was ‘unbought and unbowed’. So that sort of gave you a flavor of her attitude. And she was firm, and there is no other word for it. One of the best things she ever did for our state besides invest in higher education facilities and institutions was to make sure we have the most well-financed and stable pension system in the entire country. We owe Helen Sommers and she has given us a great legacy.”

PERSONAL PRIVILEGE

Senator Rossi: “Mr. President, there are many people on this floor who will never know Helen Sommers. There are many people on this floor and maybe watching now that never had the privilege of working with her. But when I was Chairman of the Senate Ways & Means Committee, she was my counterpart in the House. And my wife started asking questions, ‘Who is this woman in the House you are spending so much time with?’ Well it was Helen Sommers and she would tell me stories. Some of the stories about the difficult times when it is easy for legislators to add things to the pension system because they know it is not going to show up in the next election or even the election after that. But it is going to snowball and be something large in the future and she explained to me she was in the forefront. Why do you think you have a PERS 2? Why do you think you have a TERS 2? Why do you think you have these pension systems? Because they had to stop them, and she told me how difficult it was. She was very pragmatic and that got her sideways sometimes with her caucus. The state has lost a great public servant, a great public servant. And I am honored to stand here and tell you that, especially those of you who have never met her or will never have a chance to know her. She truly was one of the best ones we had down here. Thank you.”

PERSONAL PRIVILEGE

Senator Walsh: “I knew her for a lot of years too and I was always intrigued by her. When I first got here everyone used to call her Dr. Spock. And I always thought that was so funny but, as you got to know her, and you saw her very stoic nature and she always looked very serious. As a freshman in the House I was appointed to the Appropriations Committee and I just made it my goal everyday to crack a smile out of that woman. And she was so serious and she took her job so completely seriously and she did it with such incredible class. And frankly I come from a line of great women who have represented my district, one of them, the first President of the Senate, for example, but I have to tell you my admiration for Helen Sommers was very very deep.

That was a strong and brilliant woman, and I looked up to her and admired her greatly, but I did like to make her laugh. And I remember her flying over to Kennewick because there was this great little program about reading to your kids for twenty minutes a day that she was very intrigued with. And actually flew over and went and we toured the district, and went and talked with the Kennewick School District. Just had a great time. She loved the fact that eastern Washington, the ice age had gone through and left these incredible formations on the ground. And she used to love to fly above that and see that. And we used to talk about things like that. And the last trip I had with her I went and visited the Fircrest and Lakewood, the other DD (developmentally disabled) facility here on the west side. And she asked me, she said, ‘Oh, just come with me. We’ll drive together.’ Bad mistake! She was a terrible driver. And when I got done with that trip I almost had whiplash. But you know it was such an incredible honor for me to be able to travel with her and have that little chit-chatty discussion and just feel like I was her friend. And anyway, I just admired her greatly and so I am glad we’re honoring a great woman today especially in light of the fact that this is the week of women, or tomorrow is the day for women. She certainly rises high in the class of great women. I admired her.”

EDITOR’S NOTE: Senator Jeanette Haynes, 16th Legislative District, was the first female Senate Majority Leader.

PERSONAL PRIVILEGE

Senator Hunt: “Well, I had the honor of working with Helen Sommers as an agency person and as a legislator. In the late 1990s we had some, actually early 1990s, we had some major problems with computer projects. And it was my job at my agency to help draft some bill to try to deal with that and we tried to dot every i and cross every t. It turned out to be a very specific bill because everybody had to have his or her buyoff. We brought it in to Helen Sommers. She called me later and she said ‘I had to give that to staff. Don’t ever bring me a bill like that again. It is too specific.’ She looked down her glasses at me and put the fear of God into me. It was amazing. But I also had the honor of having my brother-in-law serve as her campaign treasurer for years. So we worked with her on that end. And finally when I got on the Appropriations Committee I was sitting there one day and a person from the Burke Museum came in with a box of bones and things and the member sitting next to me who was a new member said ‘Oh God, what is this? Why do we have to do this?’” And I said ‘Well, Representative, the Burke Museum is probably Helen Sommers’ favorite state agency and we are going to learn about it today.’ He looked at me and said ‘Oh good, whatever she wants’. That was Helen.”

PERSONAL PRIVILEGE

Senator Chase: “Thank you Mr. President. You know I first met Helen Sommers in 1968 when she came to Seattle after serving fourteen years in South America for Mobil Oil. She became a student at the University of Washington and got a Bachelor’s Degree and a Master’s Degree in Economics. But more than that, she was the second President of the National Organization of Women in Seattle/King County. And the following year she became the first statewide President for NOW. She also was very active in the League of Women Voters, becoming their President in 1971. She worked at Seattle/King County government. When she first ran for office she took time

off to campaign, took a leave of absence. And that was in 1972, often it is called the Year of the Woman. And I had hoped to be able to talk about Helen and her feminist views tomorrow on International Women's Day but I think it is appropriate for us remember the great contributions she made to women. She classified herself as an outspoken feminist, and that she was. We will indeed miss her but we will remember her in spirit. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Darneille: "Thank you Mr. President. I am very saddened by this news today. When I was a freshman in the other body, that was the year of the earthquake, and for those of you who knew Helen, nothing would deter her. She was short in stature, quick in movement, and I can remember very distinctly as we were heading into the floor of the new House, which was Hearing Room A, became the new House of Representatives after the earthquake. And her racing up behind me and saying to me that I had singularly asked for more money in the budget than any other legislator. And, Senator Braun's not listening to me right now, but that has not changed. But what I said to her was that I was an old development officer and the number one rule in development is 'If you don't ask, you don't get' to which I got my first hearty laugh out of her. I really recognized over those next few years how courageous she was because she didn't mind changing her view and I really saw this. Senator Walsh referred to it a moment ago, about going to Kennewick, but part of her discovery about brain science and early childhood education really caused a real change in attitude and commitment that Representative Sommers had to funding important programs that made real impacts on our state. As many of you know, most of us are House trained, but over there we don't have to be present to vote all the time. You have neighbors who can push a button for you and when she was negotiating the budget she was off the floor. And when she was learning about budget proposals from agencies she was off the floor. Not far off the floor but I sat in front of her on the floor and it was just miraculous that we had an identical voting record."

REMARKS BY THE PRESIDENT

President Habib: "Thank you, the President would like to speak on behalf of the Senate in giving our collective condolences to the Sommers family, recognizing and honoring Representative Sommers' tradition of work, the budgets she sculpted, the lives that she touched through those budgets her hard work and her mentorship to particularly women, but legislators in both parties, both chambers, of both genders and one final remark is that it is often easy for the media to cover our disagreements, our petty moments in this body but I hope that they give just as much credence and recognition to these moments when we come together in a bipartisan, even bicameral way to recognize those who have come before and the work that has been done together. I know it is not as newsworthy as the stories about a petty swipe here or there but I hope that the public takes notice of that important work that we all do. That being said let's begin that work today."

SECOND READING

SENATE BILL NO. 5490, by Senators O'Ban, Pedersen, Hunt and Darneille

Concerning notification requirements for the department of social and health services.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5490.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5403, by Senators O'Ban and Conway

Concerning ferry district authority.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes,

Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Hasegawa, Padden and Van De Wege

SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8204, by Senators Fortunato, Angel, Rossi, Bailey, Braun, Sheldon, Schoesler, Becker, Warnick and Baumgartner

Amending the Constitution to prohibit the taxation of individual income.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of Senate Joint Resolution No. 8204 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5232, by Senators Brown, Palumbo, Walsh, Dansel, Takko, Chase and Sheldon

Allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Short, Honeyford, Ericksen, Hobbs, Baumgartner and Darneille spoke in favor of passage of the bill.

Senators Carlyle, Ranker, McCoy and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes, Saldaña and Wellman

SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Joint Resolution No. 8204 which had been deferred earlier in the day.

SECOND READING

SENATE JOINT RESOLUTION NO. 8204, by Senators Fortunato, Angel, Rossi, Bailey, Braun, Sheldon, Schoesler, Becker, Warnick and Baumgartner

Amending the Constitution to prohibit the taxation of individual income.

The measure was read the second time.

MOTION

Senator Liias moved that the following floor amendment no. 106 by Senator Liias be adopted:

On page 2, line 5, after "income", insert "totaling less than two hundred fifty thousand (\$250,000) dollars"

Senators Liias, Chase and Hunt spoke in favor of adoption of the amendment.

Senators Brown and Ericksen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 106 by Senator Liias on page 2, line 5 to Senate Joint Resolution No. 8204.

The motion by Senator Liias failed and floor amendment no. 106 was not adopted by voice vote.

MOTION

Senator Pedersen moved that the following floor amendment no. 107 by Senator Pedersen be adopted:

On page 2, line 7, after "source", insert "without a vote of the people"

Senators Pedersen and Liias spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 107 by Senator Pedersen on page 2, line 7 to Senate Joint Resolution No. 8204.

The motion by Senator Pedersen did not carry and floor amendment no. 107 was not adopted by voice vote.

MOTION

Senator Nelson moved that the following floor amendment no. 108 by Senator Nelson be adopted:

On page 2, line 9, after "2017" insert "except that no new business and occupation tax preference may be enacted by the

legislature unless approved by a two-thirds vote in both the senate and the house of representatives. For the purposes of this subsection (c):

(i) "Business and occupation tax" means a tax on the gross receipts of a business operating in Washington, as a measure of the privilege of engaging in business. The term "gross receipts" means gross income, gross sales, or the value of products, whichever is applicable to a particular business.

(ii) "Business and occupation tax preference" means an exemption, exclusion, or deduction from the base of a state business and occupation tax; a credit against a state business and occupation tax; a deferral of a state business and occupation tax; or a preferential state business and occupation tax rate"

Senators Nelson and Chase spoke in favor of adoption of the amendment.

Senator Ericksen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 108 by Senator Nelson on page 2, line 9 to Senate Joint Resolution No. 8204.

The motion by Senator Nelson did not carry and floor amendment no. 108 was not adopted by voice vote.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Joint Resolution No. 8204 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Fortunato, Schoesler and Baumgartner spoke in favor of passage of the resolution.

Senators Liias and Pedersen spoke against passage of the resolution.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Hamilton International School who were seated in the gallery.

Senators Angel, Ericksen and O'Ban spoke in favor of passage of the resolution.

Senators Billig, Chase, Kuderer, Carlyle and Rolfes spoke against passage of the resolution.

POINT OF ORDER

Senator Fain: "I believe that the speaker is veering a little off at the moment."

REPLY BY THE PRESIDENT

President Habib: "I'm allowing her to finish this because she is responding to a statement the Majority Leader made, so in this case I am allowing it. She is not speaking to the levy cliff bill, as has been the case in other debates, but this is a wide-ranging issue. It is a constitutional amendment that is being proposed and she is responding to the Majority Leader."

Senator Rolfes continued her remarks.

Senator Padden spoke in favor of passage of the resolution.

Senators Hasegawa, Palumbo and Ranker spoke against passage of the resolution.

REMARKS BY THE PRESIDENT

President Habib: "And to be clear to members when I said that a political stunt was not an appropriate thing, that also goes for ploy, game, and every other synonym of the word stunt. And, I will cut off speakers who continue to impugn the motives of other senators. It is perfectly appropriate to disagree, it is not appropriate to cast in doubt the reasons or motives for bringing legislation."

POINT OF ORDER

Senator Liias: "Thank you Mr. President. I believe that Senator Baumgartner has spoken twice on this measure already."

REPLY BY THE PRESIDENT

President Habib: "Senator Liias are you raising a point of order under a particular rule? In the meantime, Senator Baumgartner."

Senator Baumgartner: "I would like to ask a question to Senator Nelson."

President Habib: "Senator Nelson, do you yield? The Senator does not yield."

POINT OF ORDER

Senator Liias: "Thank you Mr. President. Rule 29 says that 'no senator shall impeach the motives or speak more than twice during the consideration of any one question' so I believe that this is Senator Baumgartner's third speech which would be more than twice in violation of rule 29."

REPLY BY THE PRESIDENT

President Habib: "Senator Liias, there is debate about the full context of that rule. We will discuss this at a later time, it is not helpful to debate right now. Senator Baumgartner's in the midst of his remarks and I am deeming it more appropriate to allow him to continue his remarks and we will continue this debate and finally get to a vote, alright? Thank you. Your point of order is not well received."

Senator Baumgartner: "May I point my question toward Senator Chase."

President Habib: "I think you just continue your remarks right now. We are on thin ice. Let's just continue your remarks. Thank you."

Senator Baumgartner: "Thank you. I have a question Mr. President. It has been mentioned several times that no one supports an income tax on this floor. There are no considerations for an income tax. I think it is very germane, I don't think that's a point of clarity and I would like to get clarity on the issue. It is germane to the debate. So I would like to ask Senator Chase a question."

President Habib: "Senator Chase, do you yield to a question? She does not yield."

Senator Baumgartner concluded his remarks.

Senators Braun and Wilson spoke in favor of passage of the resolution.

Senators Frockt and Nelson spoke against passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8204.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8204 and the resolution failed to pass the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SENATE JOINT RESOLUTION NO. 8204, having failed to receive the required two-thirds majority, was declared lost.

SECOND READING

SENATE BILL NO. 5111, by Senators Braun, Ranker and Hunt

Enacting an excise tax on capital gains to improve the fairness of Washington's tax system and provide funding for the education legacy trust account.

The measure was read the second time.

MOTION

Senator Braun moved that the rules be suspended and that Senate Bill No. 5111 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Liias objected to the motion of Senator Braun to suspend the rules and advance the measure to third reading and final passage.

MOTION

Senator Liias demanded a division.

The President declared the question before the Senate to be the motion by Senator Braun to suspend the rules and advance Senate Bill No. 5111 to third reading and final passage and the motion carried on a rising vote.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5111 was deferred and the bill held its place on the third reading calendar.

MOTION

At 12:32 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of lunch and caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

AFTERNOON SESSION

The Senate was called to order at 3:24 p.m. by President Habib.

PERSONAL PRIVILEGE

Senator Hunt: "Talking to staff and looking at the Facebook page of the Archives, today marks the 90th anniversary of the first meeting in the Legislative Building. It was opened a year before it was actually finished. There are some interesting stories that I will not regale you with about costs of furniture and stuff."

Mr. President: "Senator Hunt, when did you get here?"

Senator Hunt: "I was here the year before that. I was in the old capital building. Thank you sir."

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you. This is the 90th anniversary of this building being opened and it was a day much like this that they originally planned on marching from the old capital, which is the SPI's Office, up to here. Unfortunately due to the rain storm they soon abandoned that idea, but I thought it also interesting that the cost for this building was \$6,500,000. You couldn't ever get that today. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Padden: "Well, it is a beautiful, beautiful building and it is the one time I think in my entire life I'm glad the liberals were in charge when this was built."

SECOND READING

SENATE BILL NO. 5362, by Senators Braun, Mullet, Baumgartner, Liias and Rossi

Providing an exemption from unemployment compensation for certain providers of commercial transportation services.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5362 was substituted for Senate Bill No. 5362 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the bill.

Senators Keiser and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Liias, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Nelson, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5465, by Senators Miloscia, Hasegawa, Rolfes, O'Ban, Darneille, Angel and Frockt

Creating an office of the corrections ombuds.

MOTION

On motion of Senator Miloscia, Substitute Senate Bill No. 5465 was substituted for Senate Bill No. 5465 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Miloscia moved that the following floor amendment no. 78 by Senator Miloscia be adopted:

On page 1, beginning on line 14, after "purpose," strike all material through "ombuds" on line 15 and insert "the office of the corrections ombuds is funded through the office of the state auditor"

On page 4, line 24, after "(1)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

Senator Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 78 by Senator Miloscia on page 1, line 14 to Substitute Senate Bill No. 5465.

MOTION

On motion of Senator Liias, Senator Saldaña was excused.

The motion by Senator Miloscia carried and floor amendment no. 78 was adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor amendment no. 83 by Senator Miloscia be adopted:

On page 1, beginning on line 14, after "purpose," strike all material through "ombuds" on line 15 and insert "the office of the

corrections ombuds is funded through the office of the state auditor"

On page 2, beginning on line 5, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 24, after "(1)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 6, line 12, after "(b)" insert "Prior to filing a complaint with the ombuds, an inmate shall have reasonably pursued resolution of the complaint through the internal grievance process with the department of corrections. However, in no event may an inmate be prevented from filing a complaint more than ninety days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Miloscia spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 83 by Senator Miloscia on page 1, line 14 to Substitute Senate Bill No. 5465.

The motion by Senator Miloscia carried and floor amendment no. 83 was adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed Substitute Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Pedersen and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5465.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5131, by Senators Rivers and Conway

Addressing provisions concerning marijuana with respect to research licenses, local authority notifications, the retail licensing application process, processor wholesale events, and jurisdictional requirements. Revised for 1st Substitute: Concerning marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, processor wholesale events, certain transfers of plants and seeds, licensing agreements and contracts, residency requirements, and jurisdictional requirements.

MOTION

On motion of Senator Rivers, Substitute Senate Bill No. 5131 was substituted for Senate Bill No. 5131 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor striking amendment no. 95 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 4. RCW 69.50.325 and 2016 c 170 s 1 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the state liquor and cannabis board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers ((and to produce marijuana)); (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250((-regulated by the state liquor and cannabis board and subject to annual renewal)); and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as described under section 11 of this act. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor and cannabis board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the

state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

Sec. 5. RCW 69.50.331 and 2015 2nd sp.s. c 4 s 301 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, or for the renewal of a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, the state liquor and cannabis board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) ~~((The state liquor and cannabis board must develop a competitive, merit-based application process that includes, at a minimum, the opportunity for an applicant to demonstrate experience and qualifications in the marijuana industry. The state liquor and cannabis board must give preference between competing applications in the licensing process to applicants that have the following experience and qualifications, in the following order of priority:~~

(i) First priority is given to applicants who:

(A) Applied to the state liquor and cannabis board for a marijuana retailer license prior to July 1, 2014;

(B) Operated or were employed by a collective garden before January 1, 2013;

(C) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and

(D) Have had a history of paying all applicable state taxes and fees;

(ii) Second priority must be given to applicants who:

(A) Operated or were employed by a collective garden before January 1, 2013;

(B) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and

(C) Have had a history of paying all applicable state taxes and fees; and

~~(iii) Third priority must be given to all other applicants who do not have the experience and qualifications identified in (a)(i) and (ii) of this subsection.~~

~~(b))~~ The state liquor and cannabis board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor and cannabis board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor and cannabis board and a criminal history record information check. The state liquor and cannabis board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor and cannabis board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the state liquor and cannabis board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the state liquor and cannabis board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

~~((e))~~ (b) No license of any kind may be issued to:

- (i) A person under the age of twenty-one years;
- (ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;
- (iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or
- (iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The state liquor and cannabis board may, in its discretion, subject to the provisions of RCW 69.50.334, suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products thereunder must be suspended or terminated, as the case may be.

(b) The state liquor and cannabis board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the state liquor and cannabis board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The state liquor and cannabis board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or

proceeding in any part of the state, under rules and regulations the state liquor and cannabis board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the state liquor and cannabis board or a subpoena issued by the state liquor and cannabis board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the state liquor and cannabis board. Where the license has been suspended only, the state liquor and cannabis board must return the license to the licensee at the expiration or termination of the period of suspension. The state liquor and cannabis board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the state liquor and cannabis board to implement and enforce this chapter. All conditions and restrictions imposed by the state liquor and cannabis board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of twenty-one years.

(7)(a) Before the state liquor and cannabis board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country under the jurisdiction of a federally recognized Indian tribe, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, ~~((e))~~ the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the state liquor and cannabis board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The state liquor and cannabis board may extend the time period for submitting written objections upon request from the authority notified by the state liquor and cannabis board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative

authority may request, and the state liquor and cannabis board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the state liquor and cannabis board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, state liquor and cannabis board representatives must present and defend the state liquor and cannabis board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the state liquor and cannabis board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

- (i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees;
- (ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and
- (iii) Bears no advertising or signage indicating that it is a marijuana research facility.

(9) ~~((Subject to section 1601 of this act,))~~ A city, town, or county may adopt an ordinance prohibiting a marijuana producer or marijuana processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the state liquor and cannabis board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other

licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

Sec. 6. RCW 69.50.372 and 2016 sp.s. c 9 s 1 are each amended to read as follows:

(1) A marijuana research license is established that permits a licensee to produce, process, and possess marijuana for the following limited research purposes:

- (a) To test chemical potency and composition levels;
- (b) To conduct clinical investigations of marijuana-derived drug products;
- (c) To conduct research on the efficacy and safety of administering marijuana as part of medical treatment; and
- (d) To conduct genomic or agricultural research.

(2) As part of the application process for a marijuana research license, an applicant must submit to the liquor and cannabis board's designated scientific reviewer a description of the research that is intended to be conducted. The liquor and cannabis board must select a scientific reviewer to review an applicant's research project and determine that it meets the requirements of subsection (1) of this section, as well as assess the following:

- (a) Project quality, study design, value, or impact;
- (b) Whether applicants have the appropriate personnel, expertise, facilities/infrastructure, funding, and human/animal/other federal approvals in place to successfully conduct the project; and
- (c) Whether the amount of marijuana to be grown by the applicant is consistent with the project's scope and goals.

If the scientific reviewer determines that the research project does not meet the requirements of subsection (1) of this section, the application must be denied.

(3) A marijuana research licensee may only sell marijuana grown or within its operation to other marijuana research licensees. The liquor and cannabis board may revoke a marijuana research license for violations of this subsection.

(4) A marijuana research licensee may contract with the University of Washington or Washington State University to perform research in conjunction with the university. All research projects, not including those projects conducted pursuant to a contract entered into under RCW 28B.20.502(3), must be approved by the scientific reviewer and meet the requirements of subsection (1) of this section.

(5) In establishing a marijuana research license, the liquor and cannabis board may adopt rules on the following:

- (a) Application requirements;
- (b) Marijuana research license renewal requirements, including whether additional research projects may be added or considered;
- (c) Conditions for license revocation;
- (d) Security measures to ensure marijuana is not diverted to purposes other than research;

(e) Amount of plants, useable marijuana, marijuana concentrates, or marijuana-infused products a licensee may have on its premises;

(f) Licensee reporting requirements;

(g) Conditions under which marijuana grown by licensed marijuana producers and other product types from licensed marijuana processors may be donated to marijuana research licensees; and

(h) Additional requirements deemed necessary by the liquor and cannabis board.

(6) The production, processing, possession, delivery, donation, and sale of marijuana, including immature plants or clones and seeds, in accordance with this section, RCW 69.50.366(3), and the rules adopted to implement and enforce ~~((#)) this section and RCW 69.50.366(3)~~, by a validly licensed marijuana researcher, shall not be a criminal or civil offense under Washington state law. Every marijuana research license must be issued in the name of the applicant, must specify the location at which the marijuana researcher intends to operate, which must be within the state of Washington, and the holder thereof may not allow any other person to use the license.

(7) The application fee for a marijuana research license is two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana research license is one thousand dollars. The applicant must pay the cost of the review process directly to the scientific reviewer as designated by the liquor and cannabis board.

(8) The scientific reviewer shall review any reports made by marijuana research licensees under liquor and cannabis board rule and provide the liquor and cannabis board with its determination on whether the research project continues to meet research qualifications under this section.

(9) For the purposes of this section, "scientific reviewer" means an organization that convenes or contracts with persons who have the training and experience in research practice and research methodology to determine whether a project meets the criteria for a marijuana research license under this section and to review any reports submitted by marijuana research licensees under liquor and cannabis board rule. "Scientific reviewers" include, but are not limited to, educational institutions, research institutions, peer review bodies, or such other organizations that are focused on science or research in its day-to-day activities.

Sec. 7. RCW 66.08.100 and 2012 c 117 s 269 are each amended to read as follows:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the board or any member thereof for anything done or omitted to be done in or arising out of the performance of his or her or their duties under this title. Neither the board nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done or omitted to be done by the board or any employee of the board in the performance of his or her duties and in the administration of this title or chapter 69.50 or 69.51A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 69.50 RCW to read as follows:

(1) A licensed marijuana business may enter into a licensing agreement, or consulting contract, with any individual, partnership, employee cooperative, association, nonprofit corporation, or corporation, for:

(a) Any goods or services that are registered as a trademark under federal law or under chapter 19.77 RCW;

(b) Any unregistered trademark, trade name, or trade dress; or

(c) Any trade secret, technology, or proprietary information used to manufacture a cannabis product or used to provide a service related to a marijuana business.

(2) All agreements or contracts entered into by a licensed marijuana business, as authorized under this section, must be disclosed to the state liquor and cannabis board.

Sec. 9. RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s 1, and 2016 c 178 s 1 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c)

determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be

expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW; ~~((and))~~

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section; ~~((and))~~

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure; ~~((and))~~

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; and

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under section 5 of this act, which may be submitted to or obtained by the state liquor and cannabis board.

Sec. 10. RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "Commission" means the pharmacy quality assurance commission.

(e) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules.

(f)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(g) "Deliver" or "delivery((~~er~~))" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(h) "Department" means the department of health.

(i) "Designated provider" has the meaning provided in RCW 69.51A.010.

(j) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(k) "Dispenser" means a practitioner who dispenses.

(l) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(m) "Distributor" means a person who distributes.

(n) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals;

and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(o) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(p) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(q) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(~~r~~) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

~~((s))~~ (s) "Isomer" means an optical isomer, but in subsection ~~((ed))~~ ~~(ce)~~(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

~~((t))~~ (t) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

~~((u))~~ (u) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

~~((v))~~ (v) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

~~((w))~~ (w) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other

compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

((w)) (x) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

((*) (y) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

((y)) (z) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

((z)) (aa) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

((aa)) (bb) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

((bb)) (cc) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

((ee)) (dd) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection ((v)) (w) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

((dd)) (ce) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

((ee)) (ff) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

((ff)) (gg) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

((gg)) (hh) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

((hh)) (ii) "Plant" has the meaning provided in RCW 69.51A.010.

((ii)) (jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((jj)) (kk) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

((kk)) (ll) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

~~((hh))~~ ~~(mm)~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

~~((nn))~~ ~~(nn)~~ "Qualifying patient" has the meaning provided in RCW 69.51A.010.

~~((oo))~~ ~~(oo)~~ "Recognition card" has the meaning provided in RCW 69.51A.010.

~~((pp))~~ ~~(pp)~~ "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

~~((qq))~~ ~~(qq)~~ "Secretary" means the secretary of health or the secretary's designee.

~~((rr))~~ ~~(rr)~~ "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

~~((ss))~~ ~~(ss)~~ "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

~~((tt))~~ ~~(tt)~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~((uu))~~ ~~(uu)~~ "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

Sec. 11. RCW 69.50.366 and 2015 c 207 s 8 are each amended to read as follows:

The following acts, when performed by a validly licensed marijuana producer or employee of a validly licensed marijuana producer in compliance with rules adopted by the state liquor ~~(control)~~ and cannabis board to implement and enforce this chapter (3, Laws of 2013), do not constitute criminal or civil offenses under Washington state law:

(1) Production or possession of quantities of marijuana that do not exceed the maximum amounts established by the state liquor ~~(control)~~ and cannabis board under RCW 69.50.345(3);

(2) Delivery, distribution, and sale of marijuana to a marijuana processor or another marijuana producer validly licensed under this chapter (3, Laws of 2013); ~~(and)~~

(3) Delivery, distribution, and sale of immature plants or clones and marijuana seeds to a licensed marijuana researcher, and to receive or purchase immature plants or clones and seeds from a licensed marijuana researcher; and

(4) Delivery, distribution, and sale of marijuana or useable marijuana to a federally recognized Indian tribe as permitted under an agreement between the state and the tribe entered into under RCW 43.06.490.

Sec. 12. RCW 69.50.382 and 2015 2nd sp.s. c 4 s 501 are each amended to read as follows:

(1) A licensed marijuana producer, marijuana processor, marijuana researcher, or marijuana retailer, or their employees, in accordance with the requirements of this chapter and the administrative rules adopted thereunder, may use the services of a common carrier subject to regulation under chapters 81.28 and 81.29 RCW and licensed in compliance with the regulations established under RCW 69.50.385, to physically transport or deliver, as authorized under this chapter, marijuana, useable marijuana, marijuana concentrates, immature plants or clones, marijuana seeds, and marijuana-infused products between licensed marijuana businesses located within the state.

(2) An employee of a common carrier engaged in marijuana-related transportation or delivery services authorized under subsection (1) of this section is prohibited from carrying or using a firearm during the course of providing such services, unless:

(a) Pursuant to RCW 69.50.385, the state liquor and cannabis board explicitly authorizes the carrying or use of firearms by such employee while engaged in the transportation or delivery services;

(b) The employee has an armed private security guard license issued pursuant to RCW 18.170.040; and

(c) The employee is in full compliance with the regulations established by the state liquor and cannabis board under RCW 69.50.385.

(3) A common carrier licensed under RCW 69.50.385 may, for the purpose of transporting and delivering marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products, utilize Washington state ferry routes for such transportation and delivery.

(4) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized under, and in accordance with, this section and RCW 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 13. RCW 69.51A.250 and 2016 c 170 s 2 are each amended to read as follows:

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated provider of a qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf. All plants grown in the cooperative must be ~~(purchased or cloned)~~ from an immature plant or clone purchased from a licensed marijuana producer as defined in RCW 69.50.101. Cooperatives may also purchase marijuana seeds from a licensed marijuana producer.

(2) Qualifying patients and designated providers who wish to form a cooperative must register the location with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's recognition card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) No cooperative may be located in any of the following areas:

(a) Within one mile of a marijuana retailer;

(b) Within the smaller of either:

(i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or

(ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW 69.50.331(8); or

(c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location does not comply with the requirements set forth in subsection (3) of this section.

(5) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until sixty days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(6) Qualifying patients or designated providers who participate in a cooperative under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up to a maximum of sixty plants. At the location, the qualifying patients or designated providers may possess the amount of useable marijuana that can be produced with the number of plants permitted under this subsection, but no more than seventy-two ounces;

(b) May only participate in one cooperative;

(c) May only grow plants in the cooperative and if he or she grows plants in the cooperative may not grow plants elsewhere;

(d) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide nonmonetary resources and labor in order to participate; and

(e) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(7) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's recognition card must be kept at the location at all times.

(8) The state liquor and cannabis board may adopt rules to implement this section including:

(a) Any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative;

(b) A seed to sale traceability model that is similar to the seed to sale traceability model used by licensees that will allow the state liquor and cannabis board to track all marijuana grown in a cooperative.

(9) The state liquor and cannabis board or law enforcement may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

NEW SECTION. Sec. 14. A new section is added to chapter 69.51A RCW to read as follows:

Qualifying patients and designated providers, who hold a recognition card and have been entered into the medical marijuana authorization database, may purchase immature plants or clones from a licensed marijuana producer as defined in RCW 69.50.101. Qualifying patients and designated providers may also purchase marijuana seeds from a licensed marijuana producer.

Sec. 15. RCW 15.120.020 and 2016 sp.s. c 11 s 3 are each amended to read as follows:

Except as otherwise provided in this chapter, industrial hemp is an agricultural product that may be grown, produced, possessed, processed, and exchanged in the state solely and exclusively as part of an industrial hemp research program supervised by the department. Processing any part of industrial hemp, except seed, as food, extract, oil, cake, concentrate, resin, or other preparation for topical use, oral consumption, or inhalation by humans is prohibited, unless authorized by the department under section 13 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 15.120 RCW to read as follows:

(1) The department may authorize an industrial hemp research program to dispose of the industrial hemp by-product and waste material, after the research has been conducted, by selling these materials to a marijuana processor licensed under RCW 69.50.325. The moneys collected under this section must be deposited within the agricultural local fund as provided in RCW 15.120.050(5).

(2) The department may adopt rules, in consultation with the state liquor and cannabis board, to implement this section.

NEW SECTION. Sec. 17. This act applies prospectively only and not retroactively. It applies only to causes of action that arise (if change is substantive) or that are commenced (if change is procedural) on or after the effective date of this section."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, certain transfers of plants and seeds, licensing agreements and contracts, and jurisdictional requirements; amending RCW 69.50.325, 69.50.331, 69.50.372, 66.08.100, 69.50.366, 69.50.382, 69.51A.250, and 15.120.020; reenacting and amending RCW 42.56.270 and 69.50.101; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.51A RCW; adding a new section to chapter 15.120 RCW; and creating a new section."

MOTION

Senator Rivers moved that the following floor amendment no. 96 to floor striking amendment no. 95 by Senator Rivers be adopted:

On page 27, after line 23 of the amendment, insert the following:

"NEW SECTION. Sec. 14. The legislature finds that protecting the state's children, youth, and young adults under the legal age to purchase and consume marijuana, by establishing limited restrictions on the advertising of marijuana and marijuana products, is necessary to assist the state's efforts to discourage and prevent underage consumption and the potential risks associated with underage consumption. The legislature finds that these restrictions assist the state in maintaining a strong and effective regulatory and enforcement system as specified by the federal government. The legislature finds this act leaves ample opportunities for licensed marijuana businesses to market their products to those who are of legal age to purchase them, without infringing on the free speech rights of business owners. Finally, the legislature finds that the state has a substantial and compelling interest in enacting this act aimed at protecting Washington's children, youth, and young adults.

Sec. 15. RCW 69.50.357 and 2016 c 171 s 1 are each amended to read as follows:

(1) Retail outlets may not sell products or services other than marijuana concentrates, useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

(2) Licensed marijuana retailers may not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. However, qualifying patients between eighteen and twenty-one years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement and may purchase products for their personal medical use. Qualifying patients who are under the age of eighteen with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement, but may not purchase products for their personal medical use.

(3)(a) Licensed marijuana retailers must ensure that all employees are trained on the rules adopted to implement this chapter, identification of persons under the age of twenty-one, and other requirements adopted by the state liquor and cannabis board to ensure that persons under the age of twenty-one are not permitted to enter or remain on the premises of a retail outlet.

(b) Licensed marijuana retailers with a medical marijuana endorsement must ensure that all employees are trained on the subjects required by (a) of this subsection as well as identification of authorizations and recognition cards. Employees must also be trained to permit qualifying patients who hold recognition cards and are between the ages of eighteen and twenty-one to enter the premises and purchase marijuana for their personal medical use and to permit qualifying patients who are under the age of eighteen with a recognition card to enter the premises if accompanied by their designated providers.

~~(4) ((Licensed marijuana retailers may not display any signage outside of the licensed premises, other than two signs identifying the retail outlet by the licensee's business or trade name. Each sign must be no larger than one thousand six hundred square inches, be permanently affixed to a building or other structure, and be posted not less than one thousand feet from any elementary school, secondary school, or playground.~~

~~(5))~~ Except for the purposes of disposal as authorized by the state liquor and cannabis board, no licensed marijuana retailer or employee of a retail outlet may open or consume, or allow to be opened or consumed, any marijuana concentrates, useable marijuana, or marijuana-infused product on the outlet premises.

~~((6))~~ (5) The state liquor and cannabis board must fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana account created under RCW 69.50.530.

Sec. 16. RCW 69.50.369 and 2015 2nd sp.s. c 4 s 204 are each amended to read as follows:

(1) No licensed marijuana producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, an advertisement of marijuana, useable marijuana, marijuana concentrates, or a marijuana-infused product in any form or through any medium whatsoever(:

~~(a))~~ within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older(;

~~(b) On or in a public transit vehicle or public transit shelter;~~

~~(c) On or in a publicly owned or operated property)).~~

(2) No marijuana licensee may:

(a) Take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of marijuana and marijuana products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of marijuana or marijuana products;

(b) Use objects such as toys, inflatables, characters, or cartoon characters suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana; or

(c) Use or employ a commercial mascot outside of a licensed marijuana business. A "commercial mascot" means live human being, animal, or mechanical device used for the purpose of commercial advertising, such as sign spinners, sign clowns, sandwich board signs over a live human body, and persons dressed to appear or suggest as a trademark or symbol of a commercial enterprise.

(3) No marijuana licensees may engage in outdoor advertising except as specifically provided for in this section.

(a) Outdoor advertising is prohibited:

(i) On signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located in an adult only facility; or

(ii) On any other advertisements placed outdoors or on the inside surface of a window facing outward that do not meet the exclusionary provisions contained in (c) of this subsection.

(b)(i) Billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited, except as provided in (b)(ii) of this subsection.

(ii) Licensed retail outlets may use a billboard or outdoor sign solely for the purpose for providing directional information to the public to a licensed retail outlet. The content of the directional signs are strictly limited to the store's licensed name, its logo, and directions to the licensed retail outlet. The billboards and signs may not contain any depictions of marijuana plants or products.

(c) Outdoor advertising does not include:

(i) An individual advertisement that does not occupy an area larger than two thousand four hundred square inches and that neither is placed in such proximity to any other such advertisement so as to create a single mosaic-type advertisement larger than two thousand four hundred square inches, nor functions solely as a segment of a larger advertising unit or series, and that is placed on the outside of any licensed retail establishment that sells marijuana products, outside but on the licensed premises of any such establishment, or on the inside surface of a window facing outward in any such establishment;

(ii) An advertisement inside a licensed retail establishment that sells marijuana products that is not placed on the inside surface of a window facing outward; or

(iii) An outdoor advertisement at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but in no event more than fourteen days before the event, and that does not advertise any marijuana product other than by using a brand name to identify the event.

(4) No marijuana licensees may engage in transit advertisements. "Transit advertisements" means advertising on or within private or public vehicles and all advertisements placed at, on or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

(5) Merchandising within a retail outlet is not advertising for the purposes of this section.

~~((3))~~ (6) This section does not apply to a noncommercial message.

~~((4))~~ (7)(a) The state liquor and cannabis board must:

(i) Adopt rules implementing this section and specifically including provisions regulating the directional signs authorized under subsection (3)(b)(ii) of this section. The advertising rules must be as restrictive as the state and federal guidelines regulating cigarette advertising; and

(ii) Fine a licensee one thousand dollars for each violation of ~~(subsection (1) of)~~ this section until the state liquor and cannabis board adopts rules prescribing penalties for violations of this section. The rules must establish escalating penalties including fines and up to suspension or revocation of a marijuana license for subsequent violations.

(b) Fines collected under this subsection must be deposited into the dedicated marijuana account created under RCW 69.50.530.

(8) A city, town, or county may adopt rules of outdoor advertising by licensed marijuana retailers that are more restrictive than the advertising restrictions imposed under this chapter. Enforcement of restrictions to advertising by a city, town, or county is the responsibility of the city, town, or county."

Renumber the remaining section consecutively.

On page 28, line 1 of the title amendment, after "contracts," insert "advertising,"

On page 28, beginning on line 3 of the title amendment, after "69.51A.250," strike all material through "15.120.020" on line 4 and insert "15.120.020, 69.50.357, and 69.50.369"

On page 28, line 7 of the title amendment, after "creating" strike all material through "section" and insert "new sections"

Senators Rivers, Carlyle, Lias, Padden, Angel and Palumbo spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 96 by Senator Rivers on page 27, line 23 to floor striking amendment no. 95.

The motion by Senator Rivers carried and floor amendment no. 96 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 95 by Senator Rivers as amended, to Substitute Senate Bill No. 5131.

The motion by Senator Rivers carried and floor striking amendment no. 95, as amended, was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute Senate Bill No. 5131 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Keiser and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5131.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5131 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5133, by Senator Takko

Concerning county boards of equalization.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 5133 was substituted for Senate Bill No. 5133 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 5133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5133 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE SENATE BILL NO. 5133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5647, by Senators Honeyford, Takko, Schoesler and Saldaña

Creating a low-income home rehabilitation revolving loan program.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following floor striking amendment no. 55 by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 17. A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Home" means a single-family residential structure.

(2) "Home rehabilitation" means residential repairs and improvements that address health, safety, and durability issues in existing housing in rural areas.

(3) "Homeowner" means a person who owns and resides permanently in the home the person occupies.

(4) "Low-income" means persons or households with income at or below two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(5) "Rehabilitation agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for rehabilitating residences under this chapter and has been approved by the department.

(6) "Rural areas" means areas of Washington state defined as non-entitlement areas by the United States department of housing and urban development.

NEW SECTION. Sec. 18. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the low-income home rehabilitation revolving loan program is created within the department.

(2) The program must include the following elements:

(a) Eligible homeowners must be low-income and live in rural areas.

(b) Homeowners who are senior citizens, persons with disabilities, families with children five years old and younger, and veterans must receive priority for loans.

(c) The cost of the home rehabilitation must be the lesser of eighty percent of the assessed value of the property post rehabilitation or forty thousand dollars.

(d) The maximum amount that may be loaned under this program may not exceed the cost of the home rehabilitation as provided in (c) of this subsection.

(e) The interest rate of the loan must be equal to the previous calendar year's annual average consumer price index compiled by the bureau of labor statistics, United States department of labor.

(f) The department must allow participating homeowners to defer repayment of the loan principal and interest and any fees related to the administration or issuance of the loan. Any amounts deferred pursuant to this section becomes a lien in favor of the state and is secondary in rank over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded, except for local and special district property tax assessments. The department must take such necessary action to file and perfect the state's lien. All amounts due under the loan become due and payable upon the sale of the home or upon change in ownership of the home.

(3) All moneys from repayments must be deposited into the low-income home rehabilitation revolving loan program account created in section 4 of this act.

(4) The department must adopt rules for implementation of this program.

NEW SECTION. Sec. 19. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must contract with rehabilitation agencies to provide home rehabilitation to participating homeowners. Preference must be given to local agencies delivering programs and services with similar eligibility criteria.

(2) Any rehabilitation agency may charge participating homeowners an administrative fee of no more than seven percent of the home rehabilitation loan amount. The administrative fee must become a component of the total loan amount to be repaid by the participating homeowner.

(3) Any rehabilitation agency receiving funding under this section must report to the department at least quarterly, or in alignment with federal reporting, whichever is the greater frequency, the project costs and the number of homes repaired or rehabilitated. The director must review the accuracy of these reports.

NEW SECTION. Sec. 20. A new section is added to chapter 43.330 RCW to read as follows:

The low-income home rehabilitation revolving loan program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the low-income home rehabilitation revolving loan program created in section 2 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 21. RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical

college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; and adding new sections to chapter 43.330 RCW."

MOTION

Senator Nelson moved that the following floor amendment no. 66 by Senator Nelson to floor striking amendment no. 55 by Senator Honeyford be adopted:

On page 1, line 10 of the amendment, after "housing" strike all material through "areas"

On page 1, beginning on line 22 of the amendment, strike all of subsection (6)

On page 2, beginning on line 1 of the amendment, after "low-income" strike all material through "areas" on line 2

Senator Nelson spoke in favor of adoption of the amendment to the striking amendment.

Senator Honeyford spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 66 by Senator Nelson on page 1, line 10 to floor amendment no. 55.

The motion by Senator Nelson did not carry and floor amendment no. 66 was not adopted by voice vote.

MOTION

Senator Darneille moved that the following floor amendment no. 65 by Senators Darneille and Honeyford to floor striking amendment no. 55 by Senator Honeyford be adopted:

On page 2, line 11 of the amendment, after "subsection" insert ", and must not result in total loans borrowed against the property equaling more than eighty percent of the assessed value"

Senators Darneille and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 65 by Senators Darneille and Honeyford on page 2, line 11 to floor striking amendment no. 55.

The motion by Senator Darneille carried and floor amendment no. 65 was adopted by voice vote.

Senator Honeyford spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 55 by Senator Honeyford, as amended, to Senate Bill No. 5647.

The motion by Senator Honeyford carried and floor striking amendment no. 55, as amended, was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Darneille and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5647.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5647 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy,

Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Carlyle

ENGROSSED SENATE BILL NO. 5647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5762, by Senators Hunt, Short and Sheldon

Concerning financing of the mercury-containing light stewardship program.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Senate Bill No. 5762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Short and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5762.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5762 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5433, by Senators Miloscia, Angel, Sheldon, Padden and Fortunato

Concerning informed decision making for death with dignity decisions.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5433 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Pedersen, Angel, Padden, Frockt and Darneille spoke in favor of passage of the bill.

Senator Becker spoke on the bill.

Senators Wellman, Ranker, Kuderer and Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5433.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Braun, Brown, Conway, Darneille, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Pedersen, Rossi, Schoesler, Sheldon, Short, Warnick, Wilson and Zeiger

Voting nay: Senators Becker, Billig, Carlyle, Chase, Cleveland, Fain, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5533, by Senators Rossi, Baumgartner, Fortunato, Braun, Brown, Wilson, Becker, Padden and Angel

Prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state. Revised for 1st Substitute: Prohibiting contributions to and independent expenditures for gubernatorial candidates.

MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 109 by Senator Hasegawa be adopted:

Beginning on page 1, line 6, strike all of section 1
Remember the remaining sections consecutively and correct any internal references accordingly.

On page 16, beginning on line 11, after "(14)" strike all material through "(16)" on line 27 and insert "Notwithstanding the other provisions of this section, no person, other than a natural person, may make independent expenditures in support of any candidate for the office of governor or make contributions reportable under this chapter to any candidate for the office of governor, directly or indirectly.

(15)"

On page 16, line 29, after "(((45)))" strike "(17)" and insert "(16)"

On page 1, at the beginning of line 3 of the title, strike all material through "42.17A.005;"

Senators Hasegawa and Liias spoke in favor of adoption of the amendment.

Senator Rossi spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 109 by Senator Hasegawa on page 1, line 6 to Substitute Senate Bill No. 5533.

The motion by Senator Hasegawa did not carry and floor amendment no. 109 was not adopted by voice vote.

MOTION

Senator Conway moved that the following floor amendment no. 110 by Senator Conway be adopted:

On page 16, line 13, after "representatives" insert ", or any corporate or nonprofit entity that does business with the state, has tax preferences pending before the legislature, or receives a tax preference under current law."

On page 16, line 22, after "representative" insert ", or any corporate or nonprofit entity that does business with the state, has tax preferences pending before the legislature, or receives a tax preference under current law"

Senators Conway, Frockt and Liias spoke in favor of adoption of the amendment.

Senators Rossi and Baumgartner spoke against adoption of the amendment.

Senator Liias demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of floor amendment no. 110 by Senator Conway on page 16, line 13, to Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Conway and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Absent: Senator Van De Wege

MOTION

Senator Keiser moved that the following floor amendment no. 111 by Senator Keiser be adopted:

On page 16, line 13, after "representatives" insert ", or any corporation or nonprofit entity that has a contract with the state."

On page 16, line 22, after "representative" insert ", or any corporation or nonprofit entity that has a contract with the state"

On page 16, line 25, after "representative" insert ", or any corporation or nonprofit entity that has a contract with the state."

Senators Keiser, Ranker and Conway spoke in favor of adoption of the amendment.

Senators Fain and Ericksen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 111 by Senator Keiser on page 16, line 13 to Substitute Senate Bill No. 5533.

The motion by Senator Keiser did not carry and floor amendment no. 111 was not adopted by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 115 by Senator Liias be adopted:

On page 16, line 13, after "representatives" insert "or has any business before the agency of an official in the line of succession under Article III, section 10 of the state Constitution"

On page 16, line 14, after "governor" insert "or any other office in the line of succession under Article III, section 10 of the state Constitution"

On page 16, line 19, after "governor" insert "or any other office in the line of succession under Article III, section 10 of the state Constitution"

On page 16, line 22, after "its" strike "representative" and insert "representatives or has any business before the agency of an official in the line of succession under Article III, section 10 of the state Constitution"

On page 16, line 24, after "its" strike "representative" and insert "representatives or has any business before the agency of an official in the line of succession under Article III, section 10 of the state Constitution"

On page 1, line 2 of the title, after "for" strike "gubernatorial" and insert "certain statewide"

Senator Liias spoke in favor of adoption of the amendment.

Senator Rossi spoke against adoption of the amendment.

POINT OF ORDER

Senator Liias: "Thank you Mr. President. I appreciate Senator Rossi has raised an interesting question and as I drafted the amendment I hadn't considered that it might be outside the scope. So I don't necessarily have an advocacy position, but I think it would be interesting to hear from you whether this amendment is within the scope and object of the bill? And since you are enforcing our rules, I want to make sure we follow our rules and I look forward to hearing what you decide."

REMARKS BY SENATOR FAIN

Senator Fain: "Mr. President, I think Senator Liias has spoken enough for both of us and for the whole night."

RULING BY THE PRESIDENT

President Habib: "In ruling upon the point of order raised by Senator Liias on the scope and object of Substitute Senate Bill 5533, the President finds and rules as follows:

Substitute Senate Bill 5533 prohibits entities who collectively bargain with the governor from making campaign contributions in support of or opposition to a gubernatorial candidate. The scope of the bill – defining collective bargaining and prohibiting

gubernatorial campaign expenditures from entities who collectively bargain with the governor – is narrow and specific. However, the object, or aim of the bill appears to be broader. Its purpose is to prevent a ‘pay to play’ scenario.

The amendment prohibits campaign contributions by anyone having business before an agency headed by any statewide elected executive officer, and prohibits the receipt of contributions by those agency heads.

This seems to fit within the bill’s object to prevent ‘pay to play;’ however, by adding other individuals and entities who do not engage in collective bargaining to the list of those who are prohibited from contributing to certain campaigns, and by adding campaigns other than gubernatorial campaigns to the list of those prohibited from receiving contributions from certain entities, the amendment exceeds the scope of the bill.

The President would like to take this opportunity to remind the members that it is much more difficult to find an amendment within the scope and object of a bill if the bill is drafted narrowly. For example, if this bill had provided three groups who were prohibited from contributing or receiving contributions, the addition of another group would likely have been within the scope, as one could then define the scope more broadly as a bill about who may make and receive campaign contributions.

For these reasons, the President finds that the amendment would change the scope of the bill, and the amendment is therefore out of order.”

MOTION

Senator Ranker moved that the following floor amendment no. 112 by Senator Ranker be adopted:

On page 16, line 14, after "governor" insert ". state office, or legislative office"

On page 16, line 18, after "governor" insert ". state office, or legislative office."

On page 16, line 19, after "governor" insert ". state office, or legislative office"

On page 1, line 2 of the title, strike "gubernatorial"

POINT OF ORDER

Senator Fain: “Thank you Mr. President. It is my belief that Senator Liias believes that this is out of scope, asking for a ruling.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Fain, did you want to make a statement?”

REMARKS BY SENATOR FAIN

Senator Fain: “Thank you Mr. President. In keeping with your previous ruling on the matter, I believe that this is consistent and applies to offices outside the Office of the Governor.”

REMARKS BY SENATOR RANKER

Senator Ranker: “Thank you Mr. President. Not only do I find that it could be out of scope, but I find that I could be out of order. So, the subject of the underlying Senate Bill No. 5533 is broadly related to the regulation of contributions that can be made and this amendment simply says that if we are going to do this

with the Governor then we should do this with ourselves. The Legislature and all other elected officials should be having to go through the same sort of scrutiny and this is such an amusing debate that we should just stop right there.”

REMARKS BY THE PRESIDENT

President Habib: “You remained in order for nearly the entire time, Senator Ranker.”

REMARKS BY SENATOR RANKER

Senator Ranker: “One last thing, your previous ruling was quite confusing, I would strongly suggest that in the future you do not do verbal rulings but actually take the time to write them out for us.”

REPLY BY THE PRESIDENT

President Habib: “If you would like Senator Ranker, we could have everything written down for you to understand.”

RULING BY THE PRESIDENT

President Habib: “Consistent with the President’s ruling in respect to the previous amendment, this proposed amendment is within the object of the underlying bill but not within its scope.”

The Point of Order by Senator Fain was well taken and floor amendment no. 112 by Senator Ranker was ruled out of order.

MOTION

Senator Liias moved that the following floor amendment no. 114 by Senator Liias be adopted:

On page 16, line 14, after "governor" insert "or any other office in the line of succession under Article III, section 10 of the state Constitution"

On page 16, line 19, after "governor" insert "or any other office in the line of succession under Article III, section 10 of the state Constitution"

On page 1, line 2 of the title, after "for" strike "gubernatorial" and insert "certain statewide"

POINT OF ORDER

Senator Fain: “Thank you Mr. President. I believe consistent with previous rulings that this particular amendment may be out of scope.”

REMARKS BY SENATOR LIIAS

Senator Liias: “Thank you Mr. President. In your previous ruling you said that my previous amendment was within the object of the bill but not the scope because it addressed other relationships. This amendment addresses people that may be acting as Governor, so I believe that that is still more narrowly focused on the Governor and his relationships. And so I do have a question as to, because this amendment is more narrowly targeted, whether you believe that it falls, or you find that it falls within the scope of the underlying bill? So, I look forward to finding out the answer.”

RULING BY THE PRESIDENT

President Habib: "I am going to give a little more explanation this time. The President finds that in keeping consistent with my previous rulings on this bill, Senator Liias' amendment is within the object but not within the scope of the underlying bill. And to be clear, by the scope of the bill, I am referring to the nexus between collective bargaining units and the Governor, and so to be clear if there were a dynamic where a collective bargaining unit were negotiating with another executive office holder on labor contracts that would be arguably fall closer within scope or possibly within the scope, but that is not the nature of this amendment, therefore it is within the object but not the scope of the underlying bill."

The Point of Order by Senator Fain was well taken and floor amendment no. 114 by Senator Liias was ruled out of order.

MOTION

Senator Billig moved that the following floor amendment no. 118 by Senator Billig be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 22. The legislature finds that the public has the right to know who is contributing to election campaigns in Washington state and that campaign finance disclosure deters corruption, increases public confidence in Washington state elections, and strengthens representative democracy.

The legislature finds that campaign finance disclosure is overwhelmingly supported by the citizens of Washington state as evidenced by the two initiatives that largely established Washington's current campaign finance system. Both passed with over seventy-two percent of the popular vote, as well as winning margins in every county in the state.

The legislature finds that nonprofit organizations are increasingly engaging in campaign activities in Washington state and across the country, including taking a more active role in contributing to candidate and ballot proposition campaigns. In some cases, these activities are occurring without adequate public disclosure due to loopholes in campaign finance regulations.

The legislature finds that nonprofit organizations may form political committees using the funds contributed only by those members wishing to further the organization's campaign activity. However, many members of nonprofit organizations wish to use the provisions of current law to anonymously contribute to campaign activity, frustrating the purposes of public disclosure laws.

Therefore, the legislature intends to increase transparency and accountability, deter corruption, and strengthen confidence in the election process by closing campaign finance disclosure loopholes and requiring the disclosure of contributions and expenditures by nonprofit organizations that participate significantly in Washington state elections.

NEW SECTION. Sec. 23. This act may be known and cited as the democracy is strengthened by casting light on spending in elections act of 2017 or the Washington state DISCLOSE act of 2017.

Sec. 24. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(8) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(9) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(10) "Commission" means the agency established under RCW 42.17A.100.

(11) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental

entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(12) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(13)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose

of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (13)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(14) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(19)(a) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(20) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(21) "Final report" means the report described as a final report in RCW 42.17A.235(2).

(22) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

(23) "Gift" has the definition in RCW 42.52.010.

(24) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if

living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(25)(a) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in support of, or opposition to, any candidate or any ballot proposition in Washington, directly or through a political committee.

(b) "Incidental committee" does not include:

(i) Any organization registered under section 527 of the internal revenue code of 1986 that files disclosure reports with the public disclosure commission, disclosure reports with the federal elections commission, or public quarterly, semiannual, or monthly filings with the internal revenue service; or

(ii) Any organization that files a lobbyist registration form in Washington state that includes the information required by RCW 42.17A.600(1)(i). The organization must file the registration form electronically when an electronic filing method is available. The organization must update the information required by RCW 42.17A.600(1)(i) within sixty days before any primary, general, or special election if the organization has made or expects to make more than twenty-five thousand dollars in contributions that calendar year and according to the schedule for contribution and expenditure reports under RCW 42.17A.235(2) if there are any changes to the information required by RCW 42.17A.600(1)(i) within thirty days before an election.

(26) "Incumbent" means a person who is in present possession of an elected office.

((26)) (27) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of eight hundred dollars or more. A series of expenditures, each of which is under eight hundred dollars, constitutes one independent expenditure if their cumulative value is eight hundred dollars or more.

((27)) (28)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((28))~~ (29) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (30) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((34))~~ (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (34) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (35) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (36) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (37) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((37))~~ (38) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (39) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (40) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (41) "Public record" has the definition in RCW 42.56.010.

~~((44))~~ (42) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (43)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (44) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (45) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (46) "State official" means a person who holds a state office.

~~((46))~~ (47) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

~~((47))~~ (48) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

NEW SECTION. Sec. 25. A new section is added to chapter 42.17A RCW to read as follows:

(1) The commission shall provide a link on its web site to a searchable database on the web site of the federal election commission containing information on organizations under section 527 of the internal revenue code of 1986.

(2) The commission shall ensure that individual entries in contribution reports published on the commission's web site link to the lobbying disclosure reports of specific contributors, where the contributor has filed a lobbying disclosure report.

NEW SECTION. Sec. 26. A new section is added to chapter 42.17A RCW to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making contributions, other than in-kind contributions of staff time and office-related equipment, resources, and rent to an affiliated committee, or expenditures of at least twenty-five thousand dollars in a calendar year in any election campaign, or to a political committee or an incidental committee; and

(ii) Must disclose a received contribution under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection in the last three weeks before an election, then it must file the statement of organization within three business days.

(c) An incidental committee that does not make contributions or expenditures in the amounts specified in (a) of this subsection is not required to file a statement of organization with the commission.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.

Sec. 27. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day the treasurer is designated, each candidate or political committee must file with the commission a report of all contributions received and expenditures made prior to that date, if any. In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any expenditures under RCW 42.17A.240(6), as well as the ten largest aggregate contributions received in the current calendar year from a single person of ten thousand dollars or greater, including any persons tied as the tenth largest source of contributions received, if any, and all aggregate contributions received in the current calendar

year from a single person with a value of one hundred thousand dollars or greater.

(2) Each treasurer of a political committee or incidental committee required to file a statement of organization under this chapter shall file with the commission a report containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held;

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section;

(i) For a political committee, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars; or

(ii) For an incidental committee, only if the committee has:

(A) Received a contribution that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(B) Made any expenditure reportable under RCW 42.17A.240(6) since its last report, and the total expenditures made since the last report exceed two hundred dollars.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer of a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4)(a) The treasurer or candidate of a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and

day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (4) of this section, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports.

(9) By December 31, 2017, the commission shall adopt rules for the dissolution of incidental committees.

Sec. 28. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; ((and))

(d) Contributions received by an incidental committee from any one person need not be reported unless:

(i) The person is one of the committee's ten largest sources of contributions received, including any persons tied as the tenth largest source of contributions received, during the current calendar year, and the value of the aggregate contributions received from that person during the current calendar year is ten thousand dollars or greater; or

(ii) The person contributed one hundred thousand dollars or more to the incidental committee during the current calendar year;

(e) The commission may suspend or modify reporting requirements for contributions received by an incidental committee in cases of manifestly unreasonable hardship under RCW 42.17A.120; and

(f) The money value of contributions of postage ((shall be)) is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on such expenditures that were made directly or indirectly in support of or in opposition to any election campaign or to a political or incidental committee;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "increasing transparency of contributions by creating the Washington state DISCLOSE act of 2017; amending RCW 42.17A.235 and 42.17A.240; reenacting and amending RCW 42.17A.005; adding new sections to chapter 42.17A RCW; and creating new sections.

POINT OF ORDER

Senator Fain: "Thank you Mr. President. In keeping with your previous rulings about the scope and object, we believe this is outside the scope. Additionally, this is a piece of legislation that was in a separate bill and before this chamber. Another indication that it may be outside the scope of the underlying bill."

REMARKS BY SENATOR BILLIG

Senator Billig: “Thank you Mr. President. Well I believe the striking amendment is well within the scope and object of the underlying bill. Senate Bill No. 5533 is broadly related to our campaign finance laws, the restrictions contained within those laws, and how campaign contributions can influence and impact our election. The underlying bill addresses nonprofit organizations, 501(c) organizations, subject to our campaign finance laws. The underlying bill addresses restrictions, including prohibitions on contributions and regulations for when independent expenditures are allowed. The underlying bill, which is called the Disclose Act, excuse me, the amendment is referred to as the Disclose Act. The underlying bill also imposes new administrative requirements through new accounting provisions for those making independent expenditures with the goal of increased transparency by requiring segregated accounting in order to avoid an all out ban on independent expenditures. And just like the underlying bill, this amendment addresses our campaign finance laws and intends to address how elections can be influenced by campaign contributions. And like the underlying bill, the amendment also creates restrictions on contributions and independent expenditures made by certain 501(c) organizations and makes administrative changes in order to address transparency in the form of reporting requirements. And for that reason Mr. President, I ask that you rule the proposed striker before us to be in order. Thank you.”

RULING BY THE PRESIDENT

President Habib: “In ruling upon the point of order raised by Senator Fain as to the scope and object of Substitute Senate Bill 5533, the President finds and rules as follows:

Substitute Senate Bill 5533 prohibits entities who collectively bargain with the governor from making campaign contributions in support of or opposition to a gubernatorial candidate. The scope of the bill – defining collective bargaining and prohibiting gubernatorial campaign expenditures from entities who collectively bargain with the governor – is narrow and specific. However, the object, or aim of the bill appears to be broader. Its purpose is to prevent a ‘pay to play’ scenario.

The striking amendment eliminates every provision in the bill and instead directs that certain nonprofits file statements with the PDC disclosing the largest contributors to their organizations.

The amendment appears to have no connection to the substitute bill other than the very broad subject of contributions to elections. There is not even a passing reference to collective bargaining. As such, the amendment is within neither the scope nor the object of the bill.

For these reasons, the President finds that the amendment does change the scope and object of the bill, and the amendment is therefore out of order.”

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rossi, Ericksen, Schoesler, Baumgartner, Sheldon and Miloscia spoke in favor of passage of the bill.

Senators Hunt, Ranker, Frockt, Keiser, Liias, Chase and Billig spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: “I am going to remind members, Senator Miloscia, I am going to remind you and other members, the Governor may not be a member of this body, but he is the chief executive of this state and it is a pretty large and serious allegation to say that he didn’t comply with the law. And so I know members are passionate about transparency, about good government, but I would urge senators to be extremely careful when impugning the actions and certainly the legality of the actions of our governor.”

Senator Kuderer spoke against passage of the bill.

POINT OF ORDER

Senator Padden: “Yes, Mr. President, could you please instruct the speaker to stay on the topic at hand, the bill, not another bill that is before the Legislature.”

REPLY BY THE PRESIDENT

President Habib: “Senator Kuderer, are you speaking to the bill?”

Senator Kuderer: “I am responding to the good senator from the ninth district, who connected the two, and I think I should have an opportunity to respond to the fact that he raised the levy lid in connection with his argument.”

President Habib: “If the passage you are quoting does not make that connection, then you should not read that passage. If you would like to make the connection and then pivot to your point, then please do that. Otherwise, reading that passage is not constructive to the debate.”

Senator Kuderer continued her remarks.

REMARKS BY THE PRESIDENT

President Habib: “Senator Kuderer, that is not topical. So please speak to the bill before us. The bill has to do with the Governor, collective bargaining, campaign finance, all of those things. That passage you are reading is not topical. You may continue your remarks.”

Senator Kuderer concluded her remarks.

Senators Braun and Angel spoke in favor of passage of the bill.

Senators Hasegawa and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O’Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Billig moved that the Senate advance to the ninth order of business.

Senator Fain objected to the motion by Senator Billig.

Senator Billig requested a roll call on the motion to advance to the ninth order.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll on the motion to advance to the ninth order of business and the motion failed to carry by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

SECOND READING

SENATE BILL NO. 5475, by Senators Brown, Baumgartner, Rivers, Takko, King, Sheldon, Bailey, Ericksen, Angel, Honeyford, Miloscia, Becker, Braun, Hobbs and Schoesler

Providing a business and occupation tax exemption for manufacturers of small modular reactors.

MOTIONS

On motion of Senator Brown, Second Substitute Senate Bill No. 5475 was substituted for Senate Bill No. 5475 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Second Substitute Senate Bill No. 5475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Schoesler and Sheldon spoke in favor of passage of the bill.

Senators Chase, McCoy and Carlyle spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5475.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5475 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SECOND SUBSTITUTE SENATE BILL NO. 5475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5339, by Senators O'Ban, Padden, Miloscia, King, Schoesler, Zeiger, Becker, Baumgartner, Rossi, Wilson, Sheldon, Angel, Honeyford, Braun and Warnick

Accommodating the civil rights of religious objectors to mandatory payments to labor organizations.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5339 was substituted for Senate Bill No. 5339 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

Senators Keiser, Conway, Liias, Chase and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5339 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5558, by Senators Darneille, O'Ban and Angel

Issuing a two-year identicard for offenders released from prison facilities.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Liias, the rules were suspended and Senate Bill No. 5558 was returned to second reading for the purpose of amendment.

MOTIONS

On motion of Senator Darneille, Third Substitute Senate Bill No. 5558 was substituted for Senate Bill No. 5558 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Third Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Padden and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Frockt, Hasegawa and Liias

THIRD SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5620, by Senators King, Hobbs, Fain, Mullet and Palumbo

Concerning transportation network companies.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5620 was substituted for Senate Bill No. 5620 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following floor striking amendment no. 102 by Senators Hobbs and King be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 30. The purpose of this chapter is to: Provide statewide uniform regulation for transportation network companies within the state of Washington, encourage technological innovation, and preserve and enhance access to important transportation options for residents and visitors to Washington state.

NEW SECTION. Sec. 31. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Digital network" means any online-enabled technology application service, web site, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(2) "Local law enforcement officer" means, for purposes of enforcement, any person authorized by a municipality or county, as applicable, to carry out enforcement activities under this chapter.

(3) "Municipality" means a city, town, or code city with a certificate of incorporation, or township created by an act of the state.

(4) "Prearranged ride" means the provision of transportation or a trip by a transportation network company driver to a transportation network company rider, beginning when a transportation network company driver accepts a ride requested by a transportation network company rider through a digital network controlled by a transportation network company, continuing while the transportation network company driver transports the transportation network company rider, and ending when the last transportation network company rider departs from the transportation network company vehicle. "Prearranged ride" does not include: (a) Transportation provided by a taxi, limousine, motor carrier as defined in RCW 81.80.010, or other for hire vehicle or pursuant to chapter 46.72, 46.73, or 81.72 RCW; (b) a shared expense carpool or vanpool arrangement or service as defined as ride sharing in RCW 46.74.010; (c) transportation provided by an auto transportation company as defined in RCW 81.68.010; or (d) transportation provided by metropolitan public transportation as defined in RCW 35.58.020.

(5) "Transportation network company" means a corporation, partnership, sole proprietorship, or other entity that is licensed under this chapter and operating in Washington state and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company is not deemed to control, direct, or manage the transportation network company vehicles or transportation network company drivers that connect to its digital network, except when agreed to by written contract. "Transportation network company" does not include a for hire transportation service, taxicab transportation service provided under chapter 46.72 or 81.72 RCW, an auto transportation company as defined in RCW 81.68.010, or metropolitan public transportation as defined in RCW 35.58.020.

(6) "Transportation network company driver" means an individual who:

(a) Receives connections to potential transportation network company riders and related services from a transportation network company; and

(b) Uses a transportation network company vehicle to offer or provide a prearranged ride to transportation network company riders upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

(7) "Transportation network company rider" means an individual or persons who use a transportation network company's digital network to connect with a transportation network company driver who provides prearranged rides to the rider in the transportation network company driver's transportation network company vehicle between points chosen by the rider.

(8) "Transportation network company services" means services provided by a transportation network company driver at any time that a transportation network company driver is logged in to a transportation network company's digital network or providing a prearranged ride. "Transportation network company services" does not include services provided either directly or under contract with a political subdivision or other entity exempt from federal income tax under 26 U.S.C. Sec. 115 of the federal internal revenue code.

(9) "Transportation network company vehicle" means a vehicle that:

(a) Is used by a transportation network company driver to provide a prearranged ride;

(b) Is owned, leased, or otherwise authorized for use by the transportation network company driver;

(c) Is not a taxicab, limousine, commuter ride-sharing vehicle, for hire vehicle, auto transportation company vehicle, or metropolitan public transportation vehicle for purposes of chapter 35.58, 46.72, 46.72A, 46.73, 46.74, 46.76, 81.68, or 81.72 RCW; and

(d) Has a seating capacity of fewer than eight persons, excluding the driver.

NEW SECTION. Sec. 32. A transportation network company or transportation network company driver is not a common carrier, motor carrier, or any other carrier as defined in RCW 81.80.010, and does not provide commuter ride sharing, taxicab, for hire vehicle services, auto transportation company services, or metropolitan public transportation services pursuant to chapter 35.58, 46.72, 46.73, 81.68, or 81.72 RCW. A transportation network company driver is not required to register a transportation network company vehicle used to provide prearranged rides as a commercial vehicle or for hire vehicle.

NEW SECTION. Sec. 33. (1) A person must first obtain a permit from the department to operate a transportation network company in Washington state, except that any transportation network company operating in the state before the effective date of this section may continue operating until the department creates a permit process and sets a registration deadline.

(2) The department must annually issue a permit to each applicant that meets the requirements for a transportation network company as set forth in this chapter and pays an annual permit fee of five thousand dollars to the department.

(3) The department must deposit the permit fees collected under this section into the transportation network company account created in section 23 of this act.

NEW SECTION. Sec. 34. Any transportation network company operating in Washington state must maintain an agent for service of process in the state.

NEW SECTION. Sec. 35. (1) On behalf of a transportation network company driver, a transportation network company may charge a fare for transportation network company services provided to any transportation network company rider, but must disclose to the rider the fare or fare calculation method on its web site or within its digital network. Before a rider enters a transportation network company vehicle, the transportation network company must provide, on behalf of the transportation network company driver, either the fare for the prearranged ride or the option to receive an estimated fare for the prearranged ride.

(2) During a state of emergency, as declared by the governor or the president of the United States, a transportation network company may not charge a fare for transportation network company services provided to any transportation network company rider that exceeds two and one-half times the base fare.

NEW SECTION. Sec. 36. A transportation network company's digital network or web site must display a photograph of the transportation network company driver and the license plate number of the transportation network company vehicle before the transportation network company rider enters the vehicle.

NEW SECTION. Sec. 37. Within one week following the completion of a trip, a transportation network company must transmit an electronic receipt to the transportation network company rider on behalf of the transportation network company driver that lists:

- (1) The origin and destination of the trip;
- (2) The total time and distance of the trip; and
- (3) An itemization of the total fare paid, if any.

NEW SECTION. Sec. 38. A transportation network company driver is an independent contractor and not an employee of the transportation network company if all of the following conditions are met:

(1) The transportation network company does not unilaterally prescribe specific hours during which a transportation network company driver must be logged in to the transportation network company's digital network;

(2) The transportation network company imposes no restrictions on the transportation network company driver's ability to utilize a digital network from any other transportation network company;

(3) The transportation network company does not restrict a transportation network company driver from engaging in any other occupation or business; and

(4) The transportation network company and transportation network company driver agree in writing that the transportation network company driver is an independent contractor with respect to the transportation network company.

NEW SECTION. Sec. 39. (1) A transportation network company must implement a zero tolerance policy regarding a transportation network company driver's activities while accessing the transportation network company's digital network. The zero tolerance policy must address the use of drugs or alcohol while a transportation network company driver is providing prearranged rides or is logged in to the transportation network company's digital network but is not providing prearranged rides.

(2) A transportation network company must provide notice of this policy on its web site, as well as procedures to report a complaint about a transportation network company driver with whom a transportation network company rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(3) Upon receipt of a complaint alleging a violation of the zero tolerance policy, the transportation network company must suspend the transportation network company driver's ability to

accept trip requests through the transportation network company's digital network as soon as possible and conduct an investigation into the reported incident. The suspension must last the duration of the investigation. If the transportation network company determines that the transportation network company driver violated the zero tolerance policy, the transportation network company must take appropriate action against the driver, including, at a minimum, suspending the driver from the transportation network company's digital network until the transportation network company determines that the driver is compliant with the zero tolerance policy.

(4) A transportation network company must maintain records relevant to the enforcement of the policy under this section for a period of at least two years from the date that a transportation network company rider complaint is received by the transportation network company.

NEW SECTION. Sec. 40. (1) Before allowing an individual to accept trip requests as a transportation network company driver through a transportation network company's digital network:

(a) The individual must submit an application to the transportation network company, which includes information regarding his or her name, address, phone, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the transportation network company;

(b) The transportation network company, or a designated third party on behalf of the transportation network company, that is either nationally accredited or approved by the director, must conduct an annual local and national criminal background check for the applicant to include a review of:

(i) A multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(ii) The United States department of justice national sex offender public web site; and

(c) The transportation network company, or designated third party, must obtain and review a driving history research report for the individual.

(2) A transportation network company must not permit an individual to act as a transportation network company driver on its digital network who:

(a) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

(i) Attempting to elude the police pursuant to RCW 46.61.024;

(ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(b) Has been convicted, within the past seven years, of:

(i) Any class A or B felony, as defined in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030, or serious violent offense defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(c) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public web site;

(d) Does not possess a valid driver's license;

(e) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(f) Is not at least twenty years of age; or

(g) Has not self-certified that he or she is physically and mentally fit to be a transportation network company driver.

(3) Subsection (2)(a) and (b) of this section apply to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (2)(a) and (b) of this section.

(4) A driver providing transportation network company services who is not in compliance with subsection (1)(b), (2), or (3) of this section commits a civil infraction subject to a monetary penalty of fifty dollars. A state or local law enforcement officer may issue a citation for any such violation. If such a driver is cited for a violation under this subsection, every transportation network company that permits such a driver to access the transportation network company's digital network to provide transportation network company services is subject to a fine of five hundred dollars.

NEW SECTION. Sec. 41. (1) A transportation network company must require that any motor vehicle that a transportation network company driver will use to provide prearranged rides:

(a) Is not more than twelve years old as determined by the model year of the vehicle;

(b) Meets the emissions requirements for motor vehicles; and

(c) Has received a safety inspection by a third party in the last year that includes the following components:

(i) Foot brakes;

(ii) Parking brakes;

(iii) Steering mechanism;

(iv) Windshield;

(v) Rear window and other glass;

(vi) Windshield wipers;

(vii) All exterior lights, including headlights, taillights, brake lights, turn indicator lights, and hazard lights;

(viii) Interior dome light;

(ix) Heating and cooling;

(x) Front seat adjustment mechanism;

(xi) Doors (open, close, lock);

(xii) Horn;

(xiii) Instrument panel and gauges;

(xiv) Bumpers;

(xv) Muffler and exhaust system;

(xvi) Condition of tires, including tread depth;

(xvii) Interior and exterior mirrors; and

(xviii) Safety belts for driver and passenger(s).

(2) All transportation network company vehicles must display trade dress that is visible to the rider when outside the vehicle when providing transportation network company services.

(3) A transportation network company must inform a transportation network company driver of the driver's responsibility to comply with all applicable safety recalls issued by a vehicle manufacturer or the national highway traffic safety administration for each motor vehicle the driver will use to provide prearranged rides.

(4)(a) A driver providing transportation network company services who is not in compliance with subsection (1)(c) of this section commits a civil infraction subject to a monetary penalty of fifty dollars. A state or local law enforcement officer may issue a citation for any such violation. If such a driver is cited for a violation under this subsection, every transportation network company that permits such a driver to access the transportation network company's digital network to provide transportation

network company services is subject to a fine of five hundred dollars.

(b) A driver providing transportation network company services who violates subsection (2) of this section commits a civil infraction. A state or local law enforcement officer may issue a citation for any such violation and may assess a monetary penalty of one hundred dollars for a first offense, five hundred dollars for a second offense, and one thousand dollars for a third or subsequent offense.

NEW SECTION. Sec. 42. (1) A transportation network company driver may not:

(a) Solicit or accept a trip request to provide transportation network company services other than a trip request arranged through a transportation network company's digital network;

(b) Provide transportation network company services for more than fourteen consecutive hours in a twenty-four hour period; or

(c) Allow any other individual to use that driver's access to a transportation network company's digital network.

(2)(a) A driver providing transportation network company services who violates subsection (1)(a) of this section or the zero tolerance policy commits a civil infraction. A state or local law enforcement officer may issue a citation for any such violation and may assess a monetary penalty of five hundred dollars for a first offense and one thousand dollars for a second or subsequent offense.

(b) A driver providing transportation network company services who violates subsection (1)(b) of this section commits a civil infraction. A state or local law enforcement officer may issue a citation for any such violation and may assess a monetary penalty of one hundred dollars for a first offense, five hundred dollars for a second offense, and one thousand dollars for a third or subsequent offense.

(c) A driver providing transportation network company services who violates subsection (1)(c) of this section or the zero tolerance policy commits a civil infraction. A state or local law enforcement officer may issue a citation for any such violation and may assess a monetary penalty of five hundred dollars for a first offense, seven hundred fifty dollars for a second offense, and one thousand dollars for a third or subsequent offense.

NEW SECTION. Sec. 43. (1) A transportation network company must adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to transportation network company riders and potential riders and notify transportation network company drivers of such policy.

(2) A transportation network company driver must comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential riders on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(3) A transportation network company driver must comply with all applicable laws relating to the transportation of service animals.

(4) A transportation network company may not impose additional charges for providing services to persons with disabilities because of those disabilities.

(5) A driver providing transportation network company services who violates this section commits a civil infraction. A state or local law enforcement officer may issue a citation for any such violation and may assess a monetary penalty of five hundred dollars for a first offense, seven hundred fifty dollars for a second offense, and one thousand dollars for a third or subsequent offense.

NEW SECTION. Sec. 44. A transportation network company must maintain the following records:

(1) Individual trip records for at least three years from the end of the calendar year in which each trip was provided; and

(2) Individual records of transportation network company drivers at least until the end of the calendar year marking the three-year anniversary of the date on which a transportation network company driver's relationship with the transportation network company has ended.

NEW SECTION. Sec. 45. (1) For the sole purpose of verifying that a transportation network company is in compliance with the requirements of this chapter and no more than biannually, the department, or the local authority for a city with a population of more than five hundred thousand or a county with a population of more than one million, may review a sample of records that the transportation network company is required to maintain under this chapter. The sample of records must be chosen randomly by the department or local authority in a manner agreeable to both parties. Any audit must take place at a mutually agreed location in the state of Washington. Any record sample furnished to the department or local authority may exclude information that would tend to identify specific transportation network company drivers or riders.

(2) Any records inspected under this chapter are designated confidential and are not subject to disclosure to a third party by the department or local authority without prior written consent of the transportation network company and the transportation network company driver.

NEW SECTION. Sec. 46. (1)(a) Each prearranged ride provided by a transportation network company driver to a transportation network company rider while on the transportation network company's digital network must be assessed a ten-cent per trip passenger surcharge fee to cover the costs of enforcement and regulation of state transportation network company licensing and to be distributed to local political divisions of the state.

(b) The director may, by rule adopted under section 21 of this act, review the per trip surcharge fee imposed under (a) of this subsection not more frequently than annually, and increase the fee by rule to cover costs related to the continuing administration and enforcement of this chapter by the department, or by local authorities as permitted under this chapter, provided that any increase is limited to the extent such costs are not covered by the fee.

(2) Using geographic information system data, a transportation network company must determine whether each prearranged ride originated within the incorporated boundaries of a municipality, or outside of the incorporated boundaries of a municipality and within the boundaries of a county of this state.

(3) Within thirty days of the end of each calendar quarter, a transportation network company must submit to the department:

(a) The total amount of passenger surcharge fees collected by a transportation network company on behalf of transportation network company drivers; and

(b) For trips that originated in a municipality or unincorporated county, a report listing the percentage of the yearly total amount of passenger surcharge fees from trips that originated in each municipality or unincorporated county during the reporting period.

(4) The department must retain such amount of the passenger surcharge fee collected under subsection (3)(a) of this section as is necessary to cover the expenses borne by the department derived from the: (a) Regulation and registration of transportation network companies; and (b) the collection, remittance, and distribution of passenger surcharge fees under this section. The

department must deposit these funds in the transportation network company account created in section 23 of this act.

(5) Within sixty days of the end of each calendar quarter, the department must distribute the remaining portion of the total passenger surcharge fees collected under subsection (3)(a) of this section less the amount retained under subsection (4) of this section to each municipality or county where a trip originated during the reporting period. The distribution to each municipality or county must be proportionate to the percentage of the yearly total amount of surcharge fees that originated in each municipality or county. The funds collected by each municipality or county under this subsection must be used to fund enforcement activities by the municipalities and counties relating to this chapter.

NEW SECTION. Sec. 47. (1) In addition to the surcharge fee assessed under section 17 of this act, each prearranged ride provided by a transportation network company driver to a transportation network company rider that originates in a city with a population of two hundred thousand or more or in a county with a population of one million or more must be assessed a ten cent per trip surcharge fee to offset costs associated with improving transportation options for individuals with disabilities.

(2) The surcharge fee assessed under subsection (1) of this section may be used to provide for, but is not limited to, reimbursement for: Costs associated with converting or purchasing a vehicle to be used as a taxicab or transportation network company vehicle that is fully wheelchair accessible by ramp or lift; costs for a transportation network company, taxicab company, or other for hire vehicle company to provide wheelchair-accessible vehicle rides to customers when the cost to provide the ride exceeds the cost charged to the customer; or extra fuel and maintenance costs.

(3) The surcharge fee assessed under subsection (1) of this section must be remitted directly to each applicable city and county within thirty days of the end of each calendar quarter.

NEW SECTION. Sec. 48. (1) If the department determines, after notice and a hearing, that a transportation network company is in violation of this chapter or any rule adopted under this chapter, the department must issue a monetary penalty or suspend or revoke a transportation network company permit, or both, in accordance with this chapter. In determining the amount of the monetary penalty, the department must consider the size of the transportation network company based on the number of intrastate trips provided by the transportation network company in the previous calendar year, the gravity of the violation, the degree to which the transportation network company exercised good faith in attempting to achieve compliance or to remedy noncompliance, and any previous violations by the transportation network company cited by the department.

(2) The department must adopt rules to establish a process for the administrative appeal of any penalty, suspension, or revocation imposed by the department in accordance with this section.

NEW SECTION. Sec. 49. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 50. The director may adopt rules consistent with and as necessary to carry out this chapter.

Sec. 51. RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s 1, and 2016 c 178 s 1 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when

filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW; ~~((and))~~

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section; ~~((and))~~

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure; ~~((and))~~

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; and

(28) Any records, including proprietary financial, commercial, operations, and personal information and data submitted to or obtained by the department of licensing or any municipality or county under chapter 46.--- RCW (the new chapter created in section 37 of this act).

NEW SECTION. Sec. 23. The transportation network company account is created in the custody of the state treasurer. All receipts from sections 4(2) and 17(4) of this act must be deposited into the account. Expenditures from the account may be used only for the purposes provided in section 17(4) of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 24. RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if

the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the transportation network company account, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced

environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 25.** (1) Except as provided otherwise in this section, the state of Washington fully occupies and preempts: The entire field of regulation of transportation network company licensing and permits for transportation network companies and transportation network company drivers; all requirements, applications, certifications, examinations, and background checks for transportation network company drivers, and the processing and adjudication of each; and all rate, entry, or operational requirements for transportation network companies within the boundaries of the state. Any political subdivision in this state may enforce only those laws and ordinances relating to the regulation of such fields concerning the transportation network company industry that are specifically authorized by state law and are consistent with this chapter. This section is not intended to limit, extend, address, affect, or permit the authority of any political subdivision to impose generally applicable requirements upon transportation network companies within its jurisdiction, such as obtaining a business license. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this chapter may not be enacted and are preempted and repealed, regardless of the code, charter, or home rule status of such political subdivision.

(2) This section does not limit the authority of a city with a population of five hundred thousand or more or a county with a population of one million or more to enforce this chapter, including any rules adopted by the department under this chapter, as applicable to transportation network companies, transportation network company drivers, and transportation network company vehicles.

(3) Any public entity operating a commercial airport facility may fully regulate all transportation network company activities related to the provision of transportation network company services at the airport facility or on airport facility property including, but not limited to, rate, entry, and operational requirements and the enforcement of the public entity's rules; provided, however, that the state maintains the authority as set forth in sections 3, 4, 5, 7, 8, 9, 10, 11, 12 (1)(a) and (c), (2), and (3), and 13 of this act. This chapter does not limit the authority of a public entity operating an airport facility from requiring a transportation network company permitted under section 4 of this act to enter into a contract or agreement governing the operations of the transportation network company on airport facility property.

(4) This chapter does not affect the authority of a municipality, county, or other local governmental entity from regulating and enforcing rules relating to traffic flow, traffic patterns, and roadways, including the public right-of-way, to ensure public safety and convenience and, if applicable, imposing impact fees.

Sec. 26. RCW 48.177.010 and 2015 c 236 s 2 are each amended to read as follows:

(1)(a) Before being used to provide ~~((commercial))~~ transportation network company services, every personal vehicle must be covered by a primary automobile insurance policy that specifically covers ~~((commercial))~~ transportation network company services. However, the insurance coverage requirements of this section are alternatively satisfied by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the personal vehicle being used to provide ~~((commercial))~~ transportation network company services and that is in effect twenty-four hours per day, seven days per week. Except as provided in subsection (2) of this section, a ~~((commercial))~~ transportation ~~((services provider))~~ network company must secure this policy for every personal vehicle used to provide ~~((commercial))~~ transportation network company services. For purposes of this section, a "primary automobile insurance policy" is not a private passenger automobile insurance policy.

(b) The primary automobile insurance policy required under this section must provide coverage, as specified in this subsection (1)(b), at all times the driver is logged in to a ~~((commercial))~~ transportation ~~((services provider's))~~ network company's digital network ~~((or software application))~~ and at all times a passenger is in ~~((the))~~ a transportation network company vehicle as part of a prearranged ride.

(i) The primary automobile insurance policy required under this subsection must provide the following coverage during ~~((commercial))~~ transportation network company services applicable during the period before a driver accepts a requested ride through a digital network ~~((or software application))~~:

(A) Liability coverage in an amount no less than fifty thousand dollars per person for bodily injury, one hundred thousand dollars per accident for bodily injury of all persons, and thirty thousand dollars for damage to property;

(B) Underinsured motorist coverage to the extent required under RCW 48.22.030; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(ii) The primary automobile insurance policy required under this subsection must provide the following coverage, applicable during the period of a prearranged ride:

(A) Combined single limit liability coverage in the amount of one million dollars for death, personal injury, and property damage;

(B) Underinsured motorist coverage in the amount of one million dollars; and

(C) Personal injury protection coverage to the extent required under RCW 48.22.085 and 48.22.095.

(2)(a) As an alternative to the provisions of subsection (1) of this section, if the office of the insurance commissioner approves the offering of an insurance policy that recognizes that a person is acting as a transportation network company driver ~~((for a commercial transportation services provider))~~ and using a personal vehicle to provide ~~((commercial))~~ transportation network company services, a driver may secure a primary automobile insurance policy covering a personal vehicle and providing the same coverage as required in subsection (1) of this section. The policy coverage may be in the form of a rider to, or endorsement of, the driver's private passenger automobile insurance policy only if approved as such by the office of the insurance commissioner.

(b) If the primary automobile insurance policy maintained by a driver to meet the obligation of this section does not provide coverage for any reason, including that the policy lapsed or did not exist, the ~~((commercial))~~ transportation ~~((services provider))~~

network company must provide the coverage required under this section beginning with the first dollar of a claim.

(c) The primary automobile insurance policy required under this subsection and subsection (1) of this section may be secured by any of the following:

(i) The ~~((commercial))~~ transportation ~~((services provider))~~ network company as provided under subsection (1) of this section;

(ii) The transportation network company driver as provided under (a) of this subsection; or

(iii) A combination of both the ~~((commercial))~~ transportation ~~((services provider))~~ network company and the transportation network company driver.

(3) The insurer or insurers providing coverage under subsections (1) and (2) of this section are the only insurers having the duty to defend any liability claim from an accident occurring while ~~((commercial))~~ transportation network company services are being provided.

(4) In addition to the requirements in subsections (1) and (2) of this section, before allowing a person to provide ~~((commercial))~~ transportation network company services as a transportation network company driver, a ~~((commercial))~~ transportation ~~((services provider))~~ network company must provide written proof to the driver that the driver is covered by a primary automobile insurance policy that meets the requirements of this section. Alternatively, if a transportation network company driver purchases a primary automobile insurance policy as allowed under subsection (2) of this section, the ~~((commercial))~~ transportation ~~((services provider))~~ network company must verify that the driver has done so.

(5) A primary automobile insurance policy required under subsection (1) or (2) of this section may be placed with an insurer licensed under this title to provide insurance in the state of Washington or as an eligible surplus line insurance policy as described in RCW 48.15.040.

(6) Insurers that write automobile insurance in Washington may exclude any and all coverage afforded under a private passenger automobile insurance policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a transportation network company driver ~~((for a commercial transportation services provider))~~ is logged in to a ~~((commercial))~~ transportation ~~((services provider's))~~ network company's digital network or while a transportation network company driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a private passenger automobile insurance policy including, but not limited to:

(a) Liability coverage for bodily injury and property damage;

(b) Personal injury protection coverage;

(c) Underinsured motorist coverage;

(d) Medical payments coverage;

(e) Comprehensive physical damage coverage; and

(f) Collision physical damage coverage.

(7) Nothing in this section shall be construed to require a private passenger automobile insurance policy to provide primary or excess coverage or a duty to defend for the period of time in which a transportation network company driver is logged in to a ~~((commercial))~~ transportation ~~((services provider's))~~ network company's digital network ~~((or software application))~~ or while the driver is engaged in a prearranged ride or the driver otherwise uses a vehicle to transport passengers for compensation.

(8) Insurers that exclude coverage under subsection (6) of this section have no duty to defend or indemnify any claim expressly excluded under subsection (6) of this section. Nothing in this section shall be deemed to invalidate or limit an exclusion

contained in a policy, including any policy in use or approved for use in Washington state before July 24, 2015, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

(9) An exclusion exercised by an insurer in subsection (6) of this section applies to any coverage selected or rejected by a named insured under RCW 48.22.030 and 48.22.085. The purchase of a rider or endorsement by a transportation network company driver under subsection (2)(a) of this section does not require a separate coverage rejection under RCW 48.22.030 or 48.22.085.

(10) If more than one insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a transportation network company driver, the responsibility for the claim must be divided as follows:

(a) Except as provided otherwise under subsection (2)(c) of this section, if the driver has been matched with a passenger and is traveling to pick up the passenger, or the driver is providing transportation network company services to a passenger, the ~~((commercial))~~ transportation ~~((services provider))~~ network company that matched the driver and passenger must provide insurance coverage; or

(b) If the driver is logged in to the digital network ~~((or software application))~~ of more than one ~~((commercial))~~ transportation ~~((services provider))~~ network company but has not been matched with a passenger, the liability must be divided equally among all of the applicable insurance policies that specifically provide coverage for ~~((commercial))~~ transportation network company services.

(11) In an accident or claims coverage investigation, a ~~((commercial))~~ transportation ~~((services provider))~~ network company or its insurer must cooperate with a private passenger automobile insurance policy insurer and other insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of (a) dates and times at which an accident occurred that involved a participating transportation network company driver and (b) within ten business days after receiving a request, a copy of the provider's electronic record showing the precise times that the participating driver logged on and off the provider's digital network ~~((or software application))~~ on the day the accident or other loss occurred. The ~~((commercial))~~ transportation ~~((services provider))~~ network company or its insurer must retain all data, communications, or documents related to insurance coverage or accident details for a period of not less than the applicable statutes of limitation, plus two years from the date of an accident to which those records pertain.

(12) This section does not modify or abrogate any otherwise applicable insurance requirement set forth in this title.

(13) After July 1, 2016, an insurance company regulated under this title may not deny an otherwise covered claim arising exclusively out of the personal use of the private passenger automobile solely on the basis that the insured, at other times, used the private passenger automobile covered by the policy to provide ~~((commercial))~~ transportation network company services.

(14) If an insurer for a ~~((commercial))~~ transportation ~~((services provider))~~ network company makes a payment for a claim covered under comprehensive coverage or collision coverage, the ~~((commercial))~~ transportation ~~((services provider))~~ network company must cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the

owner of the vehicle and the primary lienholder on the covered vehicle.

(15)(a) To be eligible for securing a primary automobile insurance policy under this section, a ~~((commercial))~~ transportation ~~((services provider))~~ network company must make the following disclosures in writing to a prospective driver in the prospective driver's terms of service:

WHILE OPERATING ON THE DIGITAL NETWORK ((OR SOFTWARE APPLICATION)) OF THE ((COMMERCIAL)) TRANSPORTATION ((SERVICES PROVIDER)) NETWORK COMPANY, YOUR PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD LIABILITY, UNDERINSURED MOTORIST, PERSONAL INJURY PROTECTION, COMPREHENSIVE, OR COLLISION COVERAGE, DEPENDING ON THE TERMS OF THE POLICY.

IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE ((COMMERCIAL)) TRANSPORTATION NETWORK COMPANY SERVICES FOR OUR COMPANY HAS A LIEN AGAINST IT, YOU MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE FOR ((COMMERCIAL)) TRANSPORTATION NETWORK COMPANY SERVICES THAT MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.

(b) The prospective driver must acknowledge the terms of service electronically or by signature.

(16) A driver providing transportation network company services who is not in compliance with this section commits a civil infraction subject to a monetary penalty of fifty dollars. A state or local law enforcement officer may issue a citation for any such violation. If such a driver is cited for a violation under this subsection, every transportation network company that permits such a driver to access the transportation network company's digital network to provide transportation network company services is subject to a fine of five hundred dollars.

Sec. 27. RCW 51.12.020 and 2015 c 236 s 4 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times

during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400 may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published.

(11) Services performed by an insurance producer, as defined in RCW 48.17.010, or a surplus line broker licensed under chapter 48.15 RCW.

(12) Services performed by a booth renter. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

(13) Members of a limited liability company, if either:

(a) Management of the company is vested in its members, and the members for whom exemption is sought would qualify for exemption under subsection (5) of this section were the company a sole proprietorship or partnership; or

(b) Management of the company is vested in one or more managers, and the members for whom the exemption is sought are managers who would qualify for exemption under subsection (8) of this section were the company a corporation.

(14) A driver providing ~~((commercial))~~ transportation network company services ((as defined in RCW 48.177.005)) under chapter 46.--- RCW (the new chapter created in section 37 of this act). The driver may elect coverage in the manner provided by RCW 51.32.030.

(15) For hire vehicle operators under chapter 46.72 RCW who own or lease the for hire vehicle, chauffeurs under chapter 46.72A

RCW who own or lease the limousine, and operators of taxicabs under chapter 81.72 RCW who own or lease the taxicab. An owner or lessee may elect coverage in the manner provided by RCW 51.32.030.

Sec. 28. RCW 46.72.010 and 1996 c 87 s 18 are each amended to read as follows:

When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles under chapter 46.74 RCW, limousine carriers licensed under chapter 46.72A RCW, vehicles used to provide transportation network company services under chapter 46.--- RCW (the new chapter created in section 37 of this act), vehicles used by nonprofit transportation providers for elderly persons or ~~((handicapped))~~ persons with disabilities and their attendants under chapter 81.66 RCW, vehicles used by auto transportation companies licensed under chapter 81.68 RCW, vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices, and vehicles used by charter party carriers of passengers and excursion service carriers licensed under chapter 81.70 RCW;

(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

Sec. 29. RCW 46.74.020 and 1979 c 111 s 2 are each amended to read as follows:

Ride-sharing vehicles are not deemed to be hire vehicles and do not fall within the provisions of chapter 46.72 RCW or any other provision of Title 46 RCW affecting for hire vehicles or transportation network company vehicles, whether or not the ride-sharing operator receives compensation.

Sec. 30. RCW 50.04.100 and 1982 1st ex.s. c 18 s 14 are each amended to read as follows:

"Employment", subject only to the other provisions of this title, means personal service, of whatever nature, unlimited by the relationship of master and servant as known to the common law or any other legal relationship, including service in interstate commerce, performed for wages or under any contract calling for the performance of personal services, written or oral, express or implied. However, for purposes of this title "employment" does not include transportation network company services performed by a transportation network company driver under chapter 46.--- RCW (the new chapter created in section 37 of this act), on or after January 1, 2011.

Except as provided by RCW 50.04.145, personal services performed for an employing unit by one or more contractors or subcontractors acting individually or as a partnership, which do not meet the provisions of RCW 50.04.140, shall be considered employment of the employing unit: PROVIDED, HOWEVER, That such contractor or subcontractor shall be an employer under the provisions of this title in respect to personal services performed by individuals for such contractor or subcontractor.

Sec. 31. RCW 81.68.015 and 2009 c 557 s 1 are each amended to read as follows:

This chapter does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, or any other carrier that does not come within the term "auto transportation company" as defined in RCW 81.68.010.

This chapter does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in

which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

This chapter does not apply to commuter ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with or infringe upon comparable service actually being provided before the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service does not serve an essential transportation purpose, is solely for recreation, and would not adversely affect the operations of the holder of a certificate under this chapter, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service is provided pursuant to a contract with a state agency, or funded by a grant issued by the department of transportation, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

This chapter does not apply to transportation network companies, transportation network company drivers, or transportation network company vehicles under chapter 46.--- RCW (the new chapter created in section 37 of this act).

Sec. 32. RCW 19.182.040 and 2011 c 333 s 2 are each amended to read as follows:

(1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:

(a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;

(b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;

(c) Paid tax liens that, from date of payment, antedate the report by more than seven years;

(d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;

(e) Records of arrest, indictment, or conviction of an adult for a crime that, from date of disposition, release, or parole, antedate the report by more than seven years;

(f) Juvenile records, as defined in RCW 13.50.010(1)((c)) (d), when the subject of the records is twenty-one years of age or older at the time of the report; and

(g) Any other adverse item of information that antedates the report by more than seven years.

(2) Subsection (1)(a) through (e) and (g) of this section is not applicable in the case of a consumer report to be used in connection with:

(a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; ~~((e))~~

(c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more; or

(d) A background check searching for any conviction of an adult for a crime that is a sex offense as defined in RCW 9.94A.030.

NEW SECTION. Sec. 33. A new section is added to chapter 50.04 RCW to read as follows:

Except for services subject to RCW 50.44.010, 50.44.020, 50.44.030, or 50.50.010, "employment" does not include transportation network company services performed by a transportation network company driver under chapter 46.--- RCW (the new chapter created in section 37 of this act) on or after January 1, 2011.

NEW SECTION. Sec. 34. This chapter does not change or limit the authority of: The utilities and transportation commission to regulate special needs transportation providers under chapter 81.66 RCW, auto transportation companies under chapter 81.68 RCW, or charter and excursion companies under chapter 81.70 RCW; or a certificate holder under chapter 81.66, 81.68, or 81.70 RCW to provide transportation services within the scope of the holder's certificate.

NEW SECTION. Sec. 35. RCW 48.177.005 (Definitions) and 2016 c 21 s 1 are each repealed.

NEW SECTION. Sec. 36. RCW 48.177.010 is recodified as a section in chapter 46.--- RCW (the new chapter created in section 37 of this act).

NEW SECTION. Sec. 37. Sections 1 through 21, 23, 25, and 34 of this act constitute a new chapter in Title 46 RCW."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 48.177.010, 51.12.020, 46.72.010, 46.74.020, 50.04.100, 81.68.015, and 19.182.040; reenacting and amending RCW 42.56.270 and 43.79A.040; adding a new section to chapter 50.04 RCW; adding a new chapter to Title 46 RCW; recodifying RCW 48.177.010; repealing RCW 48.177.005; and prescribing penalties."

WITHDRAWAL OF AMENDMENT

On motion of Senator Ranker and without objection, the following floor amendment no. 128 by Senator Ranker on page 3, line 35 to floor striking amendment no. 102 was withdrawn:

On page 3, line 35 of the amendment, after "of" strike "five" and insert "one hundred"

MOTION

Senator Billig moved that the following floor amendment no. 103 by Senators Billig and King to floor striking amendment no. 102 be adopted:

On page 13, line 9 of the amendment, after "department." insert "Any deceptive, manipulative, or coordinated practice used by a transportation network company to evade authorities, including through the use of a digital network or the system supporting the digital network, is a violation of this chapter and results in a six-month suspension of the transportation network company's permit to operate in this state."

Senators Billig, King and Liias spoke in favor of adoption of the amendment to the striking amendment.

Senator Baumgartner spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 103 by Senators Billig and King on page 13, line 9 to floor striking amendment no. 102.

The motion by Senator Billig carried and floor amendment no. 103 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 119 by Senators Hobbs and King to floor striking amendment no. 102 be adopted:

On page 21, line 2 of the amendment, after "rules" insert "and regulations"

Senators King and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 119 by Senators Hobbs and King on page 21, line 2 to floor striking amendment no. 102.

The motion by Senator King carried and floor amendment no. 119 was adopted by voice vote.

MOTION

Senator Carlyle moved that the following floor amendment no. 126 by Senators Carlyle, Kuderer and Pedersen to floor striking amendment no. 102 be adopted:

On page 32, after line 30 of the amendment, insert the following:

"NEW SECTION. Sec. 35. (1) A transportation network company driver, transportation network company, any of the company's agents, or any person acting on behalf of a transportation network company may not take adverse action against any transportation network company rider or riders if:

(a) The rider or former rider has informed any other person or made a complaint, or the driver or transportation network company believes a rider has informed any other person or made a complaint, including to the driver, the transportation network company, the department, the attorney general, or any other person, that the driver or transportation network company engaged in conduct that the rider reasonably believes violates this chapter;

(b) The rider or former rider has sought information about the rider's rights under this chapter or informed others about their rights under this chapter; or

(c) The rider or former rider has, or the driver or transportation network company believes a rider has, otherwise exercised rights protected under this chapter.

(2) For purposes of this section, "adverse action" means revoking or denying services.

NEW SECTION. Sec. 36. (1) The legislature finds that the practices covered under this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

(2) The attorney general must maintain a toll-free number for complaints from transportation network company riders or former riders related to this chapter and maintain a web site to inform riders of their rights under this chapter.

(3) The transportation network company must maintain data regarding transportation network company rider complaints. The department and attorney general must have access to the data."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 33, line 1 of the amendment, after "34" insert "through 36"

Senators Carlyle and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 126 by Senators Carlyle, Kuderer and Pedersen on page 32, after line 30 to floor striking amendment no. 102.

The motion by Senator Carlyle carried and floor amendment no. 126 to floor striking amendment no. 102 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 102 by Senators Hobbs and King, as amended, to Substitute Senate Bill No. 5620.

The motion by Senator King carried and floor striking amendment no. 102, as amended, was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Mullet, Baumgartner, Hobbs and Chase spoke in favor of passage of the bill.

Senators Keiser, Conway, Hasegawa and Saldaña spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Conway, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5312, by Senators Baumgartner, Saldaña, Walsh, Billig, Angel, Hasegawa, Keiser, Chase, Zeiger, Rolfes, Ranker, Fain, Frockt, Conway, Wellman, Darneille, Pedersen and Miloscia

Prohibiting certain employers from including any question on an application about an applicant's criminal record, inquiring either orally or in writing about an applicant's criminal records, or obtaining information from a criminal background check, until after the employer initially determines that the applicant is otherwise qualified.

MOTION

On motion of Senator Baumgartner, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Baumgartner moved that the following floor amendment no. 84 by Senators Baumgartner, Fortunato and Saldaña be adopted:

On page 4, line 9, after "violation" insert ", which must allow a ninety-day period to correct the violation before a second violation is assessed"

Senator Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 84 by Senators Baumgartner, Fortunato and Saldaña on page 4, line 9 to Substitute Senate Bill No. 5312.

The motion by Senator Baumgartner carried and floor amendment no. 84 was adopted by voice vote.

MOTION

Senator Saldaña moved that the following floor amendment no. 105 by Senators Keiser and Saldaña be adopted:

On page 4, beginning on line 26, strike all of section 7
 Renumber the remaining sections consecutively and correct any internal references accordingly.
 On page 5, line 1, strike "7,"

Senator Saldaña spoke in favor of adoption of the amendment.
 Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 105 by Senators Keiser and Saldaña on page 4, line 26 to Substitute Senate Bill No. 5312.

The motion by Senator Saldaña did not carry and floor amendment no. 105 was not adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Darneille, Miloscia, Walsh, Hasegawa and Saldaña spoke in favor of passage of the bill.

Senators Padden and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5312.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Cleveland, Conway, Darneille, Fain, Frockt, Hasegawa, Hobbs, Hunt, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Rolfes, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Carlyle, Chase, Ericksen, Fortunato, Hawkins, Honeyford, Keiser, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rossi, Saldaña, Schoesler, Sheldon, Short, Warnick and Wilson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5659, by Senators Bailey, Hawkins, Schoesler and Warnick

Addressing the eligibility of emergency medical technicians employed by public hospital districts for membership in the law enforcement officers' and firefighters' retirement system.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Bailey moved that the following floor amendment no. 116 by Senators Bailey, Conway and Schoesler be adopted:

Beginning on page 11, line 17, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. (1) A member who provided emergency medical services on behalf of a public hospital district or public corporation established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030(10) may establish credit for such service rendered on or after July 24, 2005. Upon receipt of a written request the department of retirement systems must notify the member of the cost to establish credit for all or part of such service.

(a) A member has one year from July 1, 2017, to elect to establish credit in plan 2 under this section. Such election must be filed in writing with the department of retirement systems by June 30, 2018. The elected period must be in contiguous monthly increments beginning with the oldest service.

(i) To establish service under this section, except as provided in section 4 of this act, the member must pay the employee contributions he or she would have paid if he or she had been participating in the retirement system at the time of the service:

(A) No later than five years from the effective date of the election made under this section; and

(B) Prior to retirement.

(ii) Upon full payment of employee contributions for the elected period of service the department of retirement systems must:

(A) Credit the member with the service; and

(B) Bill the employer for the employer contributions it would have paid if such member had been participating in the retirement system at the time of such service. The amount billed to the employer by the department of retirement systems must be reduced by the amount of any employer contributions to an employee's retirement account prior to December 1, 2011.

(iii) The employer shall pay the required amount prior to July 1, 2028.

(b)(i) A member of the public employees' retirement system who is eligible for membership in plan 2 under this act may:

(A) Make an election in writing to the department of retirement systems by July 1, 2017, to remain a member of the public employees' retirement system and not participate in the law enforcement officers' and firefighters' retirement system plan 2;

(B) Leave any service credit earned as a member of the public employees' retirement system in the public employees' retirement system, and have service rendered on or after July 1, 2017, as an emergency medical technician in the law enforcement officers' and firefighters' retirement system plan 2, becoming a dual member under the provisions of chapter 41.54 RCW; or

(C) Within one year from July 1, 2017, to elect to transfer service credit previously earned as an emergency medical technician for a public hospital district or public corporation established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030(10) to the law enforcement officers' and firefighters' retirement system plan 2 as defined in RCW 41.26.030. Such election must be filed in writing with the department of retirement systems by June 30, 2018.

(I) A member who elects to transfer service credit under this subsection shall pay, for the applicable period of service, the difference between the contributions the employee paid to the public employees' retirement system plan and the contributions that would have been paid by the employee had the employee been a member of the law enforcement officers' and firefighters' retirement system plan 2, plus interest on this difference as determined by the director.

(II) The payment under (a) of this subsection must be made no later than five years from the effective date of the election and must be made prior to retirement, except as provided under section 4 of this act.

(2) Upon transfer or establishment of service credit, contributions, and interest under this section, the employee is permanently excluded from membership in the public employees' retirement system for all service transfers related to their time served as an emergency medical technician for a public hospital district or public corporation established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030(10) under the public employees' retirement system.

(3) A public hospital district or public corporation established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030(10) shall provide the department of retirement systems with a list of former employees who were employed as emergency medical technicians on or after July 24, 2005, and who are eligible to establish credit for service under this section. The list must include a former employee's name, last known address, and period of employment. The department of retirement systems must notify former employees of the process and cost to establish credit for service under this section."

Senators Bailey and Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 116 by Senators Bailey,

Conway and Schoesler on page 11, line 17 to Substitute Senate Bill No. 5659.

The motion by Senator Bailey carried and floor amendment no. 116 was adopted by voice vote.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Conway, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias and Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators Keiser, Baumgartner and Conway

Concerning class B elevator work permits.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy,

Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5793, by Senators Warnick and Chase

Concerning an assessment on cattle.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5793.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Becker, Brown, Chase, Cleveland, Conway, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Honeyford, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Rivers, Rossi, Saldaña, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Bailey, Baumgartner, Billig, Braun, Carlyle, Darneille, Ericksen, Hawkins, Hunt, Keiser, Lias, Padden, Ranker, Rolfes, Schoesler, Sheldon, Short, Van De Wege and Wellman

SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:48 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 8, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 8, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Brandon Ducusin and Miss Mehr Luthra, presented the Colors. Page Mr. Robert Veria-Means led the Chamber in the Pledge of Allegiance. The prayer was offered by Senator Rebecca Saldaña, 37th Legislative District, King County.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 6, 2017

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439,
- ENGROSSED HOUSE BILL NO. 1450,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1512,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1711,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,
- ENGROSSED HOUSE BILL NO. 1742,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814,
- ENGROSSED HOUSE BILL NO. 1927,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057,
- ENGROSSED HOUSE BILL NO. 2095,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 7, 2017

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1166,
- SUBSTITUTE HOUSE BILL NO. 1183,

- HOUSE BILL NO. 1204,
- HOUSE BILL NO. 1449,
- SUBSTITUTE HOUSE BILL NO. 1467,
- SUBSTITUTE HOUSE BILL NO. 1765,
- HOUSE BILL NO. 1855,
- SUBSTITUTE HOUSE BILL NO. 1902,
- HOUSE BILL NO. 1953,
- SUBSTITUTE HOUSE BILL NO. 2006,
- SUBSTITUTE HOUSE BILL NO. 2021,
- SUBSTITUTE HOUSE BILL NO. 2037,
- SUBSTITUTE HOUSE BILL NO. 2058,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 7, 2017

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1001,
- SUBSTITUTE HOUSE BILL NO. 1377,
- SUBSTITUTE HOUSE BILL NO. 1532,
- HOUSE BILL NO. 1715,
- HOUSE BILL NO. 1721,
- SUBSTITUTE HOUSE BILL NO. 1763,
- HOUSE BILL NO. 1833,
- HOUSE BILL NO. 1907,
- SUBSTITUTE HOUSE BILL NO. 1930,
- SECOND SUBSTITUTE HOUSE BILL NO. 1980,
- HOUSE BILL NO. 1991,
- HOUSE JOINT MEMORIAL NO. 4010,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 1043 by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Harris, Clibborn, Riccelli, Cody, Jinkins, Tharinger, Appleton and Sawyer)

AN ACT Relating to nonpublic personal health information; reenacting and amending RCW 42.56.400; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Health Care.

SHB 1046 by House Committee on Education (originally sponsored by Representative MacEwen)

AN ACT Relating to certificates of academic and individual achievement; amending RCW 28A.155.045, 28A.155.170, 28A.230.090, 28A.230.122, 28A.230.125, 28A.655.070, 28A.180.100, 28A.195.010, 28A.200.010, 28A.305.130, 28A.320.208, 28A.415.360, and 28A.600.310; adding a new section to chapter 28A.655 RCW; creating a new section; repealing RCW 28A.600.405, 28A.655.061, 28A.655.063,

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28A.655.065, 28A.655.066, and 28A.655.068; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1063 by Representatives Morris, Lytton, Fitzgibbon, Appleton and Sawyer

AN ACT Relating to allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes; amending RCW 82.38.310; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1070 by House Committee on Judiciary (originally sponsored by Representatives Jinkins, Appleton, Robinson, Kirby, Doglio and Fey)

AN ACT Relating to filing fee surcharges for funding dispute resolution centers; and amending RCW 7.75.035.

Referred to Committee on Law & Justice.

HB 1089 by Representatives Appleton and Fitzgibbon

AN ACT Relating to amending the schedule for updates to the comprehensive plan of Kitsap county that are required under the growth management act to match the update schedules of other central Puget Sound counties; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

ESHB 1109 by House Committee on Appropriations (originally sponsored by Representatives Orwall, McCabe, Griffey, Hayes, McBride, Frame, Goodman, Klippert, Stanford, Stambaugh, Jinkins, Fey, Harmsworth, Dolan, Sells, Muri, Gregerson, McDonald, Wylie, Kilduff, Kloba, Tarleton, Pollet, Farrell, Kagi, Riccelli, Senn, Peterson, Bergquist and Doglio)

AN ACT Relating to supporting victims of sexual assault; amending RCW 43.330.470, 66.08.2601, 66.08.260, and 66.08.170; amending 2015 c 247 s 2 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 43.10 RCW; adding a new section to chapter 70.125 RCW; adding new sections to chapter 43.101 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1132 by Representatives Buys and Blake

AN ACT Relating to dispute resolution between seed buyers and dealers; amending RCW 15.49.071 and 15.49.091; and repealing RCW 15.49.081, 15.49.101, and 15.49.111.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SHB 1155 by House Committee on Public Safety (originally sponsored by Representatives Griffey, Orwall,

Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio and Macri)

AN ACT Relating to making felony sex offenses a crime that may be prosecuted at any time after its commission; and amending RCW 9A.04.080.

Referred to Committee on Law & Justice.

2SHB 1168 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Haler, Pollet, Appleton, Stanford, Orwall, Sells, Tarleton, Chapman, Goodman, Fitzgibbon, Peterson, Lytton, Doglio, Frame, Farrell, Riccelli, Lovick, Pettigrew, Sawyer, Springer, Ortiz-Self, Bergquist, Ormsby, Fey, Hudgins, Santos and Macri)

AN ACT Relating to supporting student success at community and technical colleges by increasing full-time faculty; adding a new section to chapter 28B.52 RCW; and creating new sections.

Referred to Committee on Higher Education.

2SHB 1170 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet and Santos)

AN ACT Relating to maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy; amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.090, 28A.225.030, 28A.225.151, and 28A.250.070; adding a new section to chapter 28A.232 RCW; creating a new section; and repealing RCW 28A.225.115.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1176 by House Committee on Commerce & Gaming (originally sponsored by Representative Muri)

AN ACT Relating to the alcoholic beverage mead; and amending RCW 66.24.215 and 66.28.360.

Referred to Committee on Commerce, Labor & Sports.

SHB 1196 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Jinkins, Kilduff, McBride and Barkis)

AN ACT Relating to modifying the process for prevailing parties to recover judgments in small claims court; amending RCW 12.40.020, 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and 43.79.505; adding a new section to chapter 12.40 RCW; and repealing RCW 12.40.110.

Referred to Committee on Law & Justice.

SHB 1266 by House Committee on Environment (originally sponsored by Representatives Peterson, Young and Fitzgibbon)

AN ACT Relating to petroleum storage tank systems; amending RCW 70.149.010, 70.149.020, 70.149.030, 70.149.040, 70.149.070, and 64.70.020; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

2SHB 1280 by House Committee on Appropriations (originally sponsored by Representatives Kagi and Fey) AN ACT Relating to including referred and diverted youth in establishing community juvenile accountability program guidelines; amending RCW 13.40.510; adding a new section to chapter 13.40 RCW; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1314 by House Committee on Health Care & Wellness (originally sponsored by Representatives Calder, Jinkins, DeBolt, Cody, Rodne, Griffey, Harris, Haler and Appleton) AN ACT Relating to health care authority auditing practices; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

E2SHB 1351 by House Committee on Appropriations (originally sponsored by Representatives Sawyer, Vick, Springer, Barkis, Blake, Fitzgibbon and Haler) AN ACT Relating to authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption; amending RCW 66.24.360, 66.24.630, 66.24.363, and 66.24.632; reenacting and amending RCW 66.24.371; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce, Labor & Sports.

SHB 1421 by House Committee on Appropriations (originally sponsored by Representatives Smith, Hudgins and Stanford) AN ACT Relating to the removal of payment credentials and other sensitive data from state data networks; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government.

SHB 1433 by House Committee on Higher Education (originally sponsored by Representatives Stambaugh, Orwall, Haler, Tarleton, Jinkins, Pollet, Stonier, Ryu, Hargrove, Santos and Doglio) AN ACT Relating to decoupling services and activities fees from tuition; and reenacting and amending RCW 28B.15.069.

Referred to Committee on Higher Education.

E2SHB 1439 by House Committee on Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, Fey, Sells, Orwall, Ryu, Stanford and Dolan) AN ACT Relating to regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices; amending RCW 28B.85.020, 28B.85.090, 28B.85.100, 28C.10.050, 28C.10.110, and 28C.10.130; adding new sections to chapter 28B.85 RCW; adding new sections to chapter 28C.10 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Higher Education.

EHB 1450 by Representatives Nealey, Kirby and Vick AN ACT Relating to creating and establishing the rights and duties for title insurance rating and advisory organizations; amending RCW 48.29.010, 48.29.147, and 48.29.017; adding new sections to chapter 48.29 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1475 by Representatives Irwin, Goodman, Hayes, Ryu, Kilduff, Holy, Klippert, Kirby and Lovick AN ACT Relating to clarifying the limited authority of gambling commission officers; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce, Labor & Sports.

HB 1492 by Representatives Tharinger, Harris, Cody, Macri and Appleton AN ACT Relating to equalizing civil monetary penalties for assisted living facilities with other long-term care providers; and amending RCW 18.20.190 and 18.20.430.

Referred to Committee on Health Care.

E2SHB 1512 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, Stambaugh, McBride, Gregerson, Slatter, Frame, Macri, Peterson, Hudgins, Pollet, Orwall, Doglio, Appleton, Fitzgibbon, Goodman, Farrell and Stanford) AN ACT Relating to expanding college bound scholarship eligibility; amending RCW 28B.118.010, 28B.118.040, and 28B.118.090; and creating a new section.

Referred to Committee on Higher Education.

2SHB 1541 by House Committee on Appropriations (originally sponsored by Representatives Robinson, Johnson, Harris, McBride, Doglio, Wylie, Peterson, Cody, Stonier, Frame, Sawyer, Macri, Sells, Orwall, Jinkins, Senn, Tharinger, Stanford, Riccelli, Fitzgibbon, Ormsby, Gregerson, Hudgins, Ortiz-Self, Ryu, Farrell, Tarleton, Pollet, Clibborn, Fey, Kilduff, Reeves, Kagi, Chapman, Pellicciotti, Bergquist, Goodman, Lovick and Slatter) AN ACT Relating to prescription drug cost transparency; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Health Care.

E2SHB 1561 by House Committee on Appropriations (originally sponsored by Representatives Frame, Pollet, Doglio, Kloba, Bergquist, Kilduff, Stanford, Dolan, Peterson, Stonier, Senn, Slatter, Fey, Lovick, Macri, Tarleton, Tharinger, Sawyer, Goodman and Farrell) AN ACT Relating to open educational resources; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

SHB 1566 by House Committee on Early Learning & Human Services (originally sponsored by Representatives

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Pellicciotti, McDonald, Stambaugh, Gregerson, Ortiz-Self, Peterson, Riccelli, Stanford, Stonier, Kilduff, Holy, Ormsby, Haler, Bergquist and Dolan)

AN ACT Relating to the definition of work activity for the purposes of the WorkFirst program; amending RCW 74.08A.250; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services, Mental Health & Housing.

E2SHB 1711 by House Committee on Appropriations (originally sponsored by Representatives Kretz, Springer, Pettigrew, Schmick, Short and Condotta)

AN ACT Relating to prioritizing lands to receive forest health treatments; reenacting and amending RCW 43.79A.040; adding new sections to chapter 79.10 RCW; adding a new section to chapter 79.64 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

HB 1734 by Representatives Lovick, Hargrove, Stonier, Muri, Ortiz-Self and Pollet

AN ACT Relating to reimbursement for substitute teachers participating in activities of the Washington state professional educator standards board to carry out its powers and duties; and amending RCW 28A.300.035.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1739 by House Committee on Public Safety (originally sponsored by Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford and Jinkins)

AN ACT Relating to the crime victims' compensation program; amending RCW 7.68.020, 7.68.030, 7.68.031, 7.68.062, 7.68.070, and 7.68.111; and reenacting and amending RCW 7.68.080.

Referred to Committee on Law & Justice.

EHB 1742 by Representatives Stambaugh, Fey, Orcutt, Riccelli, McDonald and Jinkins

AN ACT Relating to modifying the motor vehicle transporter's license to accommodate automotive repair facilities; amending RCW 46.76.040, 46.76.060, and 46.76.065; adding a new section to chapter 46.76 RCW; adding a new section to chapter 46.71 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1747 by House Committee on Finance (originally sponsored by Representatives Taylor, McCaslin, Volz, Young and Shea)

AN ACT Relating to the withdrawal of land from a designated classification; and amending RCW 84.34.070.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SHB 1787 by House Committee on Appropriations (originally sponsored by Representatives Hudgins, Koster, Appleton, Doglio, Kraft and Ormsby)

AN ACT Relating to oversight of the state procurement and contracting for information technology goods and services; amending RCW 39.26.005, 39.26.010, 39.26.050, 39.26.060, 39.26.080, 39.26.090, 39.26.110, 39.26.130, 39.26.140, and 39.26.180; and creating a new section.

Referred to Committee on State Government.

HB 1794 by Representatives Klippert and Jinkins

AN ACT Relating to the death investigations account; and amending RCW 43.103.090.

Referred to Committee on Law & Justice.

ESHB 1814 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Ortiz-Self)

AN ACT Relating to notification requirements for the department of social and health services; and amending RCW 13.38.070, 26.44.100, 43.20B.430, 43.20B.435, 43.20B.635, and 74.20A.320.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1815 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kilduff, Rodne, Senn, Muri, Lovick, Ortiz-Self, Orwall and Frame)

AN ACT Relating to the rights of an alleged parent in dependency proceedings; amending RCW 13.04.011; and reenacting and amending RCW 13.34.030.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1816 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Frame, Goodman, Lovick, Ortiz-Self, Kilduff, Muri, Doglio, Macri and Fey)

AN ACT Relating to information sharing regarding implementation the homeless youth prevention and protection act of 2015; amending RCW 43.185C.010, 43.185C.250, 43.185C.260, 43.185C.285, 43.185C.295, 43.185C.315, and 43.185C.320; and reenacting and amending RCW 13.50.010.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1859 by Representatives Pellicciotti, Griffey, Pettigrew, Chapman, Goodman and Ormsby

AN ACT Relating to providing an aggravating circumstance for assault against a utility worker; and amending RCW 9.94A.535.

Referred to Committee on Law & Justice.

SHB 1863 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Stokesbary, Appleton and Stambaugh)

AN ACT Relating to the national fire incident reporting system; amending RCW 43.44.060; and creating a new section.

Referred to Committee on Local Government.

SHB 1877 by House Committee on Transportation (originally sponsored by Representative Stanford)

AN ACT Relating to the release of driving record abstract information affecting registered tow truck operators; and amending RCW 46.52.130.

Referred to Committee on Transportation.

EHB 1927 by Representative Hudgins

AN ACT Relating to government efficiency by eliminating, revising or decodifying obsolete or inactive statutory provisions that concern the office of financial management; amending RCW 4.84.360, 38.40.030, 43.03.049, 43.08.015, and 43.320.090; decodifying RCW 43.41.901, 43.41.940, and 43.41.950; and repealing RCW 28B.15.101, 43.41.220, 43.41.230, 43.41.240, 43.41.250, and 43.41.905.

Referred to Committee on State Government.

2SHB 1929 by House Committee on Appropriations (originally sponsored by Representatives Hudgins, Harmsworth and Tarleton)

AN ACT Relating to building a more robust state information technology security posture by leveraging assets at the military department and other agencies responsible for information technology systems and infrastructure; amending RCW 43.105.215; and creating a new section.

Referred to Committee on State Government.

SHB 1944 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Condotta and Hayes)

AN ACT Relating to exempting certain law enforcement officers from the hunter education training program; and amending RCW 77.32.155.

Referred to Committee on Natural Resources & Parks.

ESHB 2010 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Maycumber, Dent, Blake, Kretz, Dye and Manweller)

AN ACT Relating to the prevention of homelessness in wildfire areas; amending RCW 36.22.179 and 43.185C.060; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

HB 2052 by Representative Buys

AN ACT Relating to recertification of public bodies using alternative contracting methods; amending RCW 39.10.270; and reenacting and amending RCW 43.131.408.

Referred to Committee on State Government.

ESHB 2057 by House Committee on Judiciary (originally sponsored by Representative Orwall)

AN ACT Relating to the services and processes available when residential real property is abandoned or in

foreclosure; amending RCW 61.24.173 and 61.24.040; and adding new sections to chapter 61.24 RCW.

Referred to Committee on Financial Institutions & Insurance.

EHB 2095 by Representatives Wylie, Stonier, Harris, Vick, Clibborn, Fey, McBride and Macri

AN ACT Relating to preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river; amending RCW 43.157.030; reenacting and amending RCW 43.157.010; adding a new section to chapter 43.157 RCW; adding a new section to chapter 47.01 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

ESHB 2114 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Pollet)

AN ACT Relating to protecting consumers from charges for out-of-network health services; amending RCW 48.43.005, 48.43.093, and 41.05.017; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

ESHB 2126 by House Committee on Appropriations (originally sponsored by Representatives Blake and Wilcox)

AN ACT Relating to creating a community-based approach to provide assistance with nonlethal management methods to reduce livestock depredations by wolves; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 16 RCW.

Referred to Committee on Natural Resources & Parks.

HJM 4011 by Representatives Blake, Chapman, Lovick, J. Walsh, Kilduff, Tharinger and Muri

Requesting that the United States Coast Guard name a Coast Guard cutter in honor of Petty Officer Matthew E. Schlimme.

Referred to Committee on State Government.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1747 which had been designated to the Committee on State Government and was referred to the Committee on Agriculture, Water, Trade & Economic Development.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION

By Senators Saldaña, Walsh, Chase, Cleveland, Lias, Rolfes, Billig, Conway, Hasegawa, Hobbs, Darneille, Wilson, Warnick, Brown, Angel, Bailey, Pedersen, Miloscia, Fain, McCoy, Keiser, Wellman, Schoesler, Padden, Ericksen, Zeiger, King, Hawkins, Becker, Pearson, Hunt, Fortunato, Palumbo, Kuderer, Ranker, Carlyle, Nelson, Rossi, Takko, Rivers, and Frockt

WHEREAS, March 8th is International Women's Day; and
 WHEREAS, Washington women, of every race, income level, and ethnic background, have made historic contributions to the growth and strength of our state and nation; and

WHEREAS, Women as employers and employees are essential to all aspects of our economy, including education, manufacturing, agriculture, sports, hospitality, the military, technology, health care, philanthropy, arts and culture, and public service; and

WHEREAS, Women are essential in leadership roles that are often historically underestimated and undervalued, including being mothers; heads of households; and caretakers of our state's children, elders, and most vulnerable; and

WHEREAS, Despite their great contributions, women in our society continue to be disadvantaged in a number of areas, including access to health and maternity care, wage equity and lifetime earnings, and women of color and rural women are often at the greatest disadvantage in those areas; and

WHEREAS, In the face of these disadvantages, women have risen up to become leaders as business owners, CEOs, elected officials, and advocates, and women continue to be indispensable to our families and our communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the contributions of women to our society, economy, and community; and honor all women throughout our state, nation, and world during the celebration of International Women's Day.

Senators Saldaña, Walsh, Chase, Angel, Darneille, Becker, Ericksen, Kuderer, Bailey, Nelson, Baumgartner and Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

The motion by Senator Saldaña carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Habib: "The President will add his words of gratitude to Senator Saldaña for bringing this resolution and all the sponsors and all those who shared their remarks today. I know that I speak on behalf of Secretary Goodman and the staff of the Secretary's Office when I say that on behalf of all the women who work in the State Senate and for the State Senate in whatever capacity that we recognize and honor your work everyday, not just today, but today acknowledge in a special way the added challenges or obstacles that women often times face and yet we have such and incredibly talented staff. And obviously incredibly talented colleagues here in the State Senate, so I just wanted to add my words of appreciation and solidarity on this International Day of Women."

PERSONAL PRIVILEGE

Senator Angel: "I would like to invite all of our women legislators, the National Federation of Women Legislators are

coming to town next week. We are having lunch over at the Pritchard Building down in the Washington Room at 12:15 p.m. on March 15. I want to thank Senator Cleveland and Senator Wilson for co-chairing this event with us. And we invite all of you, please call my office for that reservation and we again will celebrate women. Thank you."

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5543, by Senators Padden and Baumgartner

Concerning a reexamination of the classification of land in flood control districts.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Takko spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Van De Wege was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5543.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Van De Wege

SENATE BILL NO. 5543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

The Senate resumed consideration of Substitute Senate Bill No. 5808 which had been deferred on a previous day March 6.

MOTION

On motion of Senator Fain, the rules were suspended and Substitute Senate Bill No. 5808 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5808, by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Chase, Walsh, Brown, Becker, Short and Bailey)

Concerning agritourism.

The measure was read the second time.

MOTION

Senator Warnick moved that the following floor striking amendment no. 127 by Senators Pedersen and Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 4. The legislature finds that agriculture plays a substantial role in the economy, culture, and history of Washington state. As an increasing number of Washington's citizens are removed from day-to-day agricultural experiences, agritourism provides a valuable opportunity for the public to interact with, experience, and understand agriculture. In addition, agritourism opportunities provide valuable options for agricultural producers and rural residents to maintain their operations and continue a traditional economic development opportunity in rural areas. Inherent risks exist on farms and ranches, some of which cannot be reasonably eliminated. Uncertainty of potential liability associated with inherent risks has a negative impact on the establishment and success of agritourism operations.

NEW SECTION. Sec. 5. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agritourism activity" means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to: Farming; ranching; historic, cultural, and on-site educational programs; recreational farming programs that may include on-site hospitality services; guided and self-guided tours; bed and breakfast accommodations; petting zoos; farm festivals; corn mazes; harvest-your-own operations; hayrides; barn parties; horseback riding; fishing; and camping.

(2) "Agritourism professional" means any person in the business of providing one or more agritourism activities, whether or not for compensation.

(3) "Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions, natural conditions of land, vegetation, waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or

failing to exercise reasonable caution while engaging in the agritourism activity, unless the participant acting in a negligent manner is a minor or is under the influence of alcohol or drugs.

(4) "Participant" means any person, other than the agritourism professional, who engages in an agritourism activity.

(5) "Person" means an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

NEW SECTION. Sec. 6. (1)(a) Except as provided in subsection (2) of this section, an agritourism professional is not liable for injury, loss, damage, or death of a participant resulting exclusively from any of the inherent risks of agritourism activities.

(b) Except as provided in subsection (2) of this section, no participant or participant's representative may pursue an action or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

(c) In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(2) Nothing in subsection (1) of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

(a) Commits an act or omission that is grossly negligent or constitutes willful or wanton disregard for the safety of the participant and that act or omission proximately causes injury, damage, or death to the participant.

(b) Has actual knowledge or reasonably should have known of an existing dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such an activity and does not make the danger known to the participant and the danger proximately causes injury, damage, or death to the participant.

(c) Permits minor participants to use facilities or engage in agritourism activities that are not reasonably appropriate for their age.

(d) Knowingly permits participants to use facilities or engage in agritourism activities while under the influence of alcohol or drugs.

(e) Fails to warn participants as required by section 4 of this act.

(3) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

NEW SECTION. Sec. 7. (1) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (2) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The sign and contracts described in subsection (1) of this section must contain the following notice of warning:

"WARNING

Under Washington state law, there is limited liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such an injury or death results exclusively from the inherent risks of the agritourism

activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. We are required to ensure that in any activity involving minor children, only age-appropriate access to activities, equipment, and animals is permitted. You are assuming the risk of participating in this agritourism activity."

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section prohibits an agritourism professional from invoking the privilege of immunity provided by this section and sections 1 through 3 of this act and may be introduced as evidence in any claim for damages.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act are each added to chapter 4.24 RCW."

On page 1, line 1 of the title, after "agritourism;" strike the remainder of the title and insert "and adding new sections to chapter 4.24 RCW."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 127 by Senators Pedersen and Warnick to Substitute Senate Bill No. 5808.

The motion by Senator Warnick carried and floor striking amendment no. 127 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5808.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5808 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Hasegawa, Kuderer, Lias, Palumbo and Ranker

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5100, by Senators Bailey, Wilson, Angel, Zeiger and Darneille

Requiring live financial literacy seminars for students at institutions of higher education. Revised for 1st Substitute: Requiring financial literacy seminars for students at institutions of higher education.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5797, by Senators Mullet, Fain and Hobbs

Concerning services and processes available when residential real property is abandoned or in foreclosure. Revised for 1st Substitute: Concerning the services and processes available when residential real property is abandoned or in foreclosure.

MOTION

On motion of Senator Mullet, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following floor striking amendment no. 122 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 61.24 RCW to read as follows:

(1) A certificate of abandonment may be obtained for a fee through the housing finance commission by using a form and subject to the terms and conditions developed by the housing finance commission in conjunction with the servicing industry, trustees, and civil legal aid. The housing finance commission must determine the costs associated with the application process and set a reasonable application fee based upon these costs. The fee must not exceed one hundred dollars.

(2) Upon issuance of a certificate of abandonment, or upon receipt of notification from a servicer pursuant to section 2 or 3 of this act, the housing finance commission must notify the appropriate city, town, or county.

NEW SECTION. Sec. 2. A new section is added to chapter 61.24 RCW to read as follows:

(1) A servicer to whom a borrower, after default, has granted written permission to enter the premises to inspect, secure, repair, or maintain the premises may enter the premises and act in accordance with the scope of the permission granted by the borrower.

(2) A servicer in possession of a court order allowing entry onto the premises to access, secure, maintain, and preserve the premises may enter the premises and act in accordance with the scope of the court order.

(3) A certificate of abandonment is not necessary under this section, but the servicer must notify the housing finance commission that it has obtained a court order or been granted written permission from the borrower in order that the commission may notify the appropriate city, town, or county.

NEW SECTION. Sec. 3. A new section is added to chapter 61.24 RCW to read as follows:

(1) A servicer may perform reasonable external maintenance without the borrower's permission if, after default and after reasonable inspection and notice in accordance with this section, there is reasonable cause to believe that the property is abandoned.

(2) A certificate of abandonment is not necessary under this section, but the servicer must notify the housing finance commission that it intends to perform reasonable external maintenance in order that the commission may notify the appropriate city, town, or county.

(3) For purposes of this section:

(a) "Notice" means a written notice posted on the door, informing the occupants that in three days the servicer or its agent intends to perform external maintenance of the property. The notice must remain on the door until the servicer is contacted by the borrower or lawful occupant or until foreclosure is complete. The notice must include all of the following:

(i) Information about the borrower's or lawful occupant's right to possession;

(ii) A twenty-four hour phone number that the borrower or lawful occupant may call with questions or concerns or to obtain information; and

(iii) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(b) "Reasonable cause to believe that the property is abandoned" means that the property exhibits a lack of evidence of occupancy and at least one of the following indicia of abandonment:

(i) Overgrown or dead vegetation;

(ii) An accumulation of newspapers, circulars, fliers, or mail;

(iii) Past due utility notices, or some or all of the utilities have been disconnected;

(iv) An accumulation of trash, junk, or debris;

(v) Broken windows.

(c) "Reasonable external maintenance" includes:

(i) Maintaining landscaping;

(ii) Collecting and disposing of newspapers, circulars, trash, and debris;

(iii) Painting over graffiti or tagging; and

(iv) The removal of hazardous property. If property is removed, the servicer must inventory and document the removal.

(d) "Reasonable inspection" means inspection from the street without entering the property.

NEW SECTION. Sec. 4. A new section is added to chapter 61.24 RCW to read as follows:

(1) A certificate of abandonment for entry into a dwelling without the borrower's permission permits a servicer or its agent to enter the property to take reasonable steps to secure the property. Upon issuance of a certificate of abandonment, the housing finance commission must notify the appropriate city, town, or county.

(2) The following conditions must be met before issuance of a certificate of abandonment:

(a) The borrower is in default and the property is abandoned, as indicated by the presence of at least three of the following indicia of abandonment visible from the exterior: (i) The absence of furnishings and personal items consistent with residential habitation; (ii) the gas, electric, and water utility services have been disconnected; (iii) statements by neighbors, passersby, delivery agents, or government employees that the property is vacant; (iv) multiple windows on the property are boarded up or closed off or are smashed through, broken, or unhinged, or multiple window panes are broken and unrepaired; (v) doors on the residence are smashed through, broken off, unhinged, or continuously unlocked; (vi) the property has been stripped of copper or other materials, or interior fixtures have been removed; (vii) law enforcement officials have received at least one report of trespassing or vandalism or other illegal activities occurring on the property within the immediately preceding six months; (viii) the property has been declared unfit for occupancy and ordered to remain vacant and unoccupied pursuant to an order issued by a municipal or county authority or a court of competent jurisdiction; (ix) construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupancy, and construction has not taken place for at least six months; (x) newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property; (xi) rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property; (xii) hazardous, noxious, or unhealthy substances or materials have accumulated on the property; (xiii) other credible evidence exists indicating the intent to vacate and abandon the property; and either

(b) The property is open and unprotected or in reasonable danger of significant damage resulting from exposure to the elements or vandalism; or

(c) The local police, fire department, or code enforcement authority has requested that the borrower, owner, or any other interested or authorized party secure the residential real property because the local authority has declared the property to be an imminent danger to the health, safety, and welfare of the public.

(3) Within seven days of issuance of the certificate of abandonment, the servicer or its agent must post a written notice on the door informing the occupants that after thirty days the servicer or its agent intends to enter the dwelling to take reasonable steps to secure the property. The notice must remain on the door until the servicer is contacted by the borrower or lawful occupant or until foreclosure is complete. The notice must include all of the following:

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(a) Information about the borrower's or lawful occupant's right to possession;

(b) A twenty-four hour phone number that the borrower or lawful occupant may call with questions or concerns or to obtain information; and

(c) The phone number of a housing counseling agency and information regarding the foreclosure fairness act.

(4) Absent the threat of imminent danger of harm, the servicer or its agent must wait thirty days after posting the notice before entering to take reasonable steps to secure the property. If there is imminent danger of harm, the servicer or its agent need not wait thirty days but may enter immediately and, simultaneous with entry, post the notice required under subsection (3) of this section.

(5) Reasonable steps to secure the property include:

(a) Installing missing locks on exterior doors. Working locks may not be removed or replaced, unless all doors are secured and there is no other means of entry, and in such cases only one working lock may be removed and replaced;

(b) Replacing or boarding broken or missing windows;

(c) Winterizing, including draining pipes and disconnecting or turning on utilities;

(d) Eliminating building code or other code violations; or

(e) Securing exterior pools and spas.

(6) The servicer must document all steps to enter and secure the property, including taking date and time-stamped photographs of entry, and the manner of entry.

(7) Personal property may not be removed unless it is hazardous or perishable, and in such case an inventory and photographs of the property removed must be made.

(8) The servicer or agent must retain all documentation and photographs for a period of four years.

(9) The servicer and its agents must promptly exit the property if, upon entry, there are signs of occupancy.

(10) For purposes of this section, "imminent danger of harm" means:

(a) Active flooding, including damage to the roof such that water is entering the structure;

(b) Extreme weather conditions exist and immediate and extensive property damage is likely;

(c) Notification by the police, fire department, or code enforcement that there is immediate danger to health, safety, and welfare of the public; or

(d) Broken windows or damaged doors that could allow unlawful access to the property.

NEW SECTION. Sec. 5. A new section is added to chapter 61.24 RCW to read as follows:

The authority of an agent, such as a property preservation entity, to enter abandoned property and to perform any sort of work derives solely from the servicer's authority. A servicer has a duty to monitor its agents and to make sure that its agents possess the required permit, license, certificate, or registration, and are properly bonded and insured if so required. The servicer must require that the agent implement stringent background check requirements for all of its employees engaged in on-site property preservation.

NEW SECTION. Sec. 6. A new section is added to chapter 61.24 RCW to read as follows:

(1) As used in this section:

(a) "Maintain" means:

(i) Securing doors and windows;

(ii) Landscaping;

(iii) Collecting and disposing of newspapers, circulars, trash, and debris;

(iv) Removing hazardous property;

(v) Securing exterior pools and hot tubs; and

(vi) Eliminating other threats to public health and safety.

(b) "Reasonable costs" means actual and demonstrable costs that are commensurate with and do not exceed the market rate for services necessary to remedy a condition resulting from a failure to maintain, plus the actual and demonstrable costs of administering a contract for services to remedy the condition or the portion of the costs of a program to remedy the condition that is attributable to remedying a condition for specific property.

(2)(a) Beginning thirty days after obtaining written permission or a court order as described under section 2 of this act or the issuance of a certificate of abandonment under section 4 of this act, and until the later of the recording of the trustee's deed by the purchaser or fifteen days after physical delivery of the trustee's deed to the purchaser, a beneficiary or its agent or servicer is under a duty to maintain the property during any period in which the property is vacant.

(b) A servicer must provide the servicer's name or the name of the servicer's agent and a telephone number or other means for contacting the servicer or agent to an official that the local government designates to receive the information described in this subsection.

(c) The servicer must post a durable notice in a conspicuous location on the property that lists a telephone number for the servicer or for the local government that a person may call to report a condition of neglect. The servicer must replace the notice if the notice is removed from the property during a period when the property is vacant.

(d) A servicer or the agent of a servicer must identify the borrower to the local government and provide to, and maintain with, the local government current contact information during a period when the property is vacant.

(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government must notify the servicer, in writing, that the property is the subject of the violation and in accordance with (b) or (c) of this subsection, as appropriate, must specify a time within which the servicer must remedy the condition that is the basis for the local government's finding.

(b) The local government must allow the servicer not fewer than thirty days to remedy the violation, unless the local government makes a determination under (c) of this subsection, and must provide the servicer with an opportunity to contest the local government's finding at a hearing. The servicer must contest the local government's finding within ten days after the local government notifies the servicer of the violation.

(c) If the local government determines that a specific condition of the property constitutes a threat to public health or safety, the local government may require the servicer to remedy the specific condition in fewer than thirty days, provided that the local government specifies in the written notice the date by which the servicer must remedy the specific condition. A local government may specify in the written notice different dates by which the servicer must remedy separate conditions of neglect on the foreclosed residential real property.

(4)(a) After a local government allows a servicer the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local government may remedy or contract with another person to remedy and require the servicer to reimburse the local government for reasonable costs the local government incurs under this subsection.

(b) A local government that has incurred costs with respect to property under (a) of this subsection has a lien on the property for the sum of the local government's unreimbursed costs. A lien created under this subsection is prior to all other liens and

encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the property is located. A local government may bring an action in the superior court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property.

NEW SECTION. Sec. 7. A new section is added to chapter 61.24 RCW to read as follows:

(1) As used in this section:

(a) "Neglect" means:

(i) To fail or a failure to maintain the buildings, grounds, or appurtenances of property in such a way as to allow:

(A) Excessive growth of foliage that diminishes the value of adjacent property;

(B) Trespassers to remain on the foreclosed residential real property or in a structure located on the foreclosed residential real property;

(C) Mosquito larvae or pupae to grow in standing water on the property; or

(D) Other conditions on the property that cause or contribute to causing a public nuisance;

(ii) To fail or a failure to monitor the condition of property by inspecting the property at least once every thirty days with sufficient attention so as to prevent, or to identify and remedy, a condition described in (a)(i) of this subsection.

(b) "Reasonable costs" means actual and demonstrable costs that are commensurate with and do not exceed the market rate for services necessary to remedy a condition of neglect, plus the actual and demonstrable costs of administering a contract for services to remedy a condition of neglect or the portion of the costs of a program to remedy conditions of neglect that are attributable to remedying a condition of neglect for specific property.

(2)(a) A servicer is under an obligation to maintain and may not neglect the property during any period in which the property is vacant.

(b) A servicer must provide the servicer's name or the name of the servicer's agent and a telephone number or other means for contacting the servicer or agent to an official that the local government designates to receive the information described in this subsection.

(c) The servicer must post a durable notice in a conspicuous location on the property that lists a telephone number for the servicer or for the local government that a person may call to report a condition of neglect. The servicer must replace the notice if the notice is removed from the property during a period when the property is vacant.

(d) A servicer or the agent of a servicer must identify the borrower to the local government and provide to, and maintain with, the local government current contact information during a period when the property is vacant.

(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government must notify the servicer, in writing, that the property is the subject of the violation and in accordance with (b) or (c) of this subsection, as appropriate, must specify a time within which the servicer must remedy the condition of neglect that is the basis for the local government's finding.

(b) The local government must allow the servicer not fewer than thirty days to remedy the violation, unless the local government makes a determination under (c) of this subsection, and must provide the servicer with an opportunity to contest the local government's finding at a hearing. The servicer must contest the local government's finding within ten days after the local government notifies the servicer of the violation.

(c) If the local government determines that a specific condition of the property constitutes a threat to public health or safety, the local government may require the servicer to remedy the specific condition in fewer than thirty days, provided that the local government specifies in the written notice the date by which the servicer must remedy the specific condition. A local government may specify in the written notice different dates by which the servicer must remedy separate conditions of neglect on the foreclosed residential real property.

(4)(a) After a local government allows a servicer the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local government may remedy or contract with another person to remedy neglect or a specific condition of neglect on property and require the servicer to reimburse the local government for reasonable costs the local government incurs under this subsection.

(b) A local government that has incurred costs with respect to property under (a) of this subsection has a lien on the property for the sum of the local government's unreimbursed costs. A lien created under this subsection is prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the property is located. A local government may bring an action in the superior court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property.

Sec. 8. RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

~~(1) ((Except as provided in subsections (4) and (5) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:~~

~~(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;~~

~~(b) Remit the amount required under subsection (2) of this section; and~~

~~(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.~~

~~(2)) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ((two hundred fifty dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account)) three hundred dollars to the county auditor or recording officer at the time of recording the notice of trustee's sale. The ~~((two))~~ three hundred ~~((fifty))~~ dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ~~((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section. The beneficiary shall remit the total amount required in a lump sum each quarter.~~~~

~~(3) Reporting and payments under subsections (1) and (2) of this section are due within forty five days of the end of each quarter.~~

~~(4) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.~~

~~(5))~~ (a) The county auditor or recording officer shall retain three percent for collection of the fee and the amount retained must be used for purposes of operations and maintenance consistent with RCW 36.22.170(2)(b).

(b) The county treasurer or recording officer shall remit the remaining funds to the state treasurer on a monthly basis for deposit into the foreclosure fairness account.

(2) Any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that records fewer than fifty notices of trustee's sale for residential real property during a calendar year may apply to the department for a refund of the recording fee established under this section. At the option of the beneficiary or loan servicer, a refund application may be submitted on a quarterly or an annual basis according to rules adopted by the department.

(3) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

~~((6))~~ (4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

Sec. 9. RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in ~~((f) of this)~~ subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

- (i) The borrower and grantor;
- (ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;
- (iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;
- (iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;
- (v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and
- (vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental

agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

~~((f))~~ (2)(a) The notice required in subsection (1) of this section must include a cover sheet on which it is clearly indicated the name of the beneficiary and whether the loan is commercial or noncommercial. In addition to any other indexing requirements, the auditor shall index the notice of trustee's sale by beneficiary. Unless clearly indicated that the loan is commercial, three hundred dollars must be remitted pursuant to RCW 61.24.173(1).

(b) The notice ~~((shall))~~ must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of, . . . , at the hour of o'clock M. at [street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated, . . . , recorded, . . . , under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars.]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of, . . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040((9)) (11)]

, Trustee
[]
[]
[]
[]
[]
Address

} Phone
[Acknowledgment]
((g)) (3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection (((1)(f))) (2) of this section ((shall)) must also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

((2)) (4) In addition to providing the borrower and grantor the notice of sale described in subsection (((1)(f))) (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, 11 days before the sale date.doc. To date, these arrears and costs are as follows:

Table with 2 columns: Currently due, Estimated amount that will be due. Includes rows for 'to reinstate on', '(11 days before the date set for sale)', and 'Delinquent payments from'

| | | | |
|--------------------------------------|---------|---------|-------------------|
| ... , in the amount of | | | |
| \$... /mo.: | \$ | \$ | |
| Late charges in the total amount of: | \$ | \$ | |
| | | | Estimated Amounts |
| Attorneys' fees: | \$ | \$ | |
| Trustee's fee: | \$ | \$ | |
| Trustee's expenses: (Itemization) | | | |
| Title report | \$ | \$ | |
| Recording fees | \$ | \$ | |
| Service/Posting of Notices | \$ | \$ | |
| Postage/Copying expense | \$ | \$ | |
| Publication | \$ | \$ | |
| Telephone charges | \$ | \$ | |
| Inspection fees | \$ | \$ | |
| | \$ | \$ | |
| | \$ | \$ | |
| TOTALS | \$ | \$ | |

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$.... in principal, \$.... in interest, plus other costs and advances estimated to date in the amount of \$.... From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

| | |
|---------|---|
| Default | Description of Action Required to Cure and Documentation Necessary to Show Cure |
|---------|---|

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, ... [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance

must be made to:, whose address is, telephone () AFTER THE DAY OF, ..., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$.....) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:
ADDRESS:

TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

~~((3))~~ (5) In addition, the trustee shall cause a copy of the notice of sale described in subsection ~~((1)(4))~~ (2) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

~~((4))~~ (6) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

~~((5))~~ (7) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

~~((6))~~ (8) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i)

and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection ~~((3))~~ (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

~~((7))~~ (9) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

~~((8))~~ (10) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

~~((9))~~ (11) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

~~((10))~~ (12) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 10. RCW 61.24.030 and 2012 c 185 s 9 are each amended to read as follows:

It shall be requisite to a trustee's sale:

- (1) That the deed of trust contains a power of sale;
- (2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;
- (3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the owner of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the actual holder of the promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection

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may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:"

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; and

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the owner of any promissory notes or other obligations secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust; and

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163."

On page 1, line 2 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 61.24.173, 61.24.040, and 61.24.030; and adding new sections to chapter 61.24 RCW."

Senator Mullet spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 122 by Senator Mullet to Substitute Senate Bill No. 5797.

The motion by Senator Mullet carried and floor striking amendment no. 122 was adopted by voice vote.

MOTION

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senators O'Ban and Wellman

Concerning the creation of a property tax exemption for spouses of military members or first responders killed in the line of duty.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5104 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

Senator Takko spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, King, McCoy, Miloscia, O'Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Darneille, Hasegawa, Keiser, Kuderer, Lias, Mullet, Nelson, Pedersen, Saldaña, Takko and Wellman

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5014, by Senators Pearson, Hobbs and Chase

Concerning determination of the benchmark rate in Snohomish county for certain community residential services. Revised for 1st Substitute: Calculating the benchmark rate for certain community residential services.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5014 was substituted for Senate Bill No. 5014 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5070, by Senators Rivers, Mullet, Braun, Hobbs and Rolfes

Concerning paraeducators.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Chase, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson, Ranker, Saldaña and Wellman

SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Lias and Walsh

Equalizing differences in the distillery and winery industries by authorizing certain sales of spirits carrying a private label exclusive to a restaurant or private club that is a licensed spirits retailer. Revised for 1st Substitute: Equalizing differences between the liquor industries regarding certain sales of alcohol carrying a private label.

MOTION

On motion of Senator Lias, Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following floor striking amendment no. 82 by Senators Angel, Liias, Walsh and Wilson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 10.** RCW 66.28.310 and 2015 c 94 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor.

~~(6)~~ Nothing in ((this section)) RCW 66.28.305 prohibits wineries, breweries, microbreweries, distillers, craft distilleries, manufacturer's licensees, certificate of approval holders, and retail licensees from identifying the producers on private labels ((authorized under RCW 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371)).

~~((6))~~ ~~(7)~~ Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

~~((7))~~ ~~(8)~~ Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic

brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal service as a condition for including any product in any tasting conducted by the licensee.

~~((8))~~ (9) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

~~((9))~~ (10) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

~~((10))~~(11) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption.

(12) Beer, wine, or spirits private label items may be produced, distributed, or sold by any person to the same extent that person is otherwise properly licensed to produce, distribute, or sell beer, wine, or spirits generally.

Sec. 11. RCW 66.24.140 and 2015 c 194 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:

(a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;

(b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;

(c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee; and

(d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum.

(2) Any distillery licensed under this section may:

(a) Sell spirits of its own production for consumption off the premises. A distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses,

including licenses issued under RCW 66.24.520, or for export; ~~((and))~~

(c) Provide free or for a charge one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit. Spirits samples may be adulterated with nonalcoholic mixers, water, and/or ice; and

(d) Produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a license under RCW 66.24.400, 66.24.425, or 66.24.450, or a spirits retail licensee holding a license under RCW 66.24.630.

Sec. 12. RCW 66.24.145 and 2015 c 194 s 2 are each amended to read as follows:

(1)(a) Any craft distillery may sell spirits of its own production for consumption off the premises.

(b) A craft distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers.

(2) Any craft distillery may contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may provide, free or for a charge, one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit. Spirits samples may be adulterated with nonalcoholic mixers, water, and/or ice.

(4)(a) A distillery or craft distillery licensee may apply to the board for an endorsement to sell spirits of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a distillery or craft distillery will sell spirits at a qualifying farmers market, the distillery or craft distillery must provide the board or its designee a list of the dates, times, and locations at which bottled spirits may be offered for sale. This list must be received by the board before the spirits may be offered for sale at a qualifying farmers market.

(c) Each approved location in a qualifying farmers market is deemed to be part of the distillery or craft distillery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include tasting or sampling privileges. The distillery or craft distillery may not store spirits at a farmers market beyond the hours that the bottled spirits are offered for sale. The distillery or craft distillery may not act as a distributor from a farmers market location.

(d) Before a distillery or craft distillery may sell bottled spirits at a qualifying farmers market, the farmers market must apply to the board for authorization for any distillery or craft distillery with an endorsement approved under this subsection to sell bottled spirits at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved distillery or craft distillery may sell bottled spirits; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled spirits may be sold. Before authorizing a qualifying farmers market to allow an approved distillery or craft distillery to sell bottled spirits at retail at its farmers market location, the board must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this

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subsection (4)(d) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(e) For the purposes of this subsection (4), "qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(5) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(6) Distilling is an agricultural practice.

(7) A craft distillery may produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a license under RCW 66.24.400, 66.24.425, or 66.24.450, or a spirits retail licensee holding a license under RCW 66.24.630.

Sec. 13. RCW 66.24.150 and 1997 c 321 s 2 are each amended to read as follows:

(1) There shall be a license to manufacturers of liquor, including all kinds of manufacturers except those licensed as distillers, domestic brewers, microbreweries, wineries, and domestic wineries, authorizing such licensees to manufacture, import, sell, and export liquor from the state; fee five hundred dollars per annum.

(2) A licensee manufacturing spirits pursuant to this section may produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a license under RCW 66.24.400, 66.24.425, or 66.24.450, or a spirits retail licensee holding a license under RCW 66.24.630.

Sec. 14. RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) of this subsection and subject to (c) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013, totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

(d) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

(e) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses.

(6) A distributor licensed under this section must, to the extent it is reasonably practicable for the distributor to do so, make any product the distributor acquires for resale available to any person legally entitled to purchase such product.

Sec. 15. RCW 66.24.200 and 2004 c 160 s 2 are each amended to read as follows:

(1) There shall be a license for wine distributors to sell wine, purchased from licensed Washington wineries, wine certificate of approval holders, licensed wine importers, or suppliers of foreign wine located outside of the United States, to licensed wine retailers and other wine distributors and to export the same from the state; fee six hundred sixty dollars per year for each distributing unit.

(2) A distributor licensed under this section must, to the extent it is reasonably practicable for the distributor to do so, make any product the distributor acquires for resale available to any person legally entitled to purchase such product.

Sec. 16. RCW 66.24.250 and 2004 c 160 s 6 are each amended to read as follows:

(1) There shall be a license for beer distributors to sell beer and strong beer, purchased from licensed Washington breweries, beer certificate of approval holders, licensed beer importers, or

suppliers of foreign beer located outside of the United States, to licensed beer retailers and other beer distributors and to export same from the state of Washington; fee six hundred sixty dollars per year for each distributing unit.

(2) A distributor licensed under this section must, to the extent it is reasonably practicable for the distributor to do so, make any product the distributor acquires for resale available to any person legally entitled to purchase such product."

On page 1, line 3 of the title, after "label;" strike the remainder of the title and insert "and amending RCW 66.28.310, 66.24.140, 66.24.145, 66.24.150, 66.24.055, 66.24.200, and 66.24.250."

POINT OF ORDER

Senator Chase: "I'd like to raise a question that the amendment to Senate Bill 5145 exceeds the scope and object of the bill."

President Habib: "Do you have a statement that you wanted to make, Senator Chase?"

Senator Chase: "I do. Thank you Mr. President. Senate Bill 5145 as originally introduced allowed craft distilleries only to sell private-label spirits to private restaurants and private clubs. This mirrors the limited private label authority afforded Washington wineries to sell private-label wines to private restaurants and private clubs. It also allowed a private distiller to sell private label spirits to a spirits retailer but only if ..."

President Habib: "Senator Chase, one moment. First of all, this should be a short statement and not read so would you like to make a statement? Secondly, are you speaking to the substitute bill versus the striker? Or are you speaking to the bill before the committee substituted it because the bill before the senate right now is the substituted bill. We adopted that substitute."

Senator Chase: "The one I'm speaking to I believe."

President Habib: "You're speaking to the substitute?"

Senator Chase: "The amendment, the striking amendment. Oh yes, I am speaking to the striking amendment."

President Habib: "No, what I, my question is: Are you speaking to whether the striking amendment is within the scope and object of the substituted bill or within the scope and object of the bill before it was substituted? Because it is my understanding that you were speaking to the bill before it was substituted which would not be in order."

Senator Chase: "It's to the substituted bill."

President Habib: "Okay, then please continue without reading."

Senator Chase: "Thank you. I believe that the amendment to section one of the original bill. . . . No?"

President Habib: "Senator Chase that's what I'm saying, the original bill is no longer before the senate."

Senator Chase: "Call it the substitute bill. Right. It now expands the scope of the bill to include beer and I believe I have submitted written documentation to you."

POINT OF ORDER

Senator Liias: "Thank you, Mr. President. I appreciate your clarification. The Senate has adopted the substitute unanimously. The substitute bill does allow for a broad scope addressing craft distilleries, regular distilleries, and there is language about beer, wine, and spirits private label items and so the Senate has already adopted that substitute amendment and the striking amendment is broadly within that scope and object of the bill that is now before the Senate. I would ask you to rule that this amendment is within the scope and object of the substitute bill."

RULING BY THE PRESIDENT

President Habib: "In light of the fact that the substitute bill has been adopted by the Senate, the striking amendment brought by Senator Liias is within the scope and object of the bill as substituted. This is how the President rules."

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5145 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5336, by Senators Miloscia, Hunt, Zeiger, Kuderer, Wellman and Fortunato

Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Pedersen and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SENATE BILL NO. 5835, by Senators Keiser, Baumgartner, Fain, Conway, Cleveland, Rivers, Kuderer, Braun, Rossi, Hasegawa, Hunt and Saldaña

Promoting healthy outcomes for pregnant women and infants.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5835 was substituted for Senate Bill No. 5835 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Baumgartner spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Palumbo was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5835.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5233, by Senators Mullet, Palumbo, Rivers and Wilson

Concerning the employee status of language translators and interpreters. Revised for 1st Substitute: Concerning the independent contractor status of certain interpreters and translators.

MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5233 was substituted for Senate Bill No. 5233 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5233 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Baumgartner and Hobbs spoke in favor of passage of the bill.

Senators Saldaña and Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5233.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Lias, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Nelson, Pedersen, Ranker, Rolfes, Saldaña and Van De Wege

Excused: Senator Palumbo

SUBSTITUTE SENATE BILL NO. 5233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5662, by Senator Zeiger

Authorizing the superintendent of public instruction to designate a member of the professional educator standards board.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5662.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5448, by Senators Rivers, Chase, Zeiger, Walsh, Miloscia, Fain, Warnick and Becker

Concerning no required psychotropic medication use for students.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5448.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5448 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SENATE BILL NO. 5448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5342, by Senators King, Takko, Pearson and Pedersen

Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

MOTIONS

On motion of Senator King, Second Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Second Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SECOND SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Fortunato was excused.

SECOND READING

SENATE BILL NO. 5633, by Senators Palumbo, Rossi, Angel, Pedersen, O'Ban, Wilson, Zeiger and Padden

Changing the definition of theft.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5633 was substituted for Senate Bill No. 5633 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5633.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Fortunato

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SUBSTITUTE SENATE BILL NO. 5633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Ranker, Senator Palumbo was excused.

Senator Sheldon, President Pro Tempore, assumed the Chair.

SECOND READING

SENATE BILL NO. 5813, by Senator Padden

Concerning crimes against minors.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5813.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5813 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SENATE BILL NO. 5813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Bailey, Rolfes, Hasegawa, Chase, Rivers, Zeiger, Keiser, Saldaña and Kuderer

Approving the 2016 state comprehensive plan for workforce training and education.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third

reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Bailey and Frockt spoke in favor of passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8401.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8401 and the concurrent resolution passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SENATE CONCURRENT RESOLUTION NO. 8401, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5712, by Senators Zeiger, Frockt, Saldaña, Warnick, Fain, Walsh, Bailey, Hawkins, Baumgartner, Braun, Schoesler, Hasegawa, Billig, Mullet, Rolfes, Chase and Kuderer

Developing a bilingual educational workforce.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 5712 was substituted for Senate Bill No. 5712 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5712.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SUBSTITUTE SENATE BILL NO. 5712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of lunch and caucuses.

At 1:10 p.m., Senator McCoy announced a caucus photo session at the rostrum immediately upon going at ease.

AFTERNOON SESSION

The Senate was called to order at 2:53 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate resumed consideration of Substitute Senate Bill No. 5145 which had been deferred earlier in the day.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 82 by Senators Angel, Liias, Walsh and Wilson to Substitute Senate Bill No. 5145.

The motion by Senator Liias carried and floor striking amendment no. 82 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Baumgartner spoke in favor of passage of the bill.

Senator Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, King, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman and Wilson

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Hasegawa, Keiser, Kuderer, O'Ban, Padden, Pearson, Van De Wege and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5645, by Senator Honeyford

Addressing incumbent officeholder withdrawal of candidacy provisions. Revised for 1st Substitute: Concerning withdrawal of candidacy.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5645 was substituted for Senate Bill No. 5645 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following floor striking amendment no. 120 by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 17. RCW 29A.24.131 and 2011 c 349 s 8 are each amended to read as follows:

(1) A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Monday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

(2) If an incumbent officeholder who has filed for reelection pursuant to RCW 29A.24.050 later withdraws his or her candidacy pursuant to subsection (1) of this section, declarations of candidacy may be filed for that office until seventy-two hours after the close of business on the Monday following the last day for candidates to withdraw described in subsection (1) of this section.

On page 1, line 1 of the title, after "candidacy;" strike the remainder of the title and insert "and amending RCW 29A.24.131."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 120 by Senator Honeyford to Substitute Senate Bill No. 5645.

The motion by Senator Honeyford carried and floor striking amendment no. 120 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5645.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5645 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5770 which had been deferred earlier in the day.

SECOND READING

MOTION

SENATE BILL NO. 5770, by Senators McCoy, Darneille, Saldaña and Hunt

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Concerning transfer of jurisdiction from a tribe in dependency cases involving Indian children.

Senators McCoy and O'Ban spoke in favor of passage of the bill.

MOTION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5770.

On motion of Senator McCoy, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on the second reading and read the second time.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5770 was deferred and the bill held its place on the second reading calendar.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND READING

SENATE BILL NO. 5327, by Senators Angel and Padden

Clarifying the duties of court clerks.

SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

SECOND READING

On motion of Senator Angel, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on the second reading and read the second time.

SENATE BILL NO. 5614, by Senators Darneille, Hasegawa and Kuderer

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Concerning diversion agreements and counsel and release agreements.

Senators Angel and Pedersen spoke in favor of passage of the bill.

The measure was read the second time.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5327.

MOTION

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Senators Darneille and O'Ban spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5614.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford, Padden, Pearson, Schoesler and Short

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5800, by Senator Baumgartner

Concerning obligations of mental health professionals.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following floor striking amendment no. 129 by Senators Baumgartner and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.05 RCW to read as follows:

(1) As used in this section:

(a) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, or chemical dependency professional, and any person licensed by the department of health as a mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate.

(b) "Mental health services" means voluntary or involuntary outpatient and inpatient services provided to diagnose or treat mental disorders covered by the diagnostic categories listed in the most current version of the diagnostic and statistical manual of mental disorders, published by the American psychiatric association, or any successor publication.

(2) A mental health professional or an individual health care provider providing mental health services to a patient has a duty to warn of a patient's violent behavior only if the patient has communicated to the mental health professional or the individual health care provider providing mental health services to the patient an actual threat of physical violence that poses a serious or imminent threat to the health or safety of a reasonably identifiable person or persons.

(3) The duty to warn of a serious or imminent threat to the health or safety of a reasonably identifiable person or persons is discharged by the mental health professional or the individual health care provider providing mental health services to the patient if reasonable efforts are made to communicate the threat to the reasonably identifiable person or persons whose health or safety is threatened and to law enforcement personnel.

(4) No mental health professional or individual health care provider providing mental health services is liable for civil damages for discharging the duty to warn as provided in this section, or having discharged the duty to warn, for failing to predict, warn of, or take reasonable precautions to provide protections from a patient's violent behavior so long as the mental health professional or individual health care provider providing mental health services acted in good faith and without gross negligence.

(5) This section does not limit, and is in addition to, any other statutory immunities from liability of mental health professionals or individual health care providers as otherwise provided by law.

Sec. 2. RCW 71.05.120 and 2016 c 158 s 4 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any ((county)) designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a mental health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn ((or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel)) as provided for in section 1 of this act.

Sec. 3. RCW 71.05.120 and 2016 sp.s. c 29 s 208 and 2016 c 158 s 4 are each reenacted and amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any designated crisis responder, nor the state, a unit of local government, an evaluation and treatment facility, a secure detoxification facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a mental health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn ((or to take reasonable precautions to provide

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protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel)) as provided for in section 1 of this act.

NEW SECTION. Sec. 4. Section 2 of this act expires April 1, 2018.

NEW SECTION. Sec. 5. Section 3 of this act takes effect April 1, 2018."

On page 1, line 1 of the title, after "professionals;" strike the remainder of the title and insert "amending RCW 71.05.120; reenacting and amending RCW 71.05.120; adding a new section to chapter 71.05 RCW; providing an effective date; and providing an expiration date."

Senators O'Ban and Cleveland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 129 by Senators Baumgartner and O'Ban to Senate Bill No. 5800.

The motion by Senator O'Ban carried and floor striking amendment no. 129 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Mullet, Walsh, Angel, Becker and O'Ban spoke in favor of passage of the bill.

Senators Cleveland, Pedersen, Kuderer and Liias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Mullet, O'Ban, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Cleveland, Conway, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Nelson, Padden, Pedersen, Saldaña, Van De Wege and Wellman

ENGROSSED SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5201, by Senators O'Ban, Darneille and Zeiger

Concerning individuals receiving both employment and community access services.

MOTIONS

On motion of Senator O'Ban, Second Substitute Senate Bill No. 5201 was substituted for Senate Bill No. 5201 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Second Substitute Senate Bill No. 5201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5201.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Fain and Liias

SECOND SUBSTITUTE SENATE BILL NO. 5201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5256, by Senators Fain, Pedersen, Zeiger, Palumbo, Miloscia, Frockt, Darneille, Chase, Kuderer and Hunt

Concerning sexual assault protection orders.

MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fain moved that the following floor amendment no. 133 by Senator Fain be adopted:

On page 5, after line 27, insert the following:

"**Sec. 4.** RCW 9.41.040 and 2016 c 136 s 7 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

(iii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iv) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(v) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) (a)(ii) of this subsection does not apply to a sexual assault protection order under chapter 7.90 RCW if the order has been modified pursuant to RCW 7.90.170 to remove any restrictions on firearm purchase, transfer, or possession.

(c) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the

subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first

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or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship."

On page 1, line 2 of the title, after "7.90.121," strike the remainder of the title and insert "7.90.170, and 9.41.040."

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 133 by Senator Fain on page 5, after line 27 to Substitute Senate Bill No. 5256.

The motion by Senator Fain carried and floor amendment no. 133 was adopted by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Pedersen spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Ericksen, Hawkins, Padden, Rivers, Short and Wilson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5536, by Senator Fortunato

Providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates.

The measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato, Takko, Sheldon and Pearson spoke in favor of passage of the bill.

Senator Padden spoke on passage of the bill.

Senators Liias, Chase and Kuderer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5536.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5833, by Senators Honeyford, Frockt, Braun, Fain, Angel and Hunt

Addressing the minimum retirement allowance under the teachers' retirement system, plan 1.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5833 was substituted for Senate Bill No. 5833 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5833.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5833 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5280, by Senators Honeyford, Rivers, Becker, Sheldon, Brown, Angel, Miloscia, Warnick, Padden, Bailey and Wilson

Making crimes and threats against persons because of their occupation as a law enforcement officer a hate crime.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following floor amendment no. 97 by Senator Honeyford be adopted:

Beginning on page 6, line 25, strike all of section 4
Renumber the remaining sections consecutively.

On page 1, line 3 of the title, after "9A.46.060;" strike "9A.36.031,"

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 97 by Senator Honeyford on page 6, line 25 to Senate Bill No. 5280.

The motion by Senator Honeyford carried and floor amendment no. 97 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Baumgartner, Frockt, Becker, Walsh and Angel spoke in favor of passage of the bill.

Senators Pedersen, Lias and Kuderer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5280.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5280 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Nelson, O'Ban, Padden, Pearson, Ranker, Rivers, Rolfes, Rossi,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Darneille, Hasegawa, Hunt, Kuderer, Lias, McCoy, Mullet, Palumbo, Pedersen, Saldaña and Wellman

ENGROSSED SENATE BILL NO. 5280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Fain, the Senate advanced to the ninth order of business.

On motion of Senator Fain, the Committee on Ways & Means was relieved of further consideration of Senate Bill No. 5023 and the bill was placed on the day's second reading calendar.

On motion of Senator Fain, pursuant to Rule 18, Senate Bill No. 5023, an act relating to delaying implementation of revisions to the school levy lid, was made a special order of business to be considered at 4:55 p.m.

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5146, by Senators Lias, King and Hobbs

Allowing public transportation benefit area authorities to use job order contracts and procedure.

The measure was read the second time.

MOTION

On motion of Senator Lias, the rules were suspended, Senate Bill No. 5146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5146.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SENATE BILL NO. 5016, by Senators Hobbs, Rivers and Warnick

Concerning deficiency claims after auction of a private property vehicle impound.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5016 was substituted for Senate Bill No. 5016 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5016.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa, McCoy and Pedersen

SUBSTITUTE SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5154, by Senators Fain, Hobbs, Lias, Zeiger, Billig, Wilson and Kuderer

Concerning driver's license formats for persons approaching twenty-one years of age.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5154 was substituted for Senate Bill No. 5154 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5154.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced Senate Bill No. 5023 to be before the Senate and the measure was immediately considered.

SECOND READING

SENATE BILL NO. 5023, by Senators Wellman, Rolfes, Nelson, McCoy, Carlyle, Frockt, Palumbo, Lias, Billig, Hunt, Keiser, Pedersen, Conway, Saldaña, Darneille, Hasegawa, Chase, Mullet and Kuderer

Delaying implementation of revisions to the school levy lid.

The measure was read in full a second time by Mr. Sean Kochaniewicz, reader and Rostrum Operations Clerk.

MOTION

Senator Fain moved that the following floor striking amendment no. 136 by Senator Fain be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 5.** The legislature recognizes that school districts may provide locally funded enrichment to the state's program of basic education. The legislature further recognizes that the system of state and local funding for school districts is in transition during 2017, with the state moving toward full funding of its statutory program of basic education, and with current statutory policies on school district levies scheduled to expire at the end of calendar year 2017. To promote school districts' ability to plan for the future during this transitional period, the legislature intends to extend current statutory policies on local enrichment through calendar year 2018.

Sec. 6. RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ((2017)) 2018, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ((2017)) 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through ((2017)) 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through ((2017)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as

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levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

(13) For levies collected in calendar year 2018 and thereafter, levy collections must be deposited into a local revenue subfund of the general fund to enable a detailed accounting of the amount and object of expenditures from the levy collections. The office of the superintendent of public instruction must collaborate with the office of the state auditor to develop guidance for districts to carry out this requirement.

(14) To ensure that levies for maintenance and operation support under RCW 84.52.053 are not used for basic education programs, beginning with ballot propositions submitted to the voters in calendar year 2018, districts must provide a report to the office of the superintendent of public instruction detailing the programs and activities to be funded through a maintenance and operation levy. Enrichment beyond the state-provided funding in the omnibus appropriations act for the basic education program components under RCW 28A.150.260 is a permitted use of maintenance and operation levies. The report required by this subsection must be submitted to, and approved by, the office of the superintendent of public instruction prior to the election for the proposition.

Sec. 7. RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a)

plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ((and))

(ii) For 2011 through ((2017)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(iii) For ((2018)) 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(10) For levies collected in calendar year 2018 and thereafter, levy collections must be deposited into a local revenue subfund of the general fund to enable a detailed accounting of the amount and object of expenditures from the levy collections. The office of the superintendent of public instruction must collaborate with the office of the state auditor to develop guidance for districts to carry out this requirement.

(11) To ensure that levies for maintenance and operation support under RCW 84.52.053 are not used for basic education programs, beginning with ballot propositions submitted to the voters in calendar year 2018, districts must provide a report to the office of the superintendent of public instruction detailing the programs and activities to be funded through a maintenance and operation levy. Enrichment beyond the state-provided funding in

the omnibus appropriations act for the basic education program components under RCW 28A.150.260 is a permitted use of maintenance and operation levies. The report required by this subsection must be submitted to, and approved by, the office of the superintendent of public instruction prior to the election for the proposition.

Sec. 8. 2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

Sec. 9. 2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

Sec. 10. 2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ((2018)) 2019.

Sec. 11. 2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ((2018)) 2019.

Sec. 12. 2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ((2018)) 2019.

Sec. 13. 2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ((2018)) 2019.

NEW SECTION. **Sec. 14.** Section 2 of this act takes effect January 1, 2018.

NEW SECTION. **Sec. 15.** Section 2 of this act expires January 1, 2019.

NEW SECTION. **Sec. 16.** Section 3 of this act takes effect January 1, 2019."

On page 1, line 2 of the title, after "lid;" strike the remainder of the title and insert "amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing expiration dates."

MOTION

Senator Fain moved that the following floor amendment no. 137 by Senator Fain, to floor amendment no. 136, be adopted:

On page 11, beginning on line 1 of the title amendment, after "after" strike "lid;" and insert "Relating to"

On page 11, line 2 of the title amendment, after "insert" insert "modifying provisions relating to school district excess levies;"

Senators Fain and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 137 by Senator Fain on page 11, line 1 to floor amendment no. 136.

The motion by Senator Fain carried and floor amendment no. 137 was adopted by voice vote.

Senators Fain and Rolfes spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 136 by Senator Fain, as amended, to Senate Bill No. 5023.

The motion by Senator Fain carried and floor striking amendment no. 136, as amended, was adopted by voice vote.

MOTION

March 7, 2017

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 5023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Zeiger, Billig, Rolfes and Braun spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5023.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5023 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Baumgartner

ENGROSSED SENATE BILL NO. 5023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "The President would like to take a moment to acknowledge all the hard work of the staff, the rostrum staff, the two attorneys who are up here with me, the reader who read the entire underlying bill while you all were caucusing, give them all a round of applause. I know this is not one of those days where we have a budget and have the staff come on, but obviously many Education Committee staff and Ways & Means and other staff participated in making this possible, so I really just want to say for those who may not even be here but may be listening or watching, that we thank and recognize all of their hard work."

PARLIAMENTARY INQUIRY

Senator Ericksen: "Could you please clarify for the members of the Senate the official policy in regards to the use of cell phones and the use of cell phones to take pictures on the Senate floor."

REPLY BY THE PRESIDENT

President Habib: "Cell phones are not permitted on the Senate floor. Their use is not permitted on the Senate floor."

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465,
- ENGROSSED HOUSE BILL NO. 1480,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1482,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1562,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,
- ENGROSSED HOUSE BILL NO. 1913,
- ENGROSSED HOUSE BILL NO. 2003,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2029,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2017

MR. PRESIDENT:

The House has adopted:

- HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2017

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1777,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2017

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1042,
- HOUSE BILL NO. 1058,
- HOUSE BILL NO. 1148,
- HOUSE BILL NO. 1281,
- SUBSTITUTE HOUSE BILL NO. 1472,
- HOUSE BILL NO. 1716,
- HOUSE BILL NO. 1861,
- HOUSE BILL NO. 2066,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 6:45 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, March 9, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTIETH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, March 9, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Hawkins, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Hawkins, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 2017

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375,
- ENGROSSED HOUSE BILL NO. 1476,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1495,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503,
- ENGROSSED HOUSE BILL NO. 1506,
- ENGROSSED HOUSE BILL NO. 1656,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1851,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886,
- ENGROSSED HOUSE BILL NO. 1967,
- ENGROSSED HOUSE BILL NO. 2008,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 9, 2017

MR. PRESIDENT:

The House has passed:

- ENGROSSED SENATE BILL NO. 5023,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Hawkins, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

HB 1001 by Representatives Morris, Smith, Tarleton, Haler and Doglio

AN ACT Relating to utility easements on state-owned aquatic lands; and amending RCW 79.110.240.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 1017 by Representatives McCaslin, Barkis, Blake, Holy, Pettigrew, Haler, Taylor, Shea, Harris, Chandler, Smith, Muri, Stokesbary, Nealey, Stambaugh, Griffey, Vick, Buys, Dye, Short, Pike, Wilcox, Van Werven, Hargrove, Young, Klippert, Kilduff and Sawyer

AN ACT Relating to the siting of schools and school facilities; amending RCW 36.70A.280 and 36.70A.280; adding a new section to chapter 36.70A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1097 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Hansen, Fitzgibbon, Stanford, Jinkins, Frame, Gregerson, Santos, Tarleton and Pollet)

AN ACT Relating to tribal consultation regarding hunting rights and activities; and amending RCW 43.376.050 and 77.04.055.

Referred to Committee on Natural Resources & Parks.

ESHB 1105 by House Committee on Transportation (originally sponsored by Representatives Stanford, Orcutt, Clibborn, Stambaugh, Hayes, Stonier, Koster, Holy, Ryu, Ormsby, Fey, Wylie, Dolan, Sells, Muri, Haler, Goodman, Doglio, Hudgins, Gregerson, Barkis, Kilduff, Santos, Tarleton, Pollet, Farrell and Riccelli)

AN ACT Relating to passenger-carrying vehicles for railroad employees; amending RCW 81.61.010, 81.61.040, and 42.56.330; and adding new sections to chapter 81.61 RCW.

Referred to Committee on Transportation.

HB 1166 by Representatives Griffey and Springer

AN ACT Relating to fire protection district tax levies; and amending RCW 52.16.160.

Referred to Committee on Local Government.

SHB 1183 by House Committee on Appropriations (originally sponsored by Representatives McBride, Chapman, Haler, Ryu, Robinson, McDonald, Stambaugh, Frame, Senn, Riccelli, Dolan and Hudgins)

AN ACT Relating to authorizing specified local governments, including federally recognized Indian tribes, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission; adding new sections to chapter 43.46 RCW; and creating new sections.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

HB 1204 by Representatives Young, McCaslin, Shea, Taylor and J. Walsh

AN ACT Relating to requiring the display of the national league of families' POW/MIA flag on certain days; and amending RCW 1.20.017.

Referred to Committee on State Government.

ESHB 1289 by House Committee on Capital Budget (originally sponsored by Representatives Riccelli, DeBolt, Tharinger, Doglio, Pike, McBride, Sells, Van Werven, Ryu, Macri, MacEwen, Stonier and Ormsby)

AN ACT Relating to plaques for certain state-funded capital budget projects; amending RCW 27.34.330; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Ways & Means.

ESHB 1333 by House Committee on Higher Education (originally sponsored by Representatives Stambaugh, Springer, Harris, Tarleton, Haler, Muri, Jinkins and Bergquist)

AN ACT Relating to a systemwide credit policy regarding AP exams; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

ESHB 1339 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jinkins, Johnson, Kagi, Lovick, Ormsby and Slatter)

AN ACT Relating to restrictions on prescriptions for opioid drugs; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care.

ESHB 1371 by House Committee on Transportation (originally sponsored by Representatives Farrell, Lovick, Haler, Harris, Clibborn, Orwall, Kagi, Robinson, Appleton, Ryu, Goodman, Tarleton, Gregerson, Sells, Ormsby and Cody)

AN ACT Relating to updating the distracted driving infraction; adding a new section to chapter 46.61 RCW; repealing RCW 46.61.667 and 46.61.668; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SHB 1377 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Stonier, Santos, Lovick, Gregerson, Peterson, Ryu, Appleton, Fitzgibbon, Goodman, Bergquist and Doglio)

AN ACT Relating to improving students' mental health by enhancing nonacademic professional services; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

HB 1449 by Representatives Manweller and Dent

AN ACT Relating to water recreation facilities; and amending RCW 70.90.120 and 70.90.250.

Referred to Committee on Health Care.

ESHB 1465 by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Short, Lytton, Kretz, Koster, Schmick and Fitzgibbon)

AN ACT Relating to exempting from public disclosure certain information regarding reports on wolf depredations; and amending RCW 42.56.430 and 77.12.885.

Referred to Committee on Natural Resources & Parks.

SHB 1467 by House Committee on Local Government (originally sponsored by Representatives Stokesbary, Peterson, Griffey, Robinson, Muri, McBride, Rodne, Fitzgibbon and Tharinger)

AN ACT Relating to removing disincentives to the voluntary formation of regional fire protection service authorities by establishing parity, equalizing certain provisions with existing laws governing fire protection districts, and clarifying the formation process; amending RCW 52.26.220, 52.26.230, 84.55.092, 52.18.050, 52.18.010, 52.26.180, 52.26.030, 84.52.043, 84.52.043, 84.52.125, and 52.26.070; reenacting and amending RCW 52.26.020, 84.52.010, and 84.52.010; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Local Government.

EHB 1480 by Representatives Hayes, Riccelli, Irwin, Lovick, Holy and Santos

AN ACT Relating to requiring additional criteria to be met for the department of licensing to suspend a driver's license; amending RCW 46.20.289, 46.20.291, 46.20.342, and 46.63.110; and providing an effective date.

Referred to Committee on Transportation.

ESHB 1481 by House Committee on Transportation (originally sponsored by Representatives Hayes and Bergquist)

AN ACT Relating to creating uniformity in driver training education provided by school districts and commercial driver training schools; amending RCW 28A.220.010, 28A.220.020, 28A.220.030, 46.20.055, 46.20.100, 46.82.320, 46.82.330, and 46.82.400; adding new sections to chapter 28A.220 RCW; adding a new section to chapter 46.82 RCW; creating new sections; repealing RCW 28A.220.050, 28A.220.060, 28A.220.080, and 28A.220.085; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

E2SHB 1482 by House Committee on Appropriations (originally sponsored by Representatives Sawyer, Kagi, Stambaugh, Caldier, Robinson, Springer, Hargrove, Tarleton, Ormsby, Doglio and Stanford)

AN ACT Relating to establishing the legislative-executive WorkFirst poverty reduction oversight task force; amending RCW 74.08A.260; adding new sections to chapter 74.08A RCW; and creating new sections.

Referred to Committee on Human Services, Mental Health & Housing.

ESHB 1504 by House Committee on Environment (originally sponsored by Representatives Pike, Blake, Wylie, Peterson, Harris, Vick, Manweller, Tarleton, Orcutt, Farrell, Haler, Dent, Fey, Sells, Kraft, Johnson, MacEwen, Chandler, Stambaugh, Van Werven, Dye, Doglio and Springer)

AN ACT Relating to rail dependent uses for purposes of the growth management act and related development regulations; amending RCW 36.70A.030, 36.70A.060, 36.70A.070, and 36.70A.108; and creating a new section.

Referred to Committee on Local Government.

SHB 1532 by House Committee on Finance (originally sponsored by Representatives Lytton and Hayes)

AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.049; amending 2016 c 217 s 1 (uncodified); and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

ESHB 1538 by House Committee on Capital Budget (originally sponsored by Representatives Stambaugh, Doglio, Vick, Hayes, Sells and Pike)

AN ACT Relating to requiring prime contractors to bond the subcontractor's portion of retainage upon request; and amending RCW 60.28.011.

Referred to Committee on Commerce, Labor & Sports.

E2SHB 1562 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Stonier, Orwall, Senn, Slatter, Peterson, Lovick, Farrell, Santos, Ryu, McBride, Ortiz-Self, Hudgins, Pollet, Riccelli, Macri, Pike, Stanford, Doglio, Fitzgibbon, Bergquist, Tharinger, Sawyer, Ormsby, Dolan, Cody and Fey)

AN ACT Relating to continuing the work of the Washington food policy forum; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

ESHB 1714 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Doglio, Ryu, Pollet, Peterson, McBride, Wylie, Stonier, Goodman, Sawyer, Bergquist, Gregerson, Sullivan, Lytton, Tharinger, Chapman, Lovick, Senn, Hansen, Sells, Frame, Fitzgibbon, Riccelli, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Clibborn, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Ormsby, Pellicciotti, Kloba, Hudgins and Santos)

AN ACT Relating to nursing staffing practices at hospitals; amending RCW 70.41.420; adding new sections to chapter 70.41 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health Care.

HB 1715 by Representatives Riccelli, Gregerson, McBride, Stonier, Wylie, Pollet, Cody, Ryu, Goodman, Morris, Fitzgibbon, Sullivan, Lytton, Tharinger, Chapman, Peterson, Lovick, Senn, Hansen, Sells, Frame, Doglio, Bergquist, Sawyer, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Springer, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Kagi, Ormsby, Pellicciotti, Kloba, Hudgins and Santos

AN ACT Relating to meal and rest breaks and mandatory overtime for certain health care employees; amending RCW 49.28.130 and 49.28.140; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce, Labor & Sports.

HB 1721 by Representatives Cody, Haler, Muri, Goodman and Jinkins

AN ACT Relating to obtaining required clinical experience for licensed practical nurses who complete a nontraditional registered nurse program; and repealing RCW 18.79.380.

Referred to Committee on Health Care.

SHB 1763 by House Committee on Finance (originally sponsored by Representatives Robinson, Wylie, Jinkins, Ortiz-Self, Sells, Orcutt, Dolan, Pollet, Wilcox, Springer, Kretz, Kloba, Senn, Tharinger, Kilduff and Santos)

AN ACT Relating to modifying the property tax exemption for property used to provide housing for eligible persons with developmental disabilities; amending RCW 84.36.042; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1765 by House Committee on Health Care & Wellness (originally sponsored by Representatives Irwin, Koster, Volz, Kraft, Stokesbary and Kloba)

AN ACT Relating to donations to the prescription drug donation program; amending RCW 69.70.020; and declaring an emergency.

Referred to Committee on Health Care.

ESHB 1831 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Macri, Santos, Ortiz-Self, Frame, Kagi, Fitzgibbon, Stanford, Ormsby and Pollet)

AN ACT Relating to revising resource limitations for public assistance; reenacting and amending RCW 74.04.005; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1833 by Representatives Dolan, Doglio, Jinkins and Ortiz-Self

AN ACT Relating to financial reporting by elected and appointed officials, candidates, and appointees; and amending RCW 42.17A.120, 42.17A.700, 42.17A.710, and 42.17A.755.

Referred to Committee on State Government.

HB 1855 by Representatives Blake, Stambaugh and Gregerson
AN ACT Relating to vehicle identification of electrical contractors; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Commerce, Labor & Sports.

SHB 1902 by House Committee on Commerce & Gaming
(originally sponsored by Representatives Kirby, Vick and Doglio)
AN ACT Relating to tavern licenses; and amending RCW 66.24.330.

Referred to Committee on Commerce, Labor & Sports.

HB 1907 by Representatives Orcutt, Blake, DeBolt, McDonald and Van Werven
AN ACT Relating to abandoned cemeteries; amending RCW 68.60.010; and adding a new section to chapter 68.60 RCW.

Referred to Committee on State Government.

EHB 1913 by Representatives Dolan, Van Werven and Haler
AN ACT Relating to creating a leasehold excise tax exemption for certain leasehold interests in facilities owned or used by schools, colleges, or universities; reenacting and amending RCW 82.29A.130; and creating a new section.

Referred to Committee on Higher Education.

SHB 1930 by House Committee on Judiciary (originally sponsored by Representatives Frame, Rodne and Jinkins)
AN ACT Relating to child custody; amending RCW 26.10.030, 26.10.032, 26.10.100, 26.10.160, 26.10.190, 26.10.200, 26.09.260, and 26.09.270; and adding new sections to chapter 26.10 RCW.

Referred to Committee on Law & Justice.

HB 1953 by Representatives Dolan, Gregerson, Sells, Doglio, Ormsby and Kilduff
AN ACT Relating to maximum penalties under the Washington industrial safety and health act; amending RCW 49.17.180; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

2SHB 1980 by House Committee on Capital Budget
(originally sponsored by Representatives Blake, Chapman, Macri, Robinson, Van Werven, Morris, Smith, Haler, J. Walsh, Ryu, Johnson, Stanford, Sells, Ormsby, Frame, Kretz, Dye, Santos, Doglio, Pollet, Tarleton and Jinkins)
AN ACT Relating to creating a low-income home rehabilitation revolving loan program; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1991 by Representatives Volz, Stonier, McCaslin, Taylor, Shea, Koster and Holy

AN ACT Relating to clarifying the county treasurer's administration of payments and costs related to delinquent properties; and amending RCW 84.56.020.

Referred to Committee on Local Government.

EHB 2003 by Representatives Kloba, Kagi, Ortiz-Self, Tarleton, McBride, Ormsby and Fey
AN ACT Relating to special parking privileges for certain organizations that dispatch taxicab vehicles or vehicles for hire that transport persons with disabilities; amending RCW 46.19.020; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 2006 by House Committee on Appropriations
(originally sponsored by Representatives Koster, Lytton, Springer, Volz, Senn, Tharinger, Fey, Stokesbary, Appleton, Nealey, Chapman and Ormsby)
AN ACT Relating to providing cities and counties flexibility with existing resources; and amending RCW 82.14.460, 84.52.135, and 84.55.050.

Referred to Committee on Local Government.

SHB 2021 by House Committee on Commerce & Gaming
(originally sponsored by Representatives Farrell and Macri)
AN ACT Relating to authorizing the sale of marijuana plants and seeds to qualifying patients and designated providers; amending RCW 69.50.345, 69.50.342, 69.50.325, 69.50.366, 69.51A.220, and 69.51A.250; and reenacting and amending RCW 69.50.101.

Referred to Committee on Health Care.

ESHB 2023 by House Committee on Environment (originally sponsored by Representative Fitzgibbon)
AN ACT Relating to the effective date of certain actions taken under the growth management act; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

ESHB 2029 by House Committee on Judiciary (originally sponsored by Representatives Ortiz-Self, Ryu, Santos, Tarleton, Fey, Farrell, McBride, Wylie, Peterson, Kloba, Gregerson, Clibborn, Jinkins, Kagi, Bergquist, Ormsby, Hudgins, Stanford, Tharinger and Macri)
AN ACT Relating to providing a referral resource for those seeking information and assistance for immigration and citizenship related matters; reenacting and amending RCW 42.56.230; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Law & Justice.

SHB 2037 by House Committee on Higher Education
(originally sponsored by Representatives Frame, Haler, Ryu, Pollet, Stambaugh, Kagi, Kilduff, Tarleton, Fitzgibbon, Jinkins, Bergquist and McDonald)

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AN ACT Relating to student services for students with disabilities; amending 2016 sp.s. c 22 s 2 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Hawkins, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1105 which had been designated to the Committee on Commerce, Labor & Sports and was referred to the Committee on Transportation.

SHB 2058 by House Committee on Transportation (originally sponsored by Representative Harmsworth)
AN ACT Relating to procedures for the redemption of certain vehicles that are towed from accident scenes by registered tow truck companies when the vehicle owner is admitted as a patient in a hospital due to the accident; amending RCW 46.55.120, 46.55.130, and 46.55.150; adding a new section to chapter 46.55 RCW; and creating a new section.

MOTION

At 12:02 p.m., on motion of Senator Hawkins, the Senate adjourned until 10:00 o'clock a.m. Friday, March 10, 2017.

Referred to Committee on Transportation.

CYRUS HABIB, President of the Senate

HJM 4010 by Representatives Morris and Lytton
Requesting that the Blanchard State Forest be renamed the "Harriet A. Spanel-Blanchard State Forest."

HUNTER G. GOODMAN, Secretary of the Senate

SIXTY FIRST DAY, MARCH 10, 2017

2017 REGULAR SESSION

SIXTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 10, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Honeyford, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2017

HB 1064 Prime Sponsor, Representative Morris: Removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 9, 2017

SHB 1121 Prime Sponsor, Committee on Environment: Concerning the frequency of Puget Sound action agenda implementation strategy and science work plan updates. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1150 Prime Sponsor, Representative DeBolt: Clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1162 Prime Sponsor, Representative Kilduff: Concerning requirements for providing notice regarding court review of initial detention decisions under the involuntary treatment act. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Human Services, Mental Health & Housing.

March 9, 2017

SHB 1189 Prime Sponsor, Committee on Health Care & Wellness: Concerning exemptions from the massage therapy law. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet and O'Ban.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1267 Prime Sponsor, Representative DeBolt: Creating the wastewater treatment plant operator certification account. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules.

March 9, 2017

HB 1337 Prime Sponsor, Representative Riccelli: Creating the interstate medical licensure compact. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet and O'Ban.

Referred to Committee on Rules for second reading.

March 9, 2017

ESHB 1431 Prime Sponsor, Committee on Health Care & Wellness: Increasing the number of members on the board of osteopathic medicine and surgery. Reported by Committee on Health Care

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MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet and O'Ban.

Referred to Committee on Rules for second reading.

March 9, 2017

SHB 1738 Prime Sponsor, Committee on Environment: Continuing to protect water quality by aligning state brake friction material restrictions with the requirements of a similar nationwide agreement. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs; Ranker and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown; Honeyford and Short.

Referred to Committee on Rules for second reading.

March 9, 2017

SHB 1755 Prime Sponsor, Committee on Labor & Workplace Standards: Requiring notice to state fund employers for certain workers' compensation third-party settlements. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

ESHB 1796 Prime Sponsor, Committee on Appropriations: Providing reasonable accommodations in the workplace for pregnant women. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules.

March 9, 2017

SHB 1893 Prime Sponsor, Committee on Commerce & Gaming: Concerning the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

SHJM 4008 Prime Sponsor, Committee on Technology & Economic Development: Requesting that the Bonneville Power Administration consider a rate design for the Eastern Intertie that

eliminates or reduces the transmission rate associated with that part of the Eastern Intertie known as the Montana Intertie. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 9, 2017

SGA 9010 RUSSELL E OLSEN, appointed on May 1, 2013, for the term ending at the governors pleasure, as Director of the Pollution Liability Insurance Program. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

MOTION

On motion of Honeyford, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of House Bill No. 1267 and Engrossed Substitute House Bill No. 1796 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Honeyford, the Senate advanced to the third order of business.

MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

Department of Ecology – “*Achieving Attainment with National Ambient Air Quality Standards*” pursuant to 70.94.605 RCW, report date December 1, 2016;

Health Benefit Exchange – “*Financial Report for February 2017*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date February 28, 2017;

Department of Social & Health Services – “*Racial Disproportionality and Disparity in Washington State, 2016 Report*” pursuant to 74.13.096 RCW, report date December 1, 2016;

Department of Transportation – “*Fund Transfers Report (Nickel and TPA Accounts), February 2017*” in accordance with Engrossed Substitute House Bill No. 2524, report date February 17, 2017.

MOTION

On motion of Senator Honeyford, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5866 by Senators Brown, Hobbs, Braun and Mullet

AN ACT Relating to creating a tax court for the state of Washington; amending RCW 2.04.110, 34.05.030, 39.88.060, 79.125.450, 82.01.090, 82.29A.060, 82.32.150, 82.32.160, 82.32.170, 82.32.180, 82.49.060, 84.08.060, 84.08.130, 84.33.091, 84.34.065, 84.36.850, 84.39.020, 84.40.038, 84.48.080, 84.52.018, 84.56.290, 84.69.020, 84.69.030, and 84.69.180; reenacting and amending RCW 34.12.020 and 42.17A.705; adding a new chapter to Title 2 RCW; creating new sections; repealing RCW 82.03.010, 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.090, 82.03.100, 82.03.110, 82.03.120, 82.03.130, 82.03.140, 82.03.150, 82.03.160, 82.03.170, 82.03.180, 82.03.190, and 82.03.200; and providing contingent effective dates.

Referred to Committee on Law & Justice.

SJM 8011 by Senators Baumgartner, King, Padden, Schoesler and Short

Requesting that certain portions of state route number 395 be named the "Samuel Grashio Memorial Highway" and the "Thomas S. 'Tom' Foley Memorial Highway."

Referred to Committee on Transportation.

SJR 8209 by Senators Brown, Hobbs, Braun and Mullet
Authorizing a tax court.

Referred to Committee on Law & Justice.

HB 1042 by Representatives Springer, Harris, Jinkins, Fitzgibbon, Tharinger and Sawyer

AN ACT Relating to eliminating the office of the insurance commissioner's school district or educational service district annual report; amending RCW 28A.400.275; and repealing RCW 48.02.210 and 48.62.181.

Referred to Committee on Early Learning & K-12 Education.

HB 1058 by Representative MacEwen

AN ACT Relating to court-ordered restitution; and amending RCW 9.94A.750 and 9.94A.753.

Referred to Committee on Law & Justice.

HB 1148 by Representatives J. Walsh, Chapman, Vick, Blake, Orcutt and Muri

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

HB 1281 by Representatives Fitzgibbon and Stokesbary

AN ACT Relating to modifying the appointment process for trustees of rural county library districts in counties with one million or more residents; amending RCW 27.12.190; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

ESHB 1316 by House Committee on Health Care & Wellness
(originally sponsored by Representatives Caldier,

Cody, Jinkins, Wylie, Bergquist, Harris, Clibborn, Rodne, Griffey and Appleton)

AN ACT Relating to fair dental insurance practices; amending RCW 48.43.520, 48.43.525, and 48.43.740; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

E2SHB 1375 by House Committee on Appropriations
(originally sponsored by Representatives Van Werven, Tarleton, Orwall, Griffey, Haler, Holy, McCabe, Young, Dent, Riccelli, Bergquist, Buys, Kraft, Kagi, Ryu, Muri, Goodman, Lovick, Frame and Hargrove)

AN ACT Relating to providing students with the costs of required course materials; adding a new section to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Higher Education.

SHB 1472 by House Committee on Public Safety (originally sponsored by Representatives Hudgins, Koster, Haler, Griffey, Manweller, Muri and Ormsby)

AN ACT Relating to criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents; amending RCW 9A.48.070, 9A.48.080, and 29A.84.540; and prescribing penalties.

Referred to Committee on Law & Justice.

EHB 1476 by Representatives Peterson, Buys, Van Werven and Short

AN ACT Relating to ensuring the ongoing viability of safe, reliable, on-site sewage systems in marine counties by identifying best management practices with accountability in on-site program management plans without creating or newly authorizing a fee or other program funding source; amending RCW 70.118A.030, 70.118A.070, 70.118A.020, 70.118A.080, 70.118A.050, and 70.118A.060; and creating new sections.

Referred to Committee on Local Government.

E2SHB 1495 by House Committee on Finance (originally sponsored by Representatives Fey, Muri, Sawyer, Sells, Jinkins and Doglio)

AN ACT Relating to incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and creating new sections.

Referred to Committee on Local Government.

ESHB 1503 by House Committee on Environment (originally sponsored by Representatives Short, Taylor, Van Werven, Buys, Haler, Kraft and Hargrove)

AN ACT Relating to preventing unfunded mandates involving on-site sewage systems from affecting local governments and property owners; adding a new section to chapter 36.70A RCW; adding a new section to chapter 70.118A RCW; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Local Government.

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EHB 1506 by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew

AN ACT Relating to workplace practices to achieve gender pay equity; amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

EHB 1656 by Representatives Dent, Gregerson, Hargrove, Tarleton, Klippert and Clibborn

AN ACT Relating to a community aviation revitalization loan program; reenacting and amending RCW 42.56.270; adding new sections to chapter 47.68 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1716 by Representatives Hudgins and Manweller

AN ACT Relating to creating the construction registration inspection account as a dedicated account to fund contractor registration and compliance, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, elevators, lifting devices, and moving walks; amending RCW 70.87.210; adding a new section to chapter 18.27 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 51.44 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce, Labor & Sports.

2SHB 1777 by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

AN ACT Relating to financing early learning facilities to support the needed expansion of early learning classrooms across Washington; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Ways & Means.

ESHB 1851 by House Committee on Transportation (originally sponsored by Representatives Dolan, Harris, Hudgins, MacEwen, Kilduff, Haler, Robinson, Bergquist, Fitzgibbon, Doglio, Pollet, Ormsby and Stanford)

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 39.26.180, 43.19.008, and 39.26.200; adding a new section to chapter 39.26 RCW; and creating new sections.

Referred to Committee on State Government.

HB 1861 by Representatives Pollet, Haler, Stanford, Tharinger and Santos

AN ACT Relating to the University of Washington's alternative process for awarding contracts; amending RCW 28B.20.744; repealing RCW 43.131.413 and 43.131.414; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

ESHB 1886 by House Committee on Education (originally sponsored by Representatives Harris, Santos and Pollet)

AN ACT Relating to the responsibilities of the office of the superintendent of public instruction and the state board of education; amending RCW 28A.305.130, 28A.657.030, 28A.657.050, 28A.657.050, 28A.657.060, 28A.657.090, 28A.657.100, 28A.657.105, 28A.657.080, 28A.150.550, 28A.657.110, 28A.230.093, 28A.655.061, 28A.655.065, 28A.700.070, 28A.150.220, 28A.150.230, 28A.225.010, 28A.150.250, 28A.230.010, 28B.50.250, 28B.50.535, 28B.50.536, 28A.195.010, 28A.195.030, 28A.195.050, 28A.195.060, 28A.310.020, 28A.630.083, 28A.655.180, 28A.655.180, 28A.300.545, 28A.300.020, 28A.305.021, 28A.525.025, and 28A.210.320; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.150 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to chapter 28A.305 RCW; repealing RCW 28A.305.140, 28A.305.141, 28A.305.142, and 28A.305.190; providing an effective date; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

EHB 1967 by Representatives Stanford, Ormsby and Pollet

AN ACT Relating to noncompetition agreements; adding a new section to chapter 49.44 RCW; and creating new sections.

Referred to Committee on Commerce, Labor & Sports.

EHB 2008 by Representatives Kagi, Jinkins and Senn

AN ACT Relating to the budgeting process for core state services for children; amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2066 by Representative Kretz

AN ACT Relating to the creation of regional transportation planning organizations by large counties; and amending RCW 47.80.020.

Referred to Committee on Transportation.

HCR 4402 by Representatives Sells, Haler, Pollet, Senn, Condotta, Stambaugh, Kilduff, Dolan, Bergquist, Stonier, Muri, Tarleton, Gregerson, Ormsby and Ortiz-Self

Approving the 2016 state comprehensive plan for workforce training and education.

Referred to Committee on Higher Education.

MOTION

MOTION

On motion of Senator Honeyford, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SENATE BILL NO. 5023.

At 10:03 a.m., on motion of Senator Honeyford, the Senate adjourned until 12:00 o'clock noon Monday, March 13, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTY FOURTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, March 13, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Honeyford, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2017

SHB 1038 Prime Sponsor, Committee on Commerce & Gaming: Increasing the number of tasting rooms allowed under a domestic winery license. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1274 Prime Sponsor, Representative Sawyer: Concerning the member requirement for bona fide charitable or nonprofit organizations. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1329 Prime Sponsor, Representative McCabe: Modifying monetary penalties imposed for infractions relating to mobile and manufactured home installation. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1352 Prime Sponsor, Representative Barkis: Concerning licensing and regulatory requirements of small

business owners. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

SHB 1420 Prime Sponsor, Committee on Business & Financial Services: Concerning theatrical wrestling. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1475 Prime Sponsor, Representative Irwin: Clarifying the limited authority of gambling commission officers. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 9, 2017

ESHB 1538 Prime Sponsor, Committee on Capital Budget: Requiring prime contractors to bond the subcontractors portion of retainage upon request. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1629 Prime Sponsor, Representative Sells: Extending the redetermination timeline regarding appeals to the department of labor and industries. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 9, 2017

HB 1718 Prime Sponsor, Representative Jenkin: Creating a special permit for certain wine auctions. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Honeyford, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Honeyford, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 9, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

CHRISTON C. SKINNER, reappointed September 21, 2016, for the term ending September 30, 2021, as Member of the Skagit Valley College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9251.

MOTION

On motion of Senator Honeyford, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Honeyford, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5023,
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate advanced to the fifth order of business.

SB 5867 by Senator Braun

AN ACT Relating to creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program; amending RCW 74.39A.074, 74.39A.076, 74.39A.240, 74.39A.341, and 18.88B.041; adding new sections to chapter 74.39A RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Honeyford, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 12:02 p.m., on motion of Senator Honeyford, the Senate adjourned until 12:00 o'clock p.m. Tuesday, March 14, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, March 14, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5868 by Senator Braun
Relating to human services.

Referred to Committee on Ways & Means.

SB 5869 by Senator Braun
Relating to human services.

Referred to Committee on Ways & Means.

SB 5870 by Senator Braun
Relating to health care.

Referred to Committee on Ways & Means.

SB 5871 by Senator Braun
Relating to health care.

Referred to Committee on Ways & Means.

SB 5872 by Senator Braun
Relating to public safety.

Referred to Committee on Ways & Means.

SB 5873 by Senator Braun
Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 5874 by Senator Braun
Relating to natural resources.

Referred to Committee on Ways & Means.

SB 5875 by Senator Braun
Relating to education.

Referred to Committee on Ways & Means.

SB 5876 by Senator Braun
Relating to education.

Referred to Committee on Ways & Means.

SB 5877 by Senator Braun
Relating to education.

Referred to Committee on Ways & Means.

SB 5878 by Senator Braun
Relating to revenue.

Referred to Committee on Ways & Means.

SB 5879 by Senator Braun
Relating to revenue.

Referred to Committee on Ways & Means.

SB 5880 by Senator Braun
Relating to state government.

Referred to Committee on Ways & Means.

SB 5881 by Senator Braun
Relating to state government.

Referred to Committee on Ways & Means.

SB 5882 by Senator Braun
Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5883 by Senator Braun
Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5884 by Senator Ranker
Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5885 by Senator Ranker
Relating to revenue.

Referred to Committee on Ways & Means.

SB 5886 by Senator Ranker
Relating to natural resources.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:01 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 15, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 15, 2017

The Senate was called to order at 10:07 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 14, 2017

HB 1278 Prime Sponsor, Representative Macri: Enacting the physical therapy licensure compact. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 14, 2017

SHB 1291 Prime Sponsor, Committee on Appropriations: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

March 14, 2017

2SHB 1338 Prime Sponsor, Committee on Appropriations: Addressing the Washington state health insurance pool. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

March 14, 2017

ESHB 1548 Prime Sponsor, Committee on Health Care & Wellness: Concerning curricula for persons in long-term care facilities with behavioral health needs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 14, 2017

SHB 1671 Prime Sponsor, Committee on Health Care & Wellness: Concerning assistance with activities of daily living. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5887 by Senator King
AN ACT Relating to the future use of residential habilitation centers; amending RCW 71A.20.180 and 71A.20.170; and creating new sections.

Referred to Committee on Ways & Means.

SB 5888 by Senators Baumgartner, Hobbs, Takko and Sheldon
AN ACT Relating to lowering the ceiling of the business and occupation manufacturing tax rate to 0.2904 percent; amending RCW 82.04.240, 82.04.240, and 82.04.280; reenacting and amending RCW 82.32.790; creating new sections; repealing 2010 c 106 s 206, 2009 c 461 s 3, 2006 c 300 s 7, and 2003 c 149 s 4; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5889 by Senators Rossi, Brown and Braun
AN ACT Relating to the consolidation of residential habilitation centers and expansion of home and community-

based services for individuals with developmental disabilities; amending RCW 71A.20.020 and 71A.20.170; adding a new section to chapter 71A.20 RCW; and creating new sections.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8629

By Senators Honeyford, King, and Warnick

WHEREAS, A group of Yakima business and farm leaders wishing to showcase the wide variety of fruits, vegetables, grains, and other farm products gained Legislative approval to have Yakima be the site of the Central Washington State Fair in February of 1892; and

WHEREAS, In 1893 the Washington State Legislature appropriated \$10,000 to purchase the land where the present State Fair park is located; and

WHEREAS, In 1908 a street car line was built to the grounds so that people from all over the Northwest could come to Yakima by train, then by street car, to enjoy the sights and sounds of the Washington State Fair; and

WHEREAS, In those days, the Fair attracted visitors for the horse races, the grandstand performances, the Fair food, abundant displays of the Yakima Valley harvest, and the Indian encampment and the tribal stick games held each evening; and

WHEREAS, During the Depression it was difficult for the State of Washington to fund the Fair and in 1936 decided to discontinue the Fair until better times, the people of Central Washington determined to operate the Central Washington State Fair; and

WHEREAS, Since that year, the Fair has been held each September excluding the years between 1942 and 1946 when Kenworth moved into the grounds to build trucks for the war effort; and

WHEREAS, During those same years there were training exercises for the armed forces on the Fair grounds and the Fair buildings turned into barracks for our troops; and

WHEREAS, The Fair has given hundreds of thousands of dollars over the years in premiums for entries in various categories including foods, flower arranging, quilts, fine arts, and animal husbandry; and

WHEREAS, The Fair has encouraged our 4-H and FFA youth in displaying their skills of raising and showing their animals, their parliamentary skills, their culinary skills, and other accomplishments; and

WHEREAS, Hundreds of our Yakima Valley youth have been helped by their Fair experience and Fair premiums; and

WHEREAS, The State Fair Park has also sponsored great names in entertainment for attendees from all over the State of Washington; and

WHEREAS, The original State Fair of Washington is celebrating its 125th year of becoming a Fair and has stayed faithful to its agricultural roots and mission;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 125th anniversary of the State Fair in Central Washington and recognize its cultural and economic impacts on the State of Washington.

Senators Honeyford and Warnick spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Sid Morrison, former U.S. Congressman and State Senator and Representative, who was seated in the rear of the Chamber.

MOTION

Senator Darneille moved adoption of the following resolution:

SENATE RESOLUTION 8630

By Senators Darneille, Zeiger, O'Ban, Becker, and Conway

WHEREAS, Fred Oldfield was born on March 18, 1918, in Alfalfa, Washington; and he was one of nine children; and

WHEREAS, Fred was raised on the Yakima Indian Reservation near Toppenish, and his youth was filled with adventure as he lived the life of a cowboy with covered wagons, galloping horses, and starting fires with cow chips; and

WHEREAS, As a young man, Fred had an array of experiences including gold mining, boxing, farming, hunting, and working as a cowhand, all of which would influence his paintings; and

WHEREAS, Often called an "unconventional man," Fred went against all odds to spend his life living out his passion for painting, and he will forever be known as one of the premier painters of the American West in the United States; and

WHEREAS, Fred was always active in his Pacific Northwest community, and he used his talents to raise funds for many causes including kidney disease research, the Emergency Food Network, and a variety of scholarships for students in need; and

WHEREAS, Fred enjoyed sharing his love of painting with children, and he was forever grateful for the looks he saw in their eyes when he told them stories of his days on the range, telling tales around the campfire, and eating a can of beans from the chuck wagon; and

WHEREAS, Fred believed in the power of a positive outlook on life, making a friend out of everyone he met, and sharing a smile and a story with his friends and neighbors; and

WHEREAS, The Fred Oldfield Western Heritage & Art Center was built in 2002, dedicated to the preservation of Fred's dream to share his love of life, Western Art, and the history of the American West with all generations; and

WHEREAS, Fred Oldfield passed away on February 24, 2017, saddling up his horse and tipping his hat for the last time; and

WHEREAS, The Fred Oldfield Western Heritage & Art Center will commemorate Fred's life with a breakfast celebration and

SIXTY SIXTH DAY, MARCH 15, 2017

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fund-raiser for the Center at the Puyallup Fairgrounds on March 17;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate and honor Fred Oldfield the person; acknowledge his invaluable contributions to Washington State and beyond; and recognize that the history, passion, and art of Fred Oldfield will live on for generations; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Fred Oldfield, including his daughter Joella; to the Fred Oldfield Western Heritage & Art Center; to the Governor; and to the Lieutenant Governor.

Senator Darneille spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

The motion by Senator Darneille carried and the resolution was adopted by voice vote.

MOTION

At 10:19 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, March 16, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTY SEVENTH DAY, MARCH 16, 2017

2017 REGULAR SESSION

SIXTY SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, March 16, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 14, 2017

SB 5862 Prime Sponsor, Senator Darneille: Concerning public assistance eligibility requirements. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 14, 2017

HB 1018 Prime Sponsor, Representative Dent: Modifying the maximum amount for grants provided to airports and air navigation facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

SHB 1027 Prime Sponsor, Committee on Business & Financial Services: Addressing surplus line broker licensing. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

March 14, 2017

HB 1071 Prime Sponsor, Representative Kirby: Repealing an expiration date for legislation enacted in 2015

regarding pawnbroker fees and interest rates. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

March 14, 2017

EHB 1081 Prime Sponsor, Representative Kirby: Authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

March 15, 2017

HB 1195 Prime Sponsor, Representative Kilduff: Concerning surrender of person under surety's bond. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

SHB 1199 Prime Sponsor, Committee on Judiciary: Allowing youth courts to have jurisdiction over transit infractions. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 15, 2017

EHB 1248 Prime Sponsor, Representative Griffey: Correcting a conflict between state and federal law regarding class I correctional industries work programs. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

SIXTY SEVENTH DAY, MARCH 16, 2017

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March 15, 2017

HB 1285 Prime Sponsor, Representative Graves: Modifying oath requirements for interpreters in legal proceedings. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

EHB 1450 Prime Sponsor, Representative Nealey: Creating and establishing the rights and duties for title insurance rating and advisory organizations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

March 14, 2017

E2SHB 1482 Prime Sponsor, Committee on Appropriations: Establishing the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 14, 2017

SHB 1490 Prime Sponsor, Committee on Transportation: Concerning the reporting of preservation rating information on arterial networks by cities and towns. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

SHB 1532 Prime Sponsor, Committee on Finance: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 14, 2017

SHB 1566 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the definition of work activity for the purposes of the WorkFirst program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 14, 2017

HB 1593 Prime Sponsor, Representative Vick: Simplifying small securities offerings. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

March 14, 2017

HB 1615 Prime Sponsor, Representative Kloba: Concerning relocation assistance for persons displaced by agency property acquisitions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

HB 1722 Prime Sponsor, Representative Kirby: Eliminating wholesale vehicle dealer licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

ESHB 1808 Prime Sponsor, Committee on Transportation: Providing support for foster youth in obtaining drivers' licenses and automobile liability insurance. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Transportation.

March 14, 2017

SHB 1813 Prime Sponsor, Committee on Transportation: Aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

ESHB 1814 Prime Sponsor, Committee on Early Learning & Human Services: Concerning notification requirements for the department of social and health services. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 14, 2017

ESHB 1831 Prime Sponsor, Committee on Appropriations: Revising resource limitations for public assistance. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 14, 2017

SHB 1845 Prime Sponsor, Committee on Business & Financial Services: Concerning the delivery of insurance notices and documents by electronic means. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

March 14, 2017

SHB 1905 Prime Sponsor, Committee on Transportation: Modifying limitations for certain vessels exempt from the pilotage act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 14, 2017

2SHB 1980 Prime Sponsor, Committee on Capital Budget: Creating a low-income home rehabilitation revolving loan program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Padden and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Hunt.

Referred to Committee on Ways & Means.

March 14, 2017

SHB 1988 Prime Sponsor, Committee on Judiciary: Implementing a vulnerable youth guardianship program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules.

March 14, 2017

ESHB 2057 Prime Sponsor, Committee on Judiciary: Concerning the services and processes available when residential real property is abandoned or in foreclosure. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fain; Fortunato and Hobbs.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1988 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

March 15, 2017

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 15, 2017, Governor Inslee approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5023
 Relating to delaying implementation of revisions to the school levy lid.

Sincerely,
 /s/
 Drew Shirk, Executive Director of Legislative Affairs

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 15, 2017

MR. PRESIDENT:
 The House has passed:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 NO. 1661,
 and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 15, 2017

MR. PRESIDENT:
 The House concurred in the Senate amendment to
 SUBSTITUTE HOUSE BILL NO. 2106 and passed the bill as
 amended by the Senate.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5890 by Senators O'Ban and Braun
 AN ACT Relating to foster care and adoption support; amending RCW 74.13.270, 74.13A.025, 74.13A.030, 74.13A.047, and 28B.118.010; reenacting and amending RCW 13.34.138 and 13.34.145; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 74.13 RCW; creating new sections; repealing RCW 74.13.107 and 74.12.037; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5891 by Senator Zeiger
 AN ACT Relating to eliminating the use of the high school science assessment as a graduation prerequisite; and amending RCW 28A.655.061, 28A.655.065, and 28A.655.068.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:02 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, March 17, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 17, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Hawkins, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 16, 2017

HB 1132 Prime Sponsor, Representative Buys: Concerning dispute resolution between seed buyers and dealers. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

March 16, 2017

HB 1167 Prime Sponsor, Representative Griffey: Concerning fire commissioner compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 16, 2017

HB 1283 Prime Sponsor, Representative Chapman: Eliminating the collection of anticipated taxes and assessments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 16, 2017

ESHB 1296 Prime Sponsor, Committee on Finance: Consolidating and simplifying the annual report and annual survey used for economic development tax incentives.

Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Rules.

March 16, 2017

SHB 1321 Prime Sponsor, Committee on Local Government: Authorizing certain public facilities districts to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area with voter approval. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 16, 2017

SHB 1344 Prime Sponsor, Committee on Finance: Extending the period for which a bond levy may be increased. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

March 16, 2017

SHB 1462 Prime Sponsor, Committee on Commerce & Gaming: Adding authority to the department of agriculture to regulate sanitary processing of marijuana-infused edibles. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Wellman; Brown; Honeyford; McCoy; Takko and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pearson and Short.

Referred to Committee on Rules for second reading.

March 16, 2017

EHB 1648 Prime Sponsor, Representative Stonier: Concerning county treasurer administrative efficiencies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

SIXTY EIGHTH DAY, MARCH 17, 2017

2017 REGULAR SESSION

Referred to Committee on Rules for second reading.

March 16, 2017

ESHB 1751 Prime Sponsor, Committee on Local Government: Allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 16, 2017

HB 1959 Prime Sponsor, Representative Harmsworth: Requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

MOTION

On motion of Hawkins, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1296 which had been designated to the Committee on Rules and was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Hawkins, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5892 by Senators Fortunato, Rivers, Rossi, Miloscia, Zeiger, Braun, Angel, O'Ban, Wilson and Honeyford

AN ACT Relating to regional transit authority capital project reauthorization; adding a new section to chapter 81.112 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5893 by Senators O'Ban, Rossi, Becker, Rivers, Miloscia, King, Bailey, Braun, Wilson, Walsh, Zeiger, Angel, Warnick, Brown, Honeyford, Fortunato, Pearson, Padden, Fain, Schoesler and Hawkins

AN ACT Relating to the administration of motor vehicle excise taxes by regional transit authorities; amending RCW 82.44.135, 81.104.160, 82.44.035, and 81.104.190; and declaring an emergency.

Referred to Committee on Transportation.

SB 5894 by Senators O'Ban, Darneille, Braun, Becker, Rossi, Brown, Miloscia, Cleveland, Ranker, Chase, Warnick, Keiser, Hunt, Hasegawa and Wellman

AN ACT Relating to behavioral health system reform; amending RCW 71.24.310, 71.24.380, 71.05.320, 71.05.320, 71.05.365, 71.05.585, 71.05.150, 71.05.150, 71.05.150, 71.05.240, 71.05.240, 71.05.590, 71.05.590, 71.05.590, 10.77.060, 10.77.060, 10.77.084, 10.77.084, 10.77.086, 10.77.088, and 10.77.088; reenacting and amending RCW 71.05.320, 71.05.020, 71.05.020, 71.05.585, 71.05.230, 71.05.230, and 71.05.240; adding new sections to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 72.23 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

E2SHB 1661 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

AN ACT Relating to creating the department of children, youth, and families; amending RCW 43.215.030, 43.17.010, 43.17.020, 43.06A.030, 43.215.100, 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 28A.150.510, 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051, 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540, 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 28A.225.010, 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415, 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.06A.100, 43.20A.090, 43.06A.060, 43.06A.070, 43.15.020, 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section to chapter 43.06A RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.215.010,

43.215.020, 43.215.030, 43.215.050, 43.215.060,
 43.215.065, 43.215.070, 43.215.080, 43.215.090,
 43.215.099, 43.215.100, 43.215.1001, 43.215.101,
 43.215.102, 43.215.103, 43.215.105, 43.215.110,
 43.215.120, 43.215.130, 43.215.135, 43.215.1351,
 43.215.1352, 43.215.136, 43.215.137, 43.215.140,
 43.215.145, 43.215.146, 43.215.147, 43.215.195,
 43.215.200, 43.215.201, 43.215.205, 43.215.210,
 43.215.215, 43.215.216, 43.215.217, 43.215.218,
 43.215.220, 43.215.230, 43.215.240, 43.215.250,
 43.215.255, 43.215.260, 43.215.270, 43.215.280,
 43.215.290, 43.215.300, 43.215.305, 43.215.307,
 43.215.308, 43.215.310, 43.215.320, 43.215.330,
 43.215.335, 43.215.340, 43.215.350, 43.215.355,
 43.215.360, 43.215.370, 43.215.371, 43.215.400,
 43.215.405, 43.215.410, 43.215.415, 43.215.420,
 43.215.425, 43.215.430, 43.215.435, 43.215.440,
 43.215.445, 43.215.450, 43.215.455, 43.215.456,
 43.215.457, 43.215.460, 43.215.470, 43.215.472,
 43.215.474, 43.215.476, 43.215.490, 43.215.492,
 43.215.495, 43.215.500, 43.215.502, 43.215.505,
 43.215.510, 43.215.520, 43.215.525, 43.215.530,
 43.215.532, 43.215.535, 43.215.540, 43.215.545,
 43.215.550, 43.215.555, 43.215.560, 43.215.562,
 43.215.564, 43.215.900, 43.215.901, 43.215.903,
 43.215.905, 43.215.908, and 43.215.909; decodifying RCW
 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300,
 and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850,
 43.215.040, and 44.04.220; providing effective dates;
 providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services, Mental Health
& Housing.

MOTION

On motion of Senator Hawkins, the recommendations of the
 Standing Committees were accepted and all measures listed on
 the Introduction and First Reading report were referred to the
 committees as designated with the exception of Senate Bill No.
 5894 which had been designated to the Committee on Human

Services, Mental Health & Housing and was referred to the
 Committee on Ways & Means.

MOTION

On motion of Senator Hawkins and without objections, the
 following measures on the second and third reading calendars
 were returned to the Committee on Rules:

Senate Bill No. 5005; Senate Bill No. 5007; Senate Bill No. 5020;
 Senate Bill No. 5028; Senate Bill No. 5060; Senate Bill No. 5084;
 Senate Bill No. 5089; Senate Bill No. 5094; Senate Bill No. 5114;
 Senate Bill No. 5123; Senate Bill No. 5137; Senate Bill No. 5143;
 Senate Bill No. 5147; Senate Bill No. 5155; Senate Bill No. 5157;
 Senate Bill No. 5174; Senate Bill No. 5182; Senate Bill No. 5184;
 Senate Bill No. 5195; Senate Bill No. 5218; Senate Bill No. 5222;
 Senate Bill No. 5245; Senate Bill No. 5271; Senate Bill No. 5284;
 Senate Bill No. 5288; Senate Bill No. 5296; Senate Bill No. 5317;
 Senate Bill No. 5320; Senate Bill No. 5323; Senate Bill No. 5324;
 Senate Bill No. 5334; Senate Bill No. 5345; Senate Bill No. 5349;
 Senate Bill No. 5368; Senate Bill No. 5370; Senate Bill No. 5371;
 Senate Bill No. 5408; Senate Bill No. 5457; Senate Bill No. 5460;
 Senate Bill No. 5479; Senate Bill No. 5529; Senate Bill No. 5547;
 Senate Bill No. 5554; Senate Bill No. 5559; Senate Bill No. 5569;
 Senate Bill No. 5578; Senate Bill No. 5588; Senate Bill No. 5610;
 Senate Bill No. 5624; Senate Bill No. 5651; Senate Bill No. 5653;
 Senate Bill No. 5670; Senate Bill No. 5680; Senate Bill No. 5695;
 Senate Bill No. 5703; Senate Bill No. 5706; Senate Bill No. 5711;
 Senate Bill No. 5726; Senate Bill No. 5731; Senate Bill No. 5743;
 Senate Bill No. 5744; Senate Bill No. 5745; Senate Bill No. 5750;
 Senate Bill No. 5785; Senate Bill No. 5791; Senate Bill No. 5807;
 Senate Bill No. 5827; and Senate Joint Memorial No. 8005 and
 placed in the Committee's 'X-File'.

MOTION

At 10:04 a.m., on motion of Senator Hawkins, the Senate
 adjourned until 12:00 o'clock noon Monday, March 20, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SEVENTY FIRST DAY

NOON SESSION

Senate Chamber, Olympia
Monday, March 20, 2017

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 15, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROGER D. WOODWORTH, reappointed March 15, 2017, for the term ending October 1, 2019, as Member of the Life Sciences Discovery Fund Authority Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Agriculture, Water, Trade & Economic Development as Senate Gubernatorial Appointment No. 9252.

March 17, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TONY F. GOLIK, appointed March 17, 2017, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9253.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5895 by Senator Braun

AN ACT Relating to making expenditures from the budget stabilization account for catastrophic wildfire events in fiscal year 2017; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5896 by Senators Rossi, Brown, Braun, Becker, Fortunato, Bailey, Angel, Schoesler, Sheldon, Warnick, Honeyford, Wilson, Walsh, Hawkins and Short

AN ACT Relating to claims against public entities; amending RCW 4.22.070, 4.56.115, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; creating new sections; and declaring an emergency.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5896 which had been designated to the Committee on Ways & Means and was referred to the Committee on Law & Justice.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8634

By Senator Van De Wege

WHEREAS, Nine years ago, at the age of 26, Ian Mackay injured his spinal cord while riding his bicycle home from college and was ventilator dependent for a full year; and

WHEREAS, Ian relocated to Port Angeles to adjust to life as a C2 quadriplegic with the support of his family; and

WHEREAS, Ian thrives in the outdoors where today he birdwatches and regularly travels the Olympic Discovery Trail; and

WHEREAS, Ian found that there were a limited number of nature trails accessible to wheelchair users; so, in 2016, Ian rode his wheelchair from Port Angeles to Portland, Oregon to raise awareness of the need for more wheelchair accessible trails; and

WHEREAS, Ian has launched and runs numerous support groups on the Olympic Peninsula; and

WHEREAS, Washington Bikes named Ian Mackay its "Person of the Year" in recognition of his accomplishments and work on behalf of others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Ian Mackay's resilience; tenacity; and embrace of life, which includes a love of stout beers, as he continues to steep himself in the magnificent outdoor amenities of the Pacific Northwest and advocate on behalf of others; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ian Mackay, to Washington Bikes, to Governor Jay Inslee, to United States Senator Patty Murray, to United States Senator Maria Cantwell, and to United States Representative Derek Kilmer.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Tuesday, March 21, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SEVENTY SECOND DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, March 21, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 16, 2017

SB 5248 Prime Sponsor, Senator Rivers: Concerning persons to whom the department of health may provide prescription monitoring program data. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 16, 2017

SB 5303 Prime Sponsor, Senator Honeyford: Concerning aquatic invasive species management. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5303 as recommended by Committee on Natural Resources & Parks be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Conway; Fain; Keiser; Miloscia; Padden; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Darneille and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget Frockt, Assistant Ranking Minority Member, Capital Budget.

Referred to Committee on Rules for second reading.

March 16, 2017

SB 5347 Prime Sponsor, Senator Walsh: Concerning the definition of work activity for the purposes of the WorkFirst program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5347 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 16, 2017

SB 5838 Prime Sponsor, Senator Rossi: Concerning the capital construction of and bonding for addressing the facilities maintenance backlog for the state parks and recreation commission. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Conway; Fain; Keiser; Miloscia; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle; Darneille and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget and Padden.

Referred to Committee on Rules for second reading.

March 16, 2017

SB 5867 Prime Sponsor, Senator Braun: Creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle; Conway; Darneille; Hasegawa; Keiser and Miloscia.

Referred to Committee on Rules for second reading.

March 20, 2017

HB 1198 Prime Sponsor, Representative Harris: Concerning substance abuse monitoring for podiatric physicians and surgeons. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 20, 2017

SHB 1234 Prime Sponsor, Committee on Health Care & Wellness: Addressing private health plan coverage of contraceptives. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Miloscia and O'Ban.

Referred to Committee on Rules for second reading.

March 20, 2017

E2SHB 1358 Prime Sponsor, Committee on Appropriations: Concerning reimbursement for services provided pursuant to community assistance referral and education services programs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Ways & Means.

March 20, 2017

ESHB 1359 Prime Sponsor, Committee on Health Care & Wellness: Concerning notice of charity care availability at time of billing and collection. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Ways & Means.

March 20, 2017

SHB 1411 Prime Sponsor, Committee on Health Care & Wellness: Concerning dental licensure through completion of a residency program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 20, 2017

SHB 2016 Prime Sponsor, Committee on Health Care & Wellness: Concerning midwifery and doula services for incarcerated women. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GLORIA PAPIEZ, appointed March 20, 2017, for the term ending at the pleasure of the Governor, as a Director of the Department of Financial Institutions - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Financial Institutions & Insurance as Senate Gubernatorial Appointment No. 9254.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5897 by Senators Rossi, Brown, Braun, Becker, Walsh, Schoesler and Honeyford
 AN ACT Relating to food assistance programs; amending RCW 74.08A.120; and creating a new section.

Referred to Committee on Ways & Means.

SB 5898 by Senator Braun
 AN ACT Relating to eligibility for public assistance programs; amending RCW 74.08A.260 and 74.62.030; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Ways & Means.

SB 5899 by Senator Braun
 AN ACT Relating to transferring duties from the training partnership to the department of social and health services; amending RCW 74.39A.270, 74.39A.310, 74.39A.351, and 74.39A.360; and reenacting and amending RCW 74.39A.009.

Referred to Committee on Ways & Means.

SB 5900 by Senator Braun
 AN ACT Relating to making expenditures from the budget stabilization account for public employer unfunded actuarially accrued liabilities; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5901 by Senator Braun
 AN ACT Relating to eligibility for the working connections child care and early childhood education and assistance programs; amending RCW 43.215.135 and 43.215.405; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5902 by Senator Braun
 AN ACT Relating to enrollments in postsecondary certification and degree programs with an emphasis in science, technology, engineering, and mathematics; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Ways & Means.

SB 5903 by Senators Darneille, Ranker, Rolfes, Nelson, Frockt, Saldaña, Hasegawa, Wellman, Carlyle, Conway, Pedersen, Keiser, Cleveland, Chase and Takko
 AN ACT Relating to the housing for all act; amending RCW 36.22.179, 43.185C.060, 43.185C.190, 43.185C.215, 43.185C.340, 43.185C.220, 74.04.805, and 74.62.030; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Human Services, Mental Health & Housing.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain and without objection the following measures which had been under consideration by the Committee on Rules were placed in the Committee's 'X-file':
 Senate Bill No. 5004; Senate Bill No. 5015; Senate Bill No. 5029; Senate Bill No. 5063; Senate Bill No. 5116; Senate Bill No. 5151; Senate Bill No. 5181; Senate Bill No. 5192; Senate Bill No. 5203; Senate Bill No. 5209; Senate Bill No. 5213; Senate Bill No. 5221; Senate Bill No. 5238; Senate Bill No. 5243; Senate Bill No. 5247; Senate Bill No. 5255; Senate Bill No. 5276; Senate Bill No. 5314; Senate Bill No. 5337; Senate Bill No. 5341; Senate Bill No. 5350; Senate Bill No. 5360; Senate Bill No. 5364; Senate Bill No. 5365; Senate Bill No. 5384; Senate Bill No. 5392; Senate Bill No. 5398; Senate Bill No. 5452; Senate Bill No. 5461; Senate Bill No. 5467; Senate Bill No. 5468; Senate Bill No. 5506; Senate Bill No. 5523; Senate Bill No. 5524; Senate Bill No. 5530; Senate Bill No. 5532; Senate Bill No. 5534; Senate Bill No. 5541; Senate Bill No. 5542; Senate Bill No. 5545; Senate Bill No. 5550; Senate Bill No. 5551; Senate Bill No. 5565; Senate Bill No. 5580; Senate Bill No. 5582; Senate Bill No. 5583; Senate Bill No. 5584; Senate Bill No. 5643; Senate Bill No. 5658; Senate Bill No. 5684; Senate Bill No. 5719; Senate Bill No. 5721; Senate Bill No. 5741; Senate Bill No. 5753; Senate Bill No. 5769; Senate Bill No. 5788; Senate Bill No. 5792; Senate Bill No. 5796; Senate Bill No. 5820; Senate Bill No. 5843; and Senate Joint Memorial No. 8008.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

Senator Hawkins read of the following resolution in full:

SENATE RESOLUTION
 8632

By Senator Hawkins

WHEREAS, Washington's apple industry is a major contributor to the economic health of the state and its people; and
 WHEREAS, The Wenatchee Valley is preparing to celebrate the 98th annual Washington State Apple Blossom Festival, which takes place April 27 through May 7, 2017; and
 WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the very first Blossom Day; and
 WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its surrounding areas; and
 WHEREAS, The Apple Blossom Festival recognizes three young women, who, by their superior and distinctive efforts, have exemplified the spirit and meaning of the Apple Blossom Festival; and
 WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as princesses and queen; and
 WHEREAS, Paige Chvilicek has been selected to represent her community as a 2017 Apple Blossom Princess; Paige was selected for her strong academic performance and extracurricular activities, which include being a four-year member of DECA, a

member of the Honor Society, a freshman orientation leader, and a volunteer youth instructor at her local dance studio; Paige will undoubtedly continue to have an everlasting commitment to her community; and

WHEREAS, Alissa Riker has been selected to represent her community as a 2017 Apple Blossom Princess; Alissa was selected for her community service, which includes logging 420 hours of volunteer work as a camp counselor in Lake Wenatchee and as a volunteer at the local veterinary clinic; for her extracurricular activities, which include participating as a competitive dancer and playing violin in the chamber orchestra; and for her long-standing support of her community; and

WHEREAS, Amy Sand has been selected to represent her community as the 2017 Apple Blossom Queen; Amy was selected for her active involvement in the marching band, wind ensemble, the Senior Senate, and the Associated Student Body; for her volunteer work at the local senior living facility; for spending her summers working for local orchards; and for her love for the people of Wenatchee Valley; and

WHEREAS, Each of these three young women desire to share their proven talents, leadership, and ambition to serve their community; and to be an encouragement to every person they encounter;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the accomplishments of the members of the Apple Blossom Festival Court and join the Wenatchee Valley and the people of the state of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Queen Amy Sand, Princess Paige Chvilicek, Princess Alissa Riker, and to the board of directors of the Washington State Apple Blossom Festival.

Senator Hawkins moved that the resolution be adopted.

Senators Hawkins and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

The motion by Senator Hawkins carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Apple Blossom Court: Queen Amy Sand, Princess Paige Chvilicek, and Princess Alissa Riker who were seated in the gallery and recognized by the Senate.

REMARKS BY THE PRESIDENT

President Habib: "Thank you for joining us here today. And thank you Senator Hawkins for bringing this resolution forward to recognize these women and their leadership in your community and for all our state. Thank you very much."

MOTION

At 12:09 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 22, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

SEVENTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 22, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

The prayer was offered by Pastor Ben Robinson of Urban Grace Ministries Church, Tacoma.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 20, 2017

SB 5254 Prime Sponsor, Senator Fain: Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5254 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Fain; Keiser; Miloscia; Pedersen; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Darneille and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Padden.

Referred to Committee on Rules for second reading.

March 20, 2017

SB 5594 Prime Sponsor, Senator Keiser: Concerning transition services for people with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5594 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Keiser; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Conway; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle and Darneille.

Referred to Committee on Rules for second reading.

March 20, 2017

SB 5646 Prime Sponsor, Senator Honeyford: Concerning services provided by residential habilitation centers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Conway; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Assistant Ranking Minority Member, Operating Budget.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Carlyle; Darneille and Hasegawa.

Referred to Committee on Rules for second reading.

March 20, 2017

SB 5715 Prime Sponsor, Senator Rivers: Limiting nursing home direct care payment adjustments to the lowest case mix weights in the reduced physical function groups and authorizing upward adjustments to case mix weights in the cognitive and behavior groups. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 21, 2017

SB 5809 Prime Sponsor, Senator Rivers: Extending surcharges on court filing fees for deposit in the judicial

stabilization trust account to July 1, 2021. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Ways & Means.

March 20, 2017

SB 5815 Prime Sponsor, Senator Rivers: Concerning the hospital safety net assessment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5815 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 20, 2017

SB 5864 Prime Sponsor, Senator Miloscia: Concerning the goal of ending homelessness. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

March 20, 2017

SB 5890 Prime Sponsor, Senator O'Ban: Concerning foster care and adoption support. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

March 21, 2017

HB 1166 Prime Sponsor, Representative Griffey: Concerning fire protection district tax levies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

March 21, 2017

SHB 1235 Prime Sponsor, Committee on Education: Assessing physical education practices in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1346 Prime Sponsor, Committee on Education: Clarifying the authority of a nurse working in a school setting. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1347 Prime Sponsor, Committee on Local Government: Concerning the creation of a countywide port district within a county containing no port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1445 Prime Sponsor, Committee on Appropriations: Concerning dual language in early learning and K-12 education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Ways & Means.

March 20, 2017

E2SHB 1612 Prime Sponsor, Committee on Appropriations: Creating a suicide-safer homes project account to support prevention efforts and develop strategies for reducing access to lethal means. Reported by Committee on Human Services, Mental Health & Housing

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MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 20, 2017

SHB 1624 Prime Sponsor, Committee on Appropriations: Concerning working connections child care eligibility for vulnerable children. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 21, 2017

EHB 1654 Prime Sponsor, Representative McCaslin: Changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1683 Prime Sponsor, Committee on Environment: Addressing sewer service within urban growth areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 20, 2017

E2SHB 1713 Prime Sponsor, Committee on Appropriations: Implementing recommendations from the children's mental health work group. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 21, 2017

HB 1732 Prime Sponsor, Representative Springer: Concerning the confidentiality of educator professional growth plans. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

HB 1734 Prime Sponsor, Representative Lovick: Authorizing reimbursement for substitute teachers participating in activities of the Washington state professional educator standards board to carry out its powers and duties. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1741 Prime Sponsor, Committee on Appropriations: Concerning educator preparation data for use by the professional educator standards board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Ways & Means.

March 21, 2017

SHB 1747 Prime Sponsor, Committee on Finance: Concerning the withdrawal of land from a designated classification. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Ways & Means.

March 20, 2017

E2SHB 1819 Prime Sponsor, Committee on Appropriations: Reducing certain documentation and paperwork requirements in order to improve children's mental health and safety. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 20, 2017

SHB 1825 Prime Sponsor, Committee on Appropriations: Extending the timeline for completing a family assessment response, allowing the department of social and health services to complete a family assessment response upon the verbal agreement of a parent to participate, and defining disqualifying

crimes. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 21, 2017

SHB 1863 Prime Sponsor, Committee on Appropriations: Concerning the national fire incident reporting system. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

March 20, 2017

HB 1931 Prime Sponsor, Representative Hayes: Concerning the posting of child abuse and neglect mandated reporter requirements. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Padden and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hunt.

Referred to Committee on Rules for second reading.

March 21, 2017

EHB 2073 Prime Sponsor, Representative Dent: Concerning the beef commission. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

March 20, 2017

ESHB 2121 Prime Sponsor, Committee on Appropriations: Repealing income eligibility for temporary assistance for needy families benefits for a child who lives with a nonparent caregiver. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Ways & Means.

March 21, 2017

SGA 9059 JANIS AVERY, appointed on January 28, 2015, for the term ending January 12, 2019, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9105 NANCY J SINKOVITZ, reappointed on June 23, 2015, for the term ending July 1, 2020, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9139 ALLIE M JOINER, reappointed on June 23, 2015, for the term ending July 1, 2020, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9144 MARIBEL VILCHEZ, appointed on March 10, 2016, for the term ending June 30, 2019, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9188 ARIELE P. BELO, reappointed on August 9, 2016, for the term ending July 1, 2021, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

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SGA 9189 MICHELLE FARRELL, reappointed on August 9, 2016, for the term ending July 1, 2021, as Member of the Washington State School for the Blind Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9196 CHARLOTTE A. PARSLEY, reappointed on August 9, 2016, for the term ending July 1, 2021, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9229 MONA H BAILEY, reappointed on December 19, 2016, for the term ending January 12, 2021, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9236 RICARDO E SANCHEZ, appointed on December 6, 2016, for the term ending January 12, 2021, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet and Warnick.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9250 JAY M BALASBAS, appointed on March 1, 2017, for the term ending January 1, 2023, as Member of the Utilities and Transportation Commission. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Substitute House Bill No. 1747 and Engrossed Second Substitute House Bill No. 1819 which had been designated to the Committee on Rules and were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5904 by Senators Braun and Brown

AN ACT Relating to convicted persons; amending RCW 9A.42.020, 9A.42.030, 9A.42.035, 9A.56.010, 9A.04.080, 9A.56.030, 9A.56.040, 74.34.020, 46.61.502, 46.61.504, 46.61.5054, 9.94A.589, 9.94B.050, 9.94A.501, 9.94A.702, 9.94A.533, 46.20.117, 46.20.117, 46.20.342, 46.63.020, 46.20.015, 9.94A.518, 9.94A.650, 9A.36.041, 9.94A.525, 43.43.754, and 43.43.830; reenacting and amending RCW 9.94A.411, 9.94A.515, 46.61.5055, 10.31.100, and 9.96.060; adding a new section to chapter 9A.56 RCW; adding a new section to chapter 74.34 RCW; adding a new section to chapter 9.94B RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 7.36 RCW; creating new sections; repealing RCW 69.50.4014; repealing 2015 c 291 ss 8 and 9 and 2013 2nd sp.s. c 14 s 1; repealing 2013 2nd sp.s. c 14 s 10 (uncodified); prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Law & Justice.

SB 5905 by Senators Hobbs, Wellman, Conway, Darneille, Mullet and Keiser

AN ACT Relating to taxpayer relief for persons subject to a motor vehicle excise tax imposed by a regional transit authority; amending RCW 81.104.160 and 82.44.035; and declaring an emergency.

Referred to Committee on Transportation.

SB 5906 by Senators Saldaña, Palumbo, Wellman, Liias, Hobbs, Conway, Darneille and Keiser

AN ACT Relating to establishing a regional transit authority rebate program for low-income individuals; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5907 by Senators Liias, Hobbs, Palumbo, Darneille, Wellman, Saldaña, Mullet and Keiser

AN ACT Relating to prioritizing transit agency integration for regional mobility grants in counties with a population of seven hundred thousand or more; amending RCW 47.66.030; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5908 by Senators Palumbo, Mullet, Hobbs, Lias, Darneille and Keiser

AN ACT Relating to requiring a taxpayer accountability statement to be included with regional transit authority motor vehicle excise taxes; amending RCW 81.104.190; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5909 by Senators Palumbo, Mullet, Hobbs, Darneille, Lias and Keiser

AN ACT Relating to requiring a taxpayer accountability statement to be included with regional transit authority property taxes; adding a new section to chapter 36.29 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8631

By Senators Fain, Wellman, McCoy, Nelson, Lias, Saldaña, Van De Wege, Mullet, Kuderer, Chase, Takko, Cleveland, Frockt, and Billig

WHEREAS, The spring equinox is celebrated as Nowruz, the Persian New Year, originating in ancient Persia more than 3,000 years ago and this year occurring on March 20th; and

WHEREAS, Nowruz is celebrated by nearly 300 million people across the globe of different faiths and diverse communities, and by more than 1,000,000 Iranian-Americans including tens of thousands in Washington state, including those with Baha'i, Christian, Jewish, Muslim, Zoroastrian, and nonreligious backgrounds; and

WHEREAS, The United States is a melting pot of ethnicities and religions and Nowruz contributes to the richness of American culture and is consistent with our founding principles of peace and prosperity for all; and

WHEREAS, In this time where mistrust and fear often threaten to divide us, the spirit of Nowruz inspires us to realize our

commonalities, and strive for new levels of compassion, understanding, and love for our fellow human beings regardless of religion or ethnicity; and

WHEREAS, Iranian-Americans have made and continue to make noteworthy and lasting contributions to the social and economic fabric of society in the United States, and Nowruz presents a time to recognize those contributions; and

WHEREAS, Iranian-Americans continue to make contributions in all sectors of public life in the United States, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States; and

WHEREAS, Nowruz means "New Day," and represents the possibilities of a new season, and the opportunity for renewal of our human spirit;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the honored holiday of Nowruz, recognize the historical and cultural significance thereof, and wish a happy and prosperous new year to all.

Senators Fain, Wellman, Frockt and Saldaña spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Habib: "The President would like to thank Senator Fain for bringing this resolution forward. He has been supportive consistently of recognizing this holiday, as has Secretary Hunter Goodman, and members on both sides of the aisle. I want to thank Senators Wellman, Frockt and Saldaña for their remarks and for wishing me a Happy New Year. And acknowledge the guests we have in the south gallery today with us from the Persian community and, just so that folks know, Persian New Year, Nowruz, is celebrated by over three hundred million people as the resolution stated, from countries all over the world. Primarily from Iran, originally, but also in India and other places and is rooted in the ancient rite of the spring equinox. It is wonderful to have guests who celebrate this holiday here with us today. And I will be hosting, in the Senate Rules Room, a reception for all. I invite all senators and other members of the public and Legislature to come and join us for some refreshments and to meet our guests and to celebrate Persian New Year. So it is wonderful to have them here with us."

MOTION

At 10:16 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Thursday, March 23, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SEVENTY FOURTH DAY, MARCH 23, 2017

2017 REGULAR SESSION

SEVENTY FOURTH DAY

NOON SESSION

Senate Chamber, Olympia
Thursday, March 23, 2017

The Senate was called to order at 12:00 o'clock noon by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2017

SB 5048 Prime Sponsor, Senator Braun: Making 2017-2019 fiscal biennium operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5096 Prime Sponsor, Senator King: Making transportation appropriations for the 2017-2019 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5096 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Baumgartner; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Hobbs, Ranking Minority Member; Liias; Cleveland; Saldaña; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5866 Prime Sponsor, Senator Brown: Creating a tax court for the state of Washington. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5866 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel; Frockt and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member and Darneille.

Referred to Committee on Ways & Means.

March 22, 2017

SB 5875 Prime Sponsor, Senator Braun: Relating to education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5875 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5891 Prime Sponsor, Senator Zeiger: Eliminating the use of the high school science assessment as a graduation prerequisite. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5894 Prime Sponsor, Senator O'Ban: Concerning behavioral health system reform. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ;

Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5895 Prime Sponsor, Senator Braun: Making expenditures from the budget stabilization account for catastrophic wildfire events in fiscal year 2017. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5896 Prime Sponsor, Senator Rossi: Concerning claims against public entities. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5896 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5898 Prime Sponsor, Senator Braun: Concerning eligibility for public assistance programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5898 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5900 Prime Sponsor, Senator Braun: Making expenditures from the budget stabilization account for public employer unfunded actuarially accrued liabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5900 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5901 Prime Sponsor, Senator Braun: Concerning eligibility for the working connections child care and early childhood education and assistance programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5901 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

March 22, 2017

SB 5902 Prime Sponsor, Senator Braun: Addressing enrollments in postsecondary certification and degree programs with an emphasis in science, technology, engineering, and mathematics. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

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SJR 8209 Prime Sponsor, Senator Brown: Authorizing a tax court. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel; Frockt and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member and Darneille.

Referred to Committee on Ways & Means.

March 22, 2017

HB 1091 Prime Sponsor, Representative Appleton: Authorizing tribal court judges to solemnize marriages. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1100 Prime Sponsor, Committee on Appropriations: Concerning concealed pistol license renewal notices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Ways & Means.

March 22, 2017

HB 1125 Prime Sponsor, Representative Condotta: Limiting the total number of retail marijuana licenses that may be held by a retailer and co-owners. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1126 Prime Sponsor, Committee on Commerce & Gaming: Establishing a deadline for the use and implementation of a marijuana retail license by a licensee. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

HB 1128 Prime Sponsor, Representative Shea: Concerning civil arbitration. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille and Frockt.

MINORITY recommendation: Do not pass. Signed by Senators Angel and Wilson.

Referred to Committee on Ways & Means.

March 22, 2017

SHB 1129 Prime Sponsor, Committee on Higher Education: Providing associate degree education to enhance education opportunities and public safety. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1176 Prime Sponsor, Committee on Commerce & Gaming: Concerning the alcoholic beverage mead. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1250 Prime Sponsor, Representative Griffey: Authorizing retail marijuana outlets to give a free lockable drug box to adults age twenty-one years and over and to qualifying patients age eighteen years and over subject to restrictions. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; King; Rossi; Saldaña and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1257 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the release of wild beavers. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SHB 1275 Prime Sponsor, Committee on Agriculture & Natural Resources: Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1320 Prime Sponsor, Representative Reeves: Concerning certain gold star license plate qualified applicants and recipients. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

E2SHB 1351 Prime Sponsor, Committee on Appropriations: Authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1400 Prime Sponsor, Representative Dent: Creating Washington state aviation special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 21, 2017

ESHB 1489 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning private wildland fire suppression contractors. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1515 Prime Sponsor, Committee on Transportation: Clarifying the appropriate format for signed written authorizations for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 21, 2017

ESHB 1531 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning the forest riparian easement program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1568 Prime Sponsor, Committee on Transportation: Creating Fred Hutch special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1606 Prime Sponsor, Representative Pike: Requiring transportation benefit districts to hold public hearings prior to imposing fees or charges by a vote of the governing board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Erickson; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Takko and Van De Wege.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Saldaña.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1623 Prime Sponsor, Representative Senn: Concerning secondhand dealers utilizing automated kiosks to purchase secondhand electronic devices. Reported by Committee on Commerce, Labor & Sports

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MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 22, 2017

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SHB 1626 Prime Sponsor, Committee on Public Safety: Changing the date in which community impact statements are provided to the department of corrections. Reported by Committee on Law & Justice

HB 1965 Prime Sponsor, Representative Lovick: Standardizing the collection and distribution of criminal records. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 21, 2017

March 22, 2017

SHB 1820 Prime Sponsor, Committee on Environment: Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program. Reported by Committee on Natural Resources & Parks

HB 2038 Prime Sponsor, Representative Jenkin: Clarifying the applicability of RCW 70.345.080 to only vapor products. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 22, 2017

March 22, 2017

HB 1906 Prime Sponsor, Representative Orcutt: Allowing the expansion of counties qualifying for the farm internship program, including certain southwest Washington counties. Reported by Committee on Commerce, Labor & Sports

HB 2064 Prime Sponsor, Representative Shea: Removing industrial hemp from the scope of the uniform controlled substances act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 22, 2017

March 22, 2017

EHB 1924 Prime Sponsor, Representative Dent: Concerning small forest landowners. Reported by Committee on Commerce, Labor & Sports

HB 2087 Prime Sponsor, Representative Stambaugh: Concerning worker safety on roadways and roadsides. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 21, 2017

March 21, 2017

SHB 1944 Prime Sponsor, Committee on Agriculture & Natural Resources: Exempting certain law enforcement officers from the hunter education training program. Reported by Committee on Natural Resources & Parks

HJM 4010 Prime Sponsor, Representative Morris: Requesting that the Blanchard State Forest be renamed the "Harriet A. Spanel-Blanchard State Forest." Reported by Committee on Natural Resources & Parks

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9055 THEODORE R WILLHITE, reappointed on January 1, 2015, for the term ending December 31, 2017, as Member of the Recreation and Conservation Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9058 PATRICIA T. LANTZ, reappointed on January 1, 2015, for the term ending December 31, 2020, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9122 PHIL ROCKEFELLER, reappointed on August 4, 2015, for the term ending July 15, 2019, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9131 DON BONKER, reappointed on June 15, 2015, for the term ending June 12, 2019, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9187 PHILIP ANDERSON, appointed on July 28, 2016, for the term ending June 30, 2019, as Member of the Pacific States Marine Fisheries Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

SGA 9224 MARK O BROWN, reappointed on November 29, 2016, for the term ending December 31, 2022, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 21, 2017

SGA 9225 STEVEN S MILNER, reappointed on November 29, 2016, for the term ending December 31, 2022, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 23, 2017

SGA 9254 GLORIA PAPIEZ, appointed on March 20, 2017, for the term ending at the pleasure of the Governor, as Director of the Department of Financial Institutions - Agency Head. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Angel, Chair; Mullet, Ranking Minority Member; Fortunato; Hobbs and Kuderer.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 21, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAVID W. GRAYBILL, appointed March 19, 2015, for the term ending December 31, 2020, as Member of the Fish and Wildlife Commission.

Sincerely,
JAY INSLEE, Governor

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Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9255.

March 22, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALAN BURKE, appointed March 22, 2017, for the term beginning April 1, 2017 and ending January 12, 2018, as Member of the State Board of Education.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9256.

March 22, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

AMY L. FROST, appointed March 22, 2017, for the term ending June 30, 2019, as Member of the Professional Educator Standards Board.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9257.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 23, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 2106, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 2106.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:53 p.m. by President Pro Tempore Sheldon. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

PERSONAL PRIVILEGE

Senator Frockt: “Thank you Mr. President. I am pleased, this afternoon, to stand on behalf of the Senate, on behalf of both sides, to welcome the thirty-four presidents of our thirty-four community and technical colleges in Washington here who are visiting today for meetings and conferences. I spoke with Dr. Brown from North Seattle, my President in my area, and they are working on some very innovative policy issues and some ways to deliver the amazing education that so many of our students in this state need and deserve. And as you know, Mr. President, we have every year over 380,000 students come through our community and technical colleges from every corner of the state. And one of the most amazing things about our system, our award winning system, is that our thirty-four colleges are in every corner of the state. They are not isolated and so they effect everyone of our districts. Whether you’re in a more Republican district or Democratic district, liberal or conservative, the community colleges are pillars of our community and we count on them to produce the workforce of the twenty-first century that we need and deserve. So these are outstanding educational leaders who are every day preparing our young people to be entrepreneurs, and engineers, and teachers, and all of the things we ask them to do and they are vital to the economic life of our state as a whole and, of course to the many many students that they serve and create additional economic opportunities for. So, these are great educational and outstanding leaders and I wanted to just say on behalf of the entire Senate, to welcome them to Olympia. We look forward to working with them and we are working together to come up with the right funding models on both sides of the aisle so that when we are done on April 25, that they will have the resources they need to meet the mission and the task we have given them here in Washington. Thank you very much Mr. President. I understand we will be recognizing some of these presidents individually but I want to thank you for the time this afternoon to recognize the Community and Technical College presidents.”

PERSONAL PRIVILEGE

Senator Wellman: “Thank you so much. I had the opportunity a while ago to head up a company that handled the facilities management and the back end registration for the continuing education programs of our community and technical colleges. And they are vital to our business growth. They handle many of the relationships between students and business. They educate many of our employees for many businesses. They create special programs to be able to deliver them for businesses. In addition, as you know, in the 21st century, we are lifelong learners, so going back to school and having that ability to go back to our community colleges for continuing education is really vital. So I am delighted to see them here. They play such a vital part of our business and economic vitality.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the following representatives of the Community and Technical College System who were seated in the gallery: President Ron

Langrell, Bates Technical College; Interim President Jill Wakefield, Bellevue College; President Kimberly Perry, Bellingham Technical College; President Terry Leas, Big Bend Community College; President Eric Murray, Cascadia College; President Bob Mohrbacher, Centralia College; President Bob Knight, Clark College; President Joyce Loveday, Clover Park Technical College; Interim President Lee Thornton, Columbia Basin College; President Jean Hernandez, Edmonds Community College; President David Beyer, Everett Community College; President Jim Minkler, Grays Harbor College; Interim President Scott Morgan, Green River College; Acting President Jeff Wagnitz, Highline College; President Amy Morrison Goings, Lake Washington Institute of Technology; President Chris Bailey, Lower Columbia College; President Warren Brown, North Seattle College; President David Mitchell, Olympic College; President Luke Robins, Peninsula College; President Denise Yochum, Pierce College Fort Steilacoom; President Marty Cavalluzzi, Pierce College Puyallup; President Kevin McCarthy, Renton Technical College; President Sheila Edwards Lange, Seattle Central College; President Cheryl Roberts, Shoreline Community College; President Tom Keegan, Skagit Valley College; President Timothy Stokes, South Puget Sound Community College; President Gary Oertli, South Seattle College; President Ryan Carstens, Spokane Community College; President Janet Gullickson, Spokane Falls Community College; Acting Co-President Mary Chikwinya, Tacoma Community College; President Derek Brandes, Walla Walla Community College; President Jim Richardson, Wenatchee Valley College; President Kathi Hiyane-Brown, Whatcom Community College; President Linda Kaminski, Yakima Valley College; Chancellor Michelle Johnson, Pierce College – District 11; Chancellor Shouan Pan, Seattle Colleges – District 6; and Chancellor Christine Johnson, Community Colleges of Spokane – District 17.

MOTION

At 4:01 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

EVENING SESSION

The Senate was called to order at 5:43 p.m. by President Pro Tempore Sheldon.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Jay M. Balasbas, Gubernatorial Appointment No. 9250, be confirmed as a member of the Utilities and Transportation Commission.

Senators Bailey, Lias, Rossi, Rivers, Carlyle and King spoke in favor of passage of the motion.

APPOINTMENT OF JAY M. BALASBAS

The President Pro Tempore declared the question before the Senate to be the confirmation of Jay M. Balasbas, Gubernatorial Appointment No. 9250, as a member of the Utilities and Transportation Commission.

The Secretary called the roll on the confirmation of Jay M. Balasbas, Gubernatorial Appointment No. 9250, as a member of the Utilities and Transportation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Jay M. Balasbas, Gubernatorial Appointment No. 9250, having received the constitutional majority was declared confirmed as a member of the Utilities and Transportation Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5815, by Senators Rivers, Cleveland, Becker and Ranker

Concerning the hospital safety net assessment.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5815 was substituted for Senate Bill No. 5815 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5815.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5815 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Ericksen

SUBSTITUTE SENATE BILL NO. 5815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5715, by Senators Rivers, Keiser, Cleveland, Becker, Hunt, Billig, Bailey and Kuderer

MOTION

Limiting nursing home direct care payment adjustments to the lowest case mix weights in the reduced physical function groups and authorizing upward adjustments to case mix weights in the cognitive and behavior groups.

Senator Lias demanded a roll call vote.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment no. 142 by Senator Billig on page 1, line 16 to Substitute Senate Bill No. 5898.

The measure was read the second time.

MOTION

ROLL CALL

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the adoption of the amendment by Senator Billig and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5715.

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Senator Darneille moved that the following floor striking amendment no. 143 by Senator Darneille be adopted:

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

On page 2, strike lines 3 through 9.

Renumber the remaining sections consecutively and correct any internal references accordingly.

SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Darneille spoke in favor of adoption of the striking amendment.

SECOND READING

Senator Braun spoke against adoption of the striking amendment.

SENATE BILL NO. 5898, by Senator Braun

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 143 by Senator Darneille on page 2 to Substitute Senate Bill No. 5898.

Concerning eligibility for public assistance programs.

The motion by Senator Darneille did not carry and floor striking amendment no. 143 was not adopted by voice vote.

MOTION

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5898 was substituted for Senate Bill No. 5898 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

Senators Billig and Darneille spoke against passage of the bill.

MOTION

Senator Billig moved that the following floor amendment no. 142 by Senator Billig be adopted.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5898.

ROLL CALL

On page 1, line 16, after "(2)" strike the remainder of line 16 through line 2 on page 2 and insert the following:

"As recommended by Public Law 113-186, authorizations for the working connections child care subsidy shall be effective for twelve months beginning July 1, 2016, unless an earlier date is provided in the omnibus appropriations act."

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Senator Billig spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5901, by Senator Braun

Concerning eligibility for the working connections child care and early childhood education and assistance programs.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5901 was substituted for Senate Bill No. 5901 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5901 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Fain spoke in favor of passage of the bill.

Senators Billig, Takko and Keiser spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5901.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5875, by Senator Braun

Relating to education.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5875 was substituted for Senate Bill No. 5875 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carlyle moved that the following floor amendment no. 158 by Senators Carlyle, Kuderer and Palumbo be adopted:

On page 1, after line 5, insert the following:

"Part I

Findings and Intent

NEW SECTION. **Sec. 101.** (1) The legislature finds that states fail to collect more than twenty-three billion dollars annually in sales taxes from remote sales over the internet and through catalogues. The legislature further finds that Washington and its local governments will lose out on an estimated three hundred fifty-three million dollars in sales and use taxes in fiscal year 2018 from remote sales, reducing funds that would otherwise be available for the public education system, health care services, infrastructure, and other vital public services.

(2) The legislature recognizes that states may not impose sales or use tax collection obligations on an out-of-state business unless the business has a substantial nexus with the taxing state. The legislature also recognizes that under the United States supreme court's decision in *National Bellas Hess v. Dep't of Revenue of Ill.*, 386 U.S. 753 (1967), substantial nexus under the commerce clause requires a physical presence by the seller in the taxing state. Relying on the doctrine of stare decisis, the United States supreme court reaffirmed the physical presence nexus standard twenty-five years later in *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(3) The legislature further finds that the basis of the physical presence nexus standard was primarily justified by the complexity and burden on mail order sellers and other out-of-state sellers in complying with the sales tax laws in numerous jurisdictions at the state and local level all across the country. The legislature further finds that the supreme court's concerns underlying the *Bellas Hess* decision have been effectively addressed by advances in technology and simplified tax laws. For example, Washington and most other states with sales taxes allow or require electronic reporting and payment of the tax. Also, several states, including Washington, offer free online sales tax rate lookup tools. A number of private companies offer automated sales tax compliance solutions. In addition, sales tax laws have been simplified in many states, including Washington, through participation in the streamlined sales and use tax project and compliance with the streamlined sales and use tax agreement.

(4) The legislature further finds that *Bellas Hess* was decided one year before the first plans were developed for the computer network that became the basis of the internet. The legislature further finds that since *Quill* was decided e-commerce has grown substantially, generating retail sales of over three hundred forty-one billion dollars in 2015, which have been growing at a rate of about fifteen percent for the last five years. The legislature further finds that like their brick and mortar competitors, online businesses receive benefits and opportunities provided by their market states, such as transportation networks, infrastructure, laws providing protection of business interests, access to the courts to protect valuable rights, and a regulated marketplace. However, the legislature finds that under the current physical presence nexus standard, online only sellers have an unfair competitive advantage over in state brick and mortar stores to the detriment of main street retailers. Online only businesses have no geographical limitations to their marketplace; no costs of maintaining local physical retail stores, such as infrastructure costs, employee costs, and property taxes; and may not have to collect sales tax on sales to customers in states in which they do not have a physical presence, all of which lead to their ability to price their goods at a lower cost to consumers. The legislature further finds that even if the physical presence nexus standard was once a wise rule of law, it is no longer justifiable.

(5) The legislature further finds that the supreme court in its *Quill* decision implicitly invited the United States congress to resolve whether and to what extent states may impose a sales tax collection obligation on remote sellers. The legislature further finds that there is overwhelming support among the public, states, and municipalities, and many national and local associations representing brick and mortar businesses for federal legislation requiring remote sellers to collect and remit retail sales tax. The legislature further finds that despite such broad-based support, congress has failed to enact such legislation.

(6) The legislature agrees with Justice Kennedy's concurring opinion in the *Direct Marketing Association v. Brohl* decision (135 S. Ct. 1124) that the court's *Quill* holding is "inflicting extreme harm and unfairness on the States," and that "there is a powerful case to be made that a retailer doing extensive business within a State has a sufficiently 'substantial nexus' to justify imposing some minor tax-collection duty, even if that business is done through mail or the Internet." Justice Kennedy stated that "it is unwise to delay any longer a reconsideration of the Court's holding in *Quill*," and he closed his opinion by inviting a direct challenge to *Quill* and *Bellas Hess*, saying that "The legal system should find an appropriate case for this Court to reexamine *Quill* and *Bellas Hess*."

(7) The legislature finds that because Washington is unique in that it relies so heavily on sales tax to fund education and other vital state services, and because Washington has frequently been at the forefront of advancing technology and tax policy, it is incumbent upon this state to lead the way to a more fair and equitable modern marketplace where online businesses and brick and mortar businesses can compete based on quality of products and other nontax factors, which benefits all consumers. The legislature recognizes that the fast pace of technological change seen with the rapid growth of electronic commerce puts pressure on states to update their tax codes just as this state did (a) in 2007 in adopting Senate Bill No. 5089, which enacted significant simplifications in sales and use administration and brought Washington into full compliance with the streamlined sales and use tax agreement, (b) in 2009 in adopting Engrossed Substitute House Bill No. 2075 addressing the excise taxation of digital products, and (c) in 2010 in adopting economic nexus and market-based apportionment for business and occupation tax purposes in Second Engrossed Substitute Senate Bill No. 6143. The legislature finds that making such changes is not radical or to be unexpected, but is a rational means to avoid an ever shrinking tax base resulting from an outdated tax code that has not kept up with significant changes in technology and the economy.

(8) The legislature finds that several states, including Alabama, South Dakota, and Tennessee have taken measures to adopt an "economic nexus" standard with respect to the collection of sales tax. The legislature further finds that other states are considering adopting similar rules or legislation.

(9) The legislature also finds that Colorado adopted a law requiring out-of-state retailers that do not collect Colorado's sales tax to report tax-related information to their Colorado customers and the Colorado department of revenue. The legislature further finds that in 2016 the United States court of appeals for the tenth circuit upheld that law.

(10) Therefore, the legislature intends by this act to address the significant harm and unfairness brought about by the physical presence nexus rule by testing the boundaries of the rule. This act also sets up a legal challenge to the physical presence nexus rule that could potentially lead to the United States supreme court reevaluating *Bellas Hess* and *Quill* or congress enacting legislation authorizing and establishing the requirements for states to impose a sales tax collection duty on remote sellers. To

achieve these objectives, part II of this act establishes clear statutory guidelines for determining when sellers are required to collect Washington's sales tax. These guidelines clarify the extent of the traditional physical presence standard and also adopt an "economic nexus" standard under which a remote seller would establish a substantial nexus with this state solely by making a meaningful amount of sales into this state. Part II of this act also extends the economic nexus standard for the business and occupation tax imposed on retail sales taxed under RCW 82.04.250(1) and 82.04.257(1). Part III of this act adopts a sales and use tax notice and reporting law based on the multistate tax commission's draft model sales and use tax notice reporting statute, which is similar to Colorado's sales and use tax notice reporting law.

(11) The legislature recognizes that the enactment of part II of this act places remote sellers in a complicated position, precisely because existing constitutional doctrine calls certain provisions of part II of this act into question. Accordingly, the legislature intends to clarify that the obligations created by this law on sellers with a substantial nexus with this state under section 206(1)(b) of this act would be appropriately stayed by the courts until the constitutionality of section 206(1)(b) of this act has been clearly established by a binding judgment, including, for example, a decision from the supreme court of the United States abrogating its existing doctrine, or a final judgment applicable to a particular taxpayer.

(12) The legislature finds that the declaratory judgment action authorized in section 211 of this act is warranted by existing law, by good faith arguments for the extension, modification, or reversal of existing law, or the establishment of new law.

Part II

Nexus for Excise Tax Purposes

Sec. 201. RCW 82.04.066 and 2015 3rd sp.s. c 5 s 203 are each amended to read as follows:

"Engaging within this state" and "engaging within the state," when used in connection with any apportionable activity as defined in RCW 82.04.460 or ((wholesale sales)) selling activity taxable under RCW 82.04.250(1), 82.04.257(1), or 82.04.270, means that a person generates gross income of the business from sources within this state, such as customers or intangible property located in this state, regardless of whether the person is physically present in this state.

Sec. 202. RCW 82.04.067 and 2016 c 137 s 2 are each amended to read as follows:

(1) A person engaging in business is deemed to have substantial nexus with this state if, in the current or immediately preceding calendar year, the person is:

- (a) An individual and is a resident or domiciliary of this state;
- (b) A business entity and is organized or commercially domiciled in this state; or
- (c) A nonresident individual or a business entity that is organized or commercially domiciled outside this state, and ~~((in the immediately preceding tax year))~~ the person had:
 - (i) More than ~~((fifty))~~ fifty-three thousand dollars of property in this state;
 - (ii) More than ~~((fifty))~~ fifty-three thousand dollars of payroll in this state;
 - (iii) More than two hundred ~~((fifty))~~ sixty-seven thousand dollars of receipts from this state; or
 - (iv) At least twenty-five percent of the person's total property, total payroll, or total receipts in this state.

(2)(a) Property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section is the average value of the taxpayer's property, including intangible property, owned or

rented and used in this state during the current or immediately preceding ((tax)) calendar year.

(b)(i) Property owned by the taxpayer, other than loans and credit card receivables owned by the taxpayer, is valued at its original cost basis. Loans and credit card receivables owned by the taxpayer are valued at their outstanding principal balance, without regard to any reserve for bad debts. However, if a loan or credit card receivable is charged off in whole or in part for federal income tax purposes, the portion of the loan or credit card receivable charged off is deducted from the outstanding principal balance.

(ii) Property rented by the taxpayer is valued at eight times the net annual rental rate. For purposes of this subsection, "net annual rental rate" means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(c) The average value of property must be determined by averaging the values at the beginning and ending of the ((tax)) applicable calendar year; but the department may require the averaging of monthly values during the ((tax)) applicable calendar year if reasonably required to properly reflect the average value of the taxpayer's property.

(d)(i) For purposes of this subsection (2), loans and credit card receivables are deemed owned and used in this state as follows:

(A) Loans secured by real property, personal property, or both real and personal property are deemed owned and used in the state if the real property or personal property securing the loan is located within this state. If the property securing the loan is located both within this state and one or more other states, the loan is deemed owned and used in this state if more than fifty percent of the fair market value of the real or personal property is located within this state. If more than fifty percent of the fair market value of the real or personal property is not located within any one state, then the loan is deemed owned and used in this state if the borrower is located in this state. The determination of whether the real or personal property securing a loan is located within this state must be made, as of the time the original agreement was made, and any and all subsequent substitutions of collateral must be disregarded.

(B) Loans not secured by real or personal property are deemed owned and used in this state if the borrower is located in this state.

(C) Credit card receivables are deemed owned and used in this state if the billing address of the cardholder is in this state.

(ii)(A) Except as otherwise provided in (d)(ii)(B) of this subsection (2), the definitions in the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions as existing on June 1, 2010, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, apply to this section.

(B) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(e) Notwithstanding anything else to the contrary in this subsection, property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section does not include a person's ownership of, or rights in, computer software as defined in RCW 82.04.215, including computer software used in providing a digital automated service; master copies of software; and digital goods and digital codes residing on servers located in this state.

(3)(a) Payroll counting toward the thresholds in subsection (1)(c)(ii) and (iv) of this section is the total amount paid by the taxpayer for compensation in this state during the immediately preceding tax year plus nonemployee compensation paid to representative third parties in this state. Nonemployee compensation paid to representative third parties includes the gross amount paid to nonemployees who represent the taxpayer

in interactions with the taxpayer's clients and includes sales commissions.

(b) Employee compensation is paid in this state if the compensation is properly reportable to this state for unemployment compensation tax purposes, regardless of whether the compensation was actually reported to this state.

(c) Nonemployee compensation is paid in this state if the service performed by the representative third party occurs entirely or primarily within this state.

(d) For purposes of this subsection, "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees or nonemployees and defined as gross income under 26 U.S.C. Sec. 61 of the federal internal revenue code of 1986, as existing on June 1, 2010.

(4) Receipts counting toward the thresholds in subsection (1)(c)(iii) and (iv) of this section are:

(a) Those amounts included in the numerator of the receipts factor under RCW 82.04.462;

(b) For financial institutions, those amounts included in the numerator of the receipts factor under the rule adopted by the department as authorized in RCW 82.04.460(2); and

(c) For persons taxable under RCW 82.04.250(1), 82.04.257(1), or 82.04.270 ((with respect to wholesale sales)), the gross proceeds of sales taxable under those statutory provisions and sourced to this state in accordance with RCW 82.32.730.

(5)(a) Each December, the department must review the cumulative percentage change in the consumer price index. The department must adjust the thresholds in subsection (1)(c)(i) through (iii) of this section if the consumer price index has changed by five percent or more since the later of June 1, 2010, or the date that the thresholds were last adjusted under this subsection. For purposes of determining the cumulative percentage change in the consumer price index, the department must compare the consumer price index available as of December 1st of the current year with the consumer price index as of the later of June 1, 2010, or the date that the thresholds were last adjusted under this subsection. The thresholds must be adjusted to reflect that cumulative percentage change in the consumer price index. The adjusted thresholds must be rounded to the nearest one thousand dollars. Any adjustment will apply to tax periods that begin after the adjustment is made.

(b) As used in this subsection, "consumer price index" means the consumer price index for all urban consumers (CPI-U) available from the bureau of labor statistics of the United States department of labor.

(6)(a)(i) Except as provided in (a)(iii) of this subsection (6), subsections (1) through (5) of this section only apply with respect to the taxes on persons engaged in apportionable activities as defined in RCW 82.04.460 or making wholesale sales taxable under RCW 82.04.257(1) or 82.04.270.

(ii) Subject to the limitation in RCW 82.32.531, for purposes of the taxes imposed under this chapter on ((any)) the business of making sales at retail or any other activity not included in the definition of apportionable activities in RCW 82.04.460, other than the business of making wholesale sales taxed under RCW 82.04.257(1) or 82.04.270, ((except as provided in RCW 82.32.531.)) a person is deemed to have a substantial nexus with this state if the person has a physical presence in this state during the tax year, which need only be demonstrably more than a slightest presence.

(iii) For purposes of the taxes imposed under this chapter on the business of making sales at retail taxable under RCW 82.04.250(1) or 82.04.257(1), a person is also deemed to have a substantial nexus with this state if the person's receipts from this state, pursuant to subsection (4)(c) of this section, meet either

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critereon in subsection (1)(c)(iii) or (iv) of this section, as adjusted under subsection (5) of this section.

(b) For purposes of this subsection, a person is physically present in this state if the person has property or employees in this state.

(c)(i) A person is also physically present in this state for the purposes of this subsection if the person, either directly or through an agent or other representative, engages in activities in this state that are significantly associated with the person's ability to establish or maintain a market for its products in this state.

(ii) A remote seller as defined in RCW 82.08.052 is presumed to be engaged in activities in this state that are significantly associated with the remote seller's ability to establish or maintain a market for its products in this state if the remote seller is presumed to have a substantial nexus with this state under RCW 82.08.052. The presumption in this subsection (6)(c)(ii) may be rebutted as provided in RCW 82.08.052. To the extent that the presumption in RCW 82.08.052 is no longer operative pursuant to RCW 82.32.762, the presumption in this subsection (6)(c)(ii) is no longer operative. ~~((Nothing in this section may be construed to affect in any way RCW 82.04.424, 82.08.050(11), or 82.12.040(5) or to narrow the scope of the terms "agent" or "other representative" in this subsection (6)(c).))~~

Sec. 203. RCW 82.04.220 and 2011 1st sp.s. c 20 s 101 are each amended to read as follows:

(1) There is levied and collected from every person that has a substantial nexus with this state a tax for the act or privilege of engaging in business activities. The tax is measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be.

(2)(a) ~~A person who has a substantial nexus with this state in ((any tax year under the provisions of RCW 82.04.067 will be deemed to have a substantial nexus with this state for the following tax year))~~ the current calendar year under the provisions of RCW 82.04.067, based solely on the person's property, payroll, or receipts in this state during the current calendar year, is subject to the tax imposed under this chapter for the current calendar year only on business activity occurring on and after the date that the person established a substantial nexus with this state in the current calendar year.

(b) This subsection (2) does not apply to any person who also had a substantial nexus with this state (i) during the immediately preceding calendar year under RCW 82.04.067, or (ii) during the current calendar year under RCW 82.04.067 (1) (a) or (b) or (6) (a)(ii) or (c).

NEW SECTION. **Sec. 204.** RCW 82.04.424 (Exemptions—Certain in-state activities) and 2015 3rd sp.s. c 5 s 206 & 2003 c 76 s 2 are each repealed.

NEW SECTION. **Sec. 205.** A new section is added to chapter 82.08 RCW to be codified between RCW 82.08.050 and 82.08.052 to read as follows:

A seller with a substantial nexus with this state must comply with the provisions of this chapter.

NEW SECTION. **Sec. 206.** A new section is added to chapter 82.08 RCW to be codified between RCW 82.08.052 and 82.08.054 to read as follows:

(1) A seller has a substantial nexus with this state during a calendar year for the purposes of collecting the taxes imposed under this chapter if, during the current or immediately preceding calendar year:

(a) The seller had its property or employees in this state for the seller's business purposes; or

(b) The seller's receipts from retail sales in this state, pursuant to RCW 82.04.067(4), meet either criterion in RCW 82.04.067(1)(c) (iii) or (iv), as adjusted under RCW 82.04.067(5).

(2) A seller also has a substantial nexus with this state during a calendar year for the purposes of collecting the taxes imposed under this chapter if the seller's total gross proceeds of sales at retail sourced to this state under RCW 82.32.730 exceed ten thousand dollars during the current or immediately preceding calendar year and at any time during such current or immediately preceding calendar year:

(a)(i) The seller offers its products for sale through one or more marketplaces operated by any marketplace facilitator that has a substantial nexus with this state; or

(ii) The seller or another person, as the case may be, including an affiliated person, other than a common carrier acting solely as a common carrier, engages in or performs any of the following activities in this state, but not including the activities described in RCW 82.08.052:

(A) Sells a similar line of products as the seller and does so under the same business name as the seller or a similar business name as the seller;

(B) Uses its employees, agents, representatives, or independent contractors in this state to promote or facilitate sales by the seller to purchasers in this state;

(C) Maintains, occupies, or uses an office, distribution facility, warehouse, storage place, or similar place of business in this state to facilitate the delivery or sale of tangible personal property sold by the seller to the seller's purchasers in this state;

(D) Uses, with the seller's consent or knowledge, trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller;

(E) Delivers, installs, assembles, or performs maintenance or repair services for the seller's purchasers in this state;

(F) Facilitates the sale of tangible personal property to purchasers in this state by allowing the seller's purchasers in this state to pick up or return tangible personal property sold by the seller at an office, distribution facility, warehouse, storage place, or any other place of business maintained by that person in this state;

(G) Shares management, business systems, business practices, or employees with the seller or, in the case of an affiliated person, engages in intercompany transactions related to the activities occurring with the seller to establish or maintain the seller's market in this state; or

(H) Conducts any other activities in this state that are significantly associated with the seller's ability to establish and maintain a market in this state for the seller's sales of products to purchasers in this state; or

(b)(i) The seller is under contract with a payment processor or merchant bank, or accepts credit cards issued either by a financial institution under a license from a credit card association or by an entity that also authorizes purchases and settles with consumers and merchants, if the payment processor, merchant bank, credit card association, or credit card issuer has a substantial nexus with this state for purposes of collecting the taxes imposed under this chapter.

(ii) Pursuant to RCW 82.32.330(3)(u), the department may disclose the identity of payment processors, credit card associations, credit card issuers described in (b)(i) of this subsection (2), and merchant banks that have a substantial nexus with this state for purposes of collecting the taxes imposed under this chapter.

(3)(a) For purposes of subsection (2)(a)(i) of this section, a marketplace facilitator is deemed to have a substantial nexus with this state during a calendar year if:

(i) The marketplace facilitator or any affiliated person maintained a physical presence in this state during any portion of the current or immediately preceding calendar year to engage in

any of the activities described in subsection (5)(a)(i) or (ii) of this section; or

(ii) The marketplace facilitator generated more than ten thousand dollars of gross proceeds of sales in the current or immediately preceding calendar year from retail sales made through its physical or electronic marketplace by sellers that are physically located in this state. For purposes of this subsection (3)(a)(ii), a seller is presumed to be physically located in this state if the address for the seller maintained in the business records of the marketplace facilitator is in this state.

(b) Pursuant to RCW 82.32.330(3)(u), the department may disclose the identity of marketplace facilitators that have a substantial nexus with this state for purposes of collecting the taxes imposed under this chapter.

(4) For purposes of this section, persons are "affiliated persons" with respect to each other where one of the persons has an ownership interest of more than five percent, whether direct or indirect, in the other, or where an ownership interest of more than five percent, whether direct or indirect, is held in each of the persons by another person or by a group of other persons who are affiliated with respect to each other.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Marketplace facilitator" means a person that contracts with sellers to facilitate, for consideration, the sale of the seller's products through a physical or electronic marketplace operated by the person, and engages, either directly or indirectly, through one or more affiliated persons, in:

(i) Any of the following:

(A) Transmitting or otherwise communicating the offer or acceptance between the buyer and seller;

(B) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and sellers together;

(C) Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; or

(D) Software development or research and development activities related to any of the activities described in (a)(i)(A) through (C) or (ii)(A) through (H) of this subsection (5), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and

(ii) Any of the following activities with respect to the seller's products:

(A) Payment processing services;

(B) Fulfillment or storage services;

(C) Listing products for sale;

(D) Setting prices;

(E) Branding sales as those of the marketplace facilitator;

(F) Order taking;

(G) Advertising or promotion; or

(H) Providing customer service or accepting or assisting with returns or exchanges.

(b) "Merchant bank" means a financial institution or any other member of a credit card network that allows the seller to accept credit card payments and is responsible for depositing transaction proceeds into the seller's designated account.

(c) "Payment processor" means a person that contracts directly with a seller to provide settlement for the seller's credit card, debit card, or other payment transactions.

(d) "Product" means any property or service that is sold in a sale at retail as defined in RCW 82.04.050.

(6) This section is subject to RCW 82.32.762.

NEW SECTION. Sec. 207. A new section is added to chapter 82.08 RCW to be codified between section 206 of this act and RCW 82.08.054 to read as follows:

(1) For purposes of this chapter, a marketplace facilitator is deemed to be an agent of any marketplace seller making retail

sales through the marketplace facilitator's physical or electronic marketplace. A marketplace facilitator with a substantial nexus with this state must collect and remit to the department the taxes imposed under this chapter on all taxable retail sales made through the marketplace facilitator's marketplace and sourced to this state under RCW 82.32.730, whether as principal or as the agent of a marketplace seller.

(2) A marketplace facilitator is relieved of liability under this chapter for failure to collect the correct amount of tax to the extent that the marketplace facilitator can show to the department's satisfaction that the error was due to incorrect information given to the marketplace facilitator by the marketplace seller, unless the marketplace facilitator and marketplace seller are affiliated persons. Where the marketplace facilitator is relieved of liability under this subsection (2), the marketplace seller is solely liable for the amount of uncollected tax due.

(3)(a) A marketplace facilitator is relieved of liability under this chapter for the failure to collect tax on taxable retail sales to the extent that the marketplace facilitator can show to the department's satisfaction that:

(i) The taxable retail sale was made through the marketplace facilitator's marketplace;

(ii) The taxable retail sale was made solely as the agent of a marketplace seller, and the marketplace facilitator and marketplace seller are not affiliated persons; and

(iii) The failure to collect sales tax was not due to an error in sourcing the sale under RCW 82.32.730.

(b) Where the marketplace facilitator is relieved of liability under this subsection (3), the marketplace seller is also relieved of liability for the amount of uncollected tax due, subject to the limitations in subsection (4) of this section.

(4) A marketplace seller with a substantial nexus with this state is relieved of its obligation to collect the taxes imposed under this chapter on all taxable retail sales through a marketplace operated by a marketplace facilitator if the marketplace seller has obtained documentation from the marketplace facilitator indicating that the marketplace facilitator is registered with the department and will collect all applicable taxes due under this chapter on all taxable retail sales made on behalf of the marketplace seller through the marketplace operated by the marketplace facilitator. The documentation required by this subsection (4) must be provided in a form and manner prescribed by or acceptable to the department. This subsection (4) does not relieve a marketplace seller from liability for uncollected taxes due under this chapter resulting from a marketplace facilitator's failure to collect the proper amount of tax due when the error was due to incorrect information given to the marketplace facilitator by the marketplace seller.

(5) Nothing in this section affects the obligation of any purchaser to remit sales or use tax as to any applicable taxable transaction in which the seller or the seller's agent does not collect and remit sales tax.

(6) For purposes of this section, the following definitions apply:

(a) "Affiliated person" has the same meaning as in section 206 of this act.

(b) "Marketplace facilitator" has the same meaning as in section 206 of this act.

(c) "Marketplace seller" means a seller that makes retail sales through any physical or electronic marketplace operated by a marketplace facilitator, regardless of whether the seller is required to be registered with the department as provided in RCW 82.32.030.

(7) This section is subject to RCW 82.32.762.

Sec. 208. RCW 82.08.050 and 2010 c 112 s 8 are each amended to read as follows:

(1)(a) The tax imposed in this chapter must be paid by the buyer to the seller. Each seller must collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department under the provisions of RCW 82.08.060.

(b) Sellers, including marketplace facilitators as defined in section 206 of this act, establishing a substantial nexus with this state during the current calendar year based solely on the provisions of section 206 (1)(b), (2), or (3)(a)(ii) of this act, and who did not have a substantial nexus with this state during the immediately preceding calendar year for purposes of collecting the taxes imposed under this chapter, must begin collecting state and local sales taxes on taxable retail sales sourced to this state beginning on the first day of the calendar month that is at least thirty days from the date that the person established a substantial nexus with this state.

(2) The tax required by this chapter, to be collected by the seller, is deemed to be held in trust by the seller until paid to the department. Any seller who appropriates or converts the tax collected to the seller's own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(3) Except as otherwise provided in this section, if any seller fails to collect the tax imposed in this chapter or, having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is, nevertheless, personally liable to the state for the amount of the tax.

(4) Sellers are not relieved from personal liability for the amount of the tax unless they maintain proper records of exempt or nontaxable transactions and provide them to the department when requested.

(5) Sellers are not relieved from personal liability for the amount of tax if they fraudulently fail to collect the tax or if they solicit purchasers to participate in an unlawful claim of exemption.

(6) Sellers are not relieved from personal liability for the amount of tax if they accept an exemption certificate from a purchaser claiming an entity-based exemption if:

(a) The subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller in Washington; and

(b) Washington provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in Washington. Graying out exemption reason types on a uniform form and posting it on the department's web site is a clear and affirmative indication that the grayed out exemptions are not available.

(7)(a) Sellers are relieved from personal liability for the amount of tax if they obtain a fully completed exemption certificate or capture the relevant data elements required under the streamlined sales and use tax agreement within ninety days, or a longer period as may be provided by rule by the department, subsequent to the date of sale.

(b) If the seller has not obtained an exemption certificate or all relevant data elements required under the streamlined sales and use tax agreement within the period allowed subsequent to the date of sale, the seller may, within one hundred twenty days, or a longer period as may be provided by rule by the department, subsequent to a request for substantiation by the department, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

(c) Sellers are relieved from personal liability for the amount of tax if they obtain a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The department may not request from a seller renewal of blanket exemption certificates or updates of exemption certificate information or data elements if there is a recurring business relationship between the buyer and seller. For purposes of this subsection (7)(c), a "recurring business relationship" means at least one sale transaction within a period of twelve consecutive months.

(d) Sellers are relieved from personal liability for the amount of tax if they obtain a copy of a direct pay permit issued under RCW 82.32.087.

(8) The amount of tax, until paid by the buyer to the seller or to the department, constitutes a debt from the buyer to the seller. Any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter is guilty of a misdemeanor.

(9) Except as otherwise provided in this subsection, the tax required by this chapter to be collected by the seller must be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. Except as otherwise provided in this subsection, for purposes of determining the tax due from the buyer to the seller and from the seller to the department it must be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter. But if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price may not be considered the selling price.

(10) Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax. If the department proceeds directly against the buyer for collection of the tax as authorized in this subsection, the department may add a penalty of ten percent of the unpaid tax to the amount of the tax due for failure of the buyer to pay the tax to the seller, regardless of when the tax may be collected by the department. In addition to the penalty authorized in this subsection, all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, apply. For the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made will be considered as the due date of the tax.

~~(11) ((Notwithstanding subsections (1) through (10) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:~~

~~(a) The person's activities in this state, whether conducted directly or through another person, are limited to:~~

~~(i) The storage, dissemination, or display of advertising;~~

~~(ii) The taking of orders; or~~

~~(iii) The processing of payments; and~~

~~(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.~~

~~(12) Subsection (11) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or~~

~~(b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.~~

~~(13) For purposes of this section:)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

(a) "Exemption certificate" means documentation furnished by a buyer to a seller to claim an exemption from sales tax. An exemption certificate includes a reseller permit or other documentation authorized in RCW 82.04.470 furnished by a buyer to a seller to substantiate a wholesale sale; and

(b) "Seller" includes a certified service provider, as defined in RCW 82.32.020, acting as agent for the seller.

Sec. 209. RCW 82.08.052 and 2015 3rd sp.s. c 5 s 202 are each amended to read as follows:

(1) For purposes of this chapter, a remote seller is presumed to have a substantial nexus with this state and is obligated to collect retail sales tax during the current calendar year if the remote seller enters into an agreement with a resident of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet web site or otherwise, to the remote seller, if the cumulative gross receipts from sales by the remote seller to Washington customers (in this state) who are referred to the remote seller by all residents with this type of an agreement with the remote seller exceed ten thousand dollars during the current or immediately preceding calendar year. This presumption may be rebutted by proof that the resident with whom the remote seller has an agreement did not engage in any solicitation in this state on behalf of the remote seller that would satisfy the nexus requirement of the United States Constitution during the calendar year in question. Proof may be shown by (a) establishing, in a manner acceptable to the department, that (i) each in-state person with whom the remote seller has an agreement is prohibited from engaging in any solicitation activities in this state that refer potential customers to the remote seller, and (ii) such in-state person or persons have complied with that prohibition; or (b) any other means as may be approved by the department.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Remote seller" means a seller that makes retail sales in this state through one or more agreements described in subsection (1) of this section, and the seller's other physical presence in this state, if any, is not sufficient to establish a retail sales or use tax collection obligation under the commerce clause of the United States Constitution.

(b) "Washington customer" means a purchaser of goods or services that are received in this state by the purchaser or the purchaser's donee. "Washington customer" also means a purchaser that provides a seller with an address in this state during the consummation of the sale, if the location where the goods or services are received by the purchaser or the purchaser's donee is not known.

(3) ((Nothing in this section may be construed to affect in any way RCW 82.04.424, 82.08.050(11), or 82.12.040(5).

(4)) This section is subject to RCW 82.32.762.

Sec. 210. RCW 82.12.040 and 2015 c 169 s 9 are each amended to read as follows:

(1) Every person who ~~((maintains in this state a place of business or a stock of goods, or engages in business activities within this state;))~~ has a substantial nexus with this state based on RCW 82.08.052 or section 206 of this act must obtain from the department a certificate of registration, and must, at the time of making sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2) (a) or

(g) or (6)((b)) (c), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section must be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. ~~((For the purposes of this chapter, the phrase "maintains in this state a place of business" includes the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department must in rules specify activities which constitute engaging in business activity within this state, and must keep the rules current with future court interpretations of the Constitution of the United States.))~~

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((b)) (c), of his or her principals for use in this state, must, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose is deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter is deemed to be held in trust by the retailer until paid to the department, and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed is guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is nevertheless personally liable to the state for the amount of such tax, unless the seller has taken from the buyer a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter is guilty of a misdemeanor.

(5) ~~((Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:~~

(a) ~~The person's activities in this state, whether conducted directly or through another person, are limited to:~~

(i) ~~The storage, dissemination, or display of advertising;~~

(ii) ~~The taking of orders; or~~

(iii) ~~The processing of payments; and~~

(b) ~~The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.~~

(6) ~~Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.~~

(7)) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax

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imposed by this chapter if the person would have been obligated to collect retail sales tax on the sale absent a specific exemption provided in chapter 82.08 RCW, and there is no corresponding use tax exemption in this chapter. Nothing in this subsection ((7)) (5) may be construed as relieving purchasers from liability for reporting and remitting the tax due under this chapter directly to the department.

((8)) (6) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the state is prohibited under the Constitution or laws of the United States from requiring the person to collect the tax imposed by this chapter.

((9)) (7) Notwithstanding subsections (1) through (4) of this section, any licensed dealer facilitating a firearm sale or transfer between two unlicensed persons by conducting background checks under chapter 9.41 RCW is not obligated to collect the tax imposed by this chapter.

NEW SECTION. **Sec. 211.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision of law, and whether or not the department initiates an audit or other tax collection procedure, the department may bring a declaratory judgment action under chapter 7.24 RCW, regardless of any other remedy available to the department, against any person the department believes has a substantial nexus with this state under section 206(1)(b) of this act to establish that the obligation to remit sales tax is applicable and valid under state and federal law.

(2) The filing of the declaratory judgment action by the department as authorized in this section prohibits the department, during the pendency of the action and any subsequent appeal, from enforcing the tax collection obligations of chapter 82.08 RCW against any remote seller who does not affirmatively consent or otherwise remit sales tax to the department on a voluntary basis. The prohibition in this subsection does not apply if there is a previous judgment from a court establishing the validity of the tax collection obligations of chapter 82.08 RCW with respect to the particular taxpayer.

(3) Notwithstanding any other provisions of state law, attorneys' fees may not be awarded to any party in any action brought pursuant to this section or any appeal from any action brought pursuant to this section.

(4) For purposes of this section, "remote seller" means any seller that makes retail sales in this state but does not have a physical presence in this state.

NEW SECTION. **Sec. 212.** A new section is added to chapter 82.32 RCW to read as follows:

(1) A taxpayer that, for the purposes of the tax collection obligations in chapter 82.08 RCW, has a substantial nexus with this state solely under the provisions of section 206(1)(b) of this act and is complying with the requirements of chapter 82.08 RCW, voluntarily or otherwise, may only seek a recovery of sales taxes, penalties, or interest from the department by following the recovery procedures established under RCW 82.32.060. However, no claim may be granted on the basis that the taxpayer lacked a physical presence in the state and complied with the tax collection provisions of chapter 82.08 RCW voluntarily while covered by the prohibition on enforcement provided in section 211 of this act.

(2) Neither the state nor any seller who remits sales tax voluntarily or otherwise under this act is liable to a purchaser who claims that the sales tax has been over collected because a provision of this act is later deemed unlawful.

(3) Nothing in this act affects the obligation of any purchaser from this state to remit sales or use tax as to any applicable taxable transaction in which the seller does not collect and remit sales tax.

Sec. 213. RCW 82.32.762 and 2015 3rd sp.s. c 5 s 205 are each amended to read as follows:

(1) If the department determines that a change, taking effect after ((September 1, 2015)) the effective date of this section, in the streamlined sales and use tax agreement or federal law creates a conflict with any provision of RCW 82.08.052, section 206 of this act, or section 207 of this act, such conflicting provision or provisions of RCW 82.08.052, section 206 of this act, or section 207 of this act, including any related provisions that would not function as originally intended, have no further force and effect as of the date the change in the streamlined sales and use tax agreement or federal law becomes effective.

(2) For purposes of this section:

(a) A change in federal law conflicts with RCW 82.08.052, section 206 of this act, or section 207 of this act if the change clearly allows states to impose greater sales and use tax collection obligations on remote sellers than provided for, or clearly prevents states from imposing sales and use tax collection obligations on remote sellers to the extent provided for, under RCW 82.08.052, section 206 of this act, or section 207 of this act.

(b) A change in the streamlined sales and use tax agreement conflicts with RCW 82.08.052, section 206 of this act, or section 207 of this act if one or more provisions of RCW 82.08.052, section 206 of this act, or section 207 of this act causes this state to be found out of compliance with the streamlined sales and use tax agreement by its governing board.

(3) If the department makes a determination under this section that a change in federal law or the streamlined sales and use tax agreement conflicts with one or more provisions of RCW 82.08.052, section 206 of this act, or section 207 of this act, the department:

(a) May adopt rules in accordance with chapter 34.05 RCW that are consistent with the streamlined sales and use tax agreement and that impose sales and use tax collection obligations on remote sellers to the fullest extent allowed under state and federal law; and

(b) Must include information on its web site informing taxpayers and the public (i) of the provision or provisions of RCW 82.08.052, section 206 of this act, or section 207 of this act that will have no further force and effect, (ii) when such change will become effective, and (iii) about how to participate in any rule making conducted by the department in accordance with (a) of this subsection (3).

(4) For purposes of this section, "remote seller" has the same meaning as in RCW 82.08.052.

Part III

Sales and Use Tax Notice and Reporting Requirements

NEW SECTION. **Sec. 301.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Consumer" has the same meaning as in chapters 82.04, 82.08, and 82.12 RCW.

(2) "Department" has the same meaning as in RCW 82.02.010.

(3) "Product" has the same meaning as in RCW 82.32.023.

(4) "Purchaser" means any consumer who purchases or leases a product sourced to this state under RCW 82.32.730.

(5) "Retail sale" has the same meaning as in RCW 82.04.050.

(6) "Sale" has the same meaning as in RCW 82.04.040.

(7) "Seller" has the same meaning as in RCW 82.08.010, and includes a marketplace facilitator as defined in section 206 of this act.

NEW SECTION. **Sec. 302.** (1) Except as otherwise provided in subsection (5) of this section, a seller who does not collect the tax imposed under chapter 82.08 or 82.12 RCW on a taxable retail sale must comply with the notice and reporting

requirements of this section. For taxable retail sales made through a marketplace facilitator or other agent, the marketplace facilitator or other agent must comply with the notice and reporting requirements of this section, and the principal is not subject to the notice and reporting requirements of this section with respect to those sales.

(2) A seller subject to the notice and reporting requirements of this section must provide a notice to each consumer at the time of each taxable retail sale.

(a) The notice under this subsection (2) must include the following information:

(i) A statement that neither sales nor use tax is being collected or remitted upon the sale;

(ii) A statement that the consumer may be required to remit sales or use tax directly to the department; and

(iii) Instructions for obtaining additional information from the department regarding whether and how to remit the sales or use tax to the department.

(b) The notice under this subsection (2) must be prominently displayed on all invoices and order forms, including, where applicable, electronic and catalogue invoices and order forms, and upon each sales receipt or similar document provided to the purchaser, whether in paper or electronic form. No indication may be made that sales or use tax is not imposed upon the transaction, unless:

(i) Such indication is followed immediately with the notice required by this subsection (2); or

(ii) The transaction with respect to which the indication is given is exempt from sales and use tax pursuant to law.

(3) A seller subject to the notice and reporting requirements of this section must, no later than January 31st of each year, provide a report to each consumer for whom the seller was required to provide a notice under subsection (2) of this section.

(a) The report under this subsection (3) must include:

(i) A statement that the seller did not collect sales or use tax on the consumer's transactions with the seller and that the consumer may be required to remit such tax directly to the department;

(ii) A list, by date, generally indicating the type of product purchased or leased during the immediately preceding calendar year by the consumer from the seller sourced to this state under RCW 82.32.730 and the price of each product;

(iii) Instructions for obtaining additional information from the department regarding whether and how to remit the sales or use tax to the department;

(iv) A statement that the seller is required to submit a report to the department pursuant to subsection (4) of this section stating the total dollar amount of the consumer's purchases from the seller; and

(v) Any information as the department may reasonably require.

(b) The report required under this subsection (3) must be sent to the consumer's billing address, or if unknown, the consumer's shipping address, in an envelope marked prominently with words indicating important tax information is enclosed. If no billing or shipping address is known, the report must be sent electronically to the consumer's last known email address with a subject heading indicating important tax information is enclosed.

(4) A seller subject to the notice and reporting requirements of this section must, no later than January 31st of each year, file a report with the department.

(a) The report under this subsection (4) must include, with respect to each consumer to whom the seller is required to provide a report under subsection (3) of this section by January 31st of the current calendar year:

(i) The consumer's name;

(ii) The billing address and, if different, the last known mailing address;

(iii) The shipping address for each product sold or leased to such consumer for delivery to a location in this state during the immediately preceding calendar year; and

(iv) The total dollar amount of all such purchases by such consumer.

(b) The report under this subsection (4) must be filed electronically in a form and manner required by the department.

(5) The following exemptions to the notice and reporting requirements of this section apply:

(a) A seller who made less than two hundred thousand dollars in total worldwide gross retail sales during the immediately preceding calendar year is not required to file reports under subsections (3) and (4) of this section in the current calendar year.

(b) A seller who made less than one hundred thousand dollars in total worldwide gross retail sales during the immediately preceding calendar year is not required to provide notice under subsection (2) of this section with respect to retail sales made in the current calendar year.

(c) A seller who made less than one hundred thousand dollars in total gross retail sales sourced to this state under RCW 82.32.730 during the immediately preceding calendar year is not required to file reports under subsections (3) and (4) of this section in the current calendar year.

(d) A seller who made less than fifty thousand dollars in total gross retail sales sourced to this state under RCW 82.32.730 during the immediately preceding calendar year is not required to provide notice under subsection (2) of this section with respect to retail sales made in the current calendar year.

(e) A seller who is registered with the department to collect and remit sales and use tax, and who makes a reasonable effort to comply with the requirements of RCW 82.08.050 and 82.12.040, is not required to provide notice or file reports under this section.

NEW SECTION. Sec. 303. (1) The following penalties apply to any seller who fails to provide notices and reports as required by section 302 of this act:

(a) The department must assess a penalty against any seller who fails to provide notice as required by section 302(2) of this act, in addition to any other applicable penalties, in the amount of five dollars for each such failure.

(b) The department must assess a penalty against any seller who fails to provide a report as required by section 302(3) of this act, in addition to any other applicable penalty, in the amount of ten dollars for each such failure.

(c) The department must assess a penalty against any seller who fails to file a report as required by section 302(4) of this act, in addition to any other applicable penalty, equal to ten dollars times the number of such consumers that should have been included on such report.

(2) When assessing a penalty under this section, the department may use any reasonable sampling or estimation technique where necessary or appropriate to determine the number of failures in any calendar year.

(3) Interest accrues on the amount of the total penalty that has been assessed under this section until the total penalty amount is paid in full. Interest imposed under this section must be computed and assessed as provided in RCW 82.32.050 as if the penalty imposed under this subsection were a tax liability.

(4) The department must notify a seller by mail, or electronically as provided in RCW 82.32.135, of the amount of any penalty and interest due under this section. Amounts due under this section must be paid in full within thirty days from the date of the notice, or within such further time as the department may provide in its sole discretion.

(5)(a)(i) A seller is entitled to a conditional waiver of penalties and interest imposed under this section if the seller enters into a written agreement with the department committing to fully

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comply with all notice and reporting requirements of this chapter beginning by a date acceptable to the department.

(ii) The department may grant a waiver of penalties and interest under this subsection (5)(a) for penalties and interest assessed for a seller's failure to comply with the notice and reporting requirements for one or more violations.

(iii) The department may not grant more than one request by a seller for a waiver of penalties and interest under this subsection (5)(a).

(iv) The department must reassess penalties and interest conditionally waived under this subsection (5)(a) if the department finds that, after the date that the seller agreed to fully comply with the notice and reporting requirements of this chapter, the seller failed to:

(A) Provide notice under section 302(2) of this act to at least ninety-five percent of the consumers entitled to such notice in any given calendar year or portion of the initial calendar year in which the agreement required under this subsection was in effect if the agreement was in effect for less than the entire calendar year;

(B) Timely provide the reports required under section 302(3) of this act to all consumers who received notice from the seller under section 302(2) of this act during any calendar year, unless the department finds that any such failure was due to circumstances beyond the seller's control; or

(C) Timely provide the reports required under section 302(4) of this act during any calendar year, unless the department finds that any such failure was due to circumstances beyond the seller's control.

(v) The department may not reassess penalties and interest conditionally waived under this subsection (5)(a) more than four calendar years following the calendar year in which the department granted the conditional waiver under this subsection (5)(a).

(vi) The provisions of subsection (4) of this section apply to penalties and interest reassessed under this subsection (5)(a). The department may add additional interest on penalties reassessed under this subsection (5)(a) only if the total amount of penalties reassessed under this subsection (5)(a) is not paid in full by the date due. Additional interest authorized under this subsection (5)(a)(vi) applies beginning on the day immediately following the day that the reassessed penalties were due and accrues until the total amount of reassessed penalties are paid in full.

(b) The department must waive penalties and interest imposed under this section if the department determines that the failure of the seller to fully comply with the notice or reporting requirements was due to circumstances beyond the seller's control.

(c) A request for a waiver of penalties and interest under this subsection must be received by the department in writing and before the penalties and interest for which a waiver is requested are due pursuant to subsection (4) of this section. The department must deny any request for a waiver of penalties and interest that does not fully comply with the provisions of this subsection (5)(c).

NEW SECTION. Sec. 304. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 305. (1) Except as otherwise provided in this section, taxes imposed under chapter 82.08 or 82.12 RCW on a taxable retail sale and payable by a consumer directly to the department are due, on returns prescribed by the department, by March 1st of the calendar year immediately following the calendar year in which the taxable retail sale occurred.

(2) This section does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(a) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(b) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to RCW 82.32.045(4).

NEW SECTION. Sec. 306. Nothing in this chapter relieves sellers or consumers who are subject to chapter 82.08 or 82.12 RCW from any responsibilities imposed under those chapters. Nor does anything in this chapter prevent the department from administering and enforcing the taxes imposed under chapter 82.08 or 82.12 RCW with respect to any seller or consumer who is subject to such taxes.

Sec. 307. RCW 82.32.045 and 2010 1st sp.s. c 23 s 1103 are each amended to read as follows:

(1) Except as otherwise provided in this chapter or chapter 82.- ~~RCW (the new chapter created in section 404 of this act)~~, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than:

(i) Twenty-eight thousand dollars per year; or

(ii) Forty-six thousand six hundred sixty-seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

Part IV

Additional Revisions to Educational Reforms in Substitute Senate Bill No. 5607"

Renumber the remaining sections and parts consecutively and correct any internal references accordingly.

On page 5, line 17, after "~~((eighty))~~" strike "fifty-five" and insert "thirty-nine"

On page 10, after line 24, insert the following:

"Part V

Miscellaneous

NEW SECTION. Sec. 501. (1) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of this act or the application of the provision to other persons or circumstances is not affected.

(2) If the department of revenue is prevented from enforcing chapters 82.04, 82.08, and 82.12 RCW against persons without a

physical presence in this state because any provision of this act or its application to any person or circumstance is held invalid, the department of revenue must impose such provisions to the fullest extent allowed under the Constitution and laws of the United States.

NEW SECTION. Sec. 502. The tax collection, reporting, and payment obligations imposed by this act apply prospectively only.

NEW SECTION. Sec. 503. For purposes of determining whether a person engaged in the business of making sales at retail has a substantial nexus with this state under the provisions of RCW 82.04.067(6)(a)(iii) or section 206 (1)(b), (2), or (3)(a)(ii) of this act for taxable periods beginning on the effective date of this section through December 31, 2017, the person's gross proceeds of sales are based on the entire 2017 calendar year.

NEW SECTION. Sec. 504. Sections 301 through 306 of this act constitute a new chapter in Title 82 RCW."

On page 1, line 2 of the title, after "RCW" insert "82.04.066, 82.04.067, 82.04.220, 82.08.050, 82.08.052, 82.12.040, 82.32.762, 82.32.045," and on line 3 of the title, after "28A.320.--;" strike "and" and on line 4 of the title, after "(uncodified)" insert "; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.424; and prescribing penalties"

Senators Carlyle and Hasegawa spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 158 by Senators Carlyle, Kuderer and Palumbo on page 1, after line 5 to Substitute Senate Bill No. 5875.

The motion by Senator Carlyle did not carry and floor amendment no. 158 was not adopted by voice vote.

MOTION

Senator Rolfes moved that the following floor amendment no. 146 by Senator Rolfes be adopted:

On page 2, at the beginning of line 31, strike "local effort levy" and insert "~~((local effort levy))~~ new state property tax"

On page 5, line 14, after "levy a" strike "local effort levy" and insert "~~((local effort levy))~~ new state property tax"

On page 5, line 22, after "biennium." strike "Local effort levy" and insert "~~((Local effort levy))~~ New state property"

On page 5, line 26, after "The" strike "local effort levy" and insert "~~((local effort levy))~~ new state property tax"

On page 10, after line 16, insert the following:

"**Sec. 5.** 2017 c ... (SSB 5607) s 101 (uncodified) is amended to read as follows:

(1) The legislature finds that in recent years, the long running K-12 funding debate has narrowly focused on the overreliance by school districts on local school levies, which are neither regular nor dependable. This narrow focus overlooks a number of other deficiencies and inequities in the current K-12 funding structure. The legislature further finds that the current system unfairly drives more money to wealthier districts, on a per pupil basis, for low-income, special education, and transitional bilingual students than to poor districts. The legislature further finds that the current funding structure lacks transparency due to an overly complicated staffing model. The legislature further finds that the overall level of financial resources available to property-rich districts greatly exceeds the overall level of resources available to property-poor

districts. The legislature further finds that the current funding structure does not incorporate any significant adjustment to reflect regional cost differences, which leads to other inequities. The legislature further finds that while the primary focus of the legislature is to address the funding aspects of K-12 education, the system should be viewed holistically by evaluating and incorporating broader reforms to ensure that the students of our state are receiving the best possible education.

(2)(a) Based on the foregoing, the legislature finds that a quality K-12 funding structure should focus on four broad objectives: Ampleness, dependability, equity, and transparency.

(b) The legislature further finds that ampleness envelops several core issues. First, an ample K-12 funding structure should pay for the actual cost of providing the state's program of basic education. Second, an ample K-12 funding structure recognizes that different children, for example low-income students or English language learners, require different levels of resources.

(c) The legislature further finds that a dependable funding structure involves a binding and unwavering guarantee by the state that does not fluctuate with short-term economic changes.

(d) The legislature further finds that an equitable K-12 funding structure guarantees a uniform foundational level of financial resources for all school districts coupled with an additional recognition that the cost to pay for educational services is different in different parts of the state. The legislature further finds that an equitable K-12 funding structure reflects a reality that the residents of different school districts have different abilities to financially contribute to the funding of the students residing within their districts.

(e) The legislature further finds that a transparent K-12 funding structure is simple and straightforward, and thereby allows the public to more easily understand how their tax dollars are being spent, which increases accountability.

(3) Based on the foregoing, the legislature intends to create an ample, dependable, equitable, and transparent K-12 funding structure that benefits our state and students. The revised funding structure in chapter . . . (SSB 5607), Laws of 2017 is set to take effect with the 2018-19 school year and includes the following major elements:

(a) A basic per pupil guarantee of ten thousand dollars per student. This basic per pupil guarantee is set at a level necessary to exceed the entire projected cost under current law of state general apportionment funding, state levy equalization funding, state pupil transportation funding, and all local school district maintenance and operation levies by approximately one hundred twenty-six million dollars;

(b) A state-required local contribution, referred to as a local effort levy, to be applied towards the basic per pupil guarantee. The levy would be uniformly imposed in every school district at a rate specified in the omnibus appropriations act, but not exceeding one dollar and eighty cents per thousand dollars of assessed value. In essence, the ~~((local effort levy))~~ new state property tax would be applied to the total cost of the basic per pupil guarantee in each school district, with the state backfilling the difference in order to meet the state guarantee. There is a minimum state contribution that requires the state to pay for at least forty percent of the basic per pupil guarantee. The property tax rate would be lowered in future years, as undedicated state revenues become available. A small school hold-harmless provision is included. Under this provision, for any school district that is estimated to receive less funding through the basic per pupil guarantee than projected under current law for the state and local funding sources the basic per pupil guarantee is replacing, the district will receive the higher amount;

(c) An additional seven thousand five hundred dollars per pupil guarantee for special education students;

(d) An additional one thousand dollars per pupil guarantee for transitional bilingual students, which is estimated to generate approximately ten million more dollars than what transitional bilingual funding is projected to yield under current law;

(e) An additional two to five thousand dollars per pupil guarantee for students in poverty, which is estimated to generate approximately one hundred fifty million more dollars than what funding for poverty students is projected to yield under current law;

(f) A one thousand dollar per pupil guarantee for highly capable students, which would double the estimated enhanced funding level for this program under current law;

(g) A five hundred dollar per pupil guarantee for career and technical education students and students enrolled in skills centers, which would double the estimated enhanced funding level for these programs under current law;

(h) A one thousand five hundred dollar per pupil guarantee for homeless students, which is estimated to generate approximately fourteen million dollars;

(i) A housing allowance for certificated instructional, certificated administrative, and classified staff in districts where the average home value is above the statewide average. The housing allowance would be up to ten thousand dollars per person, depending on the school district;

(j) A twelve thousand five hundred dollar teacher recruitment and retention incentive for certificated instructional and certificated administrative staff in school districts where the poverty rate exceeds twenty percent; and

(k) After all other funding calculations are completed, if the total per pupil funding amount for a school district is less than twelve thousand five hundred dollars when including local, state, and federal revenues, the per pupil amount is increased to twelve thousand five hundred dollars.

(4) The legislature finds that this new funding system, which places students at the center of its structure, meets the four foundational objectives:

(a) Ample – The system provides funds at a significantly higher level per student than the basic education program currently in place. The state provided program of basic education will provide over twelve thousand five hundred dollars on average per pupil for school districts across the state, translating to over two hundred fifty thousand dollars for a classroom of twenty students;

(b) Dependable – The system provides a binding and unwavering guarantee to finance basic education on a guaranteed per pupil basis and eliminates the unconstitutional reliance on unreliable and unfair local excess levies to provide that funding;

(c) Equitable – The system eliminates the current inequitable funding found throughout the state of Washington, and instead, provides a guaranteed level of funding for every pupil based on the pupil's educational characteristics; and

(d) Transparent – The system is transparent and straightforward, thereby allowing the public to more easily understand how its tax dollars are spent and bring about increased accountability.

(5) Finally, the legislature finds these changes, along with reforms in the rest of chapter . . . (SSB 5607), Laws of 2017, are intended and expected to improve the educational opportunities and outcomes of children throughout the state.

Sec. 6. RCW 84.55.--- and 2017 c ... (SSB 5607) s 211 are each amended to read as follows:

(1) For purposes of RCW 84.55.010, 84.55.015, 84.55.020, and 84.55.030, "regular property tax levy rate," "regular property tax rate," and "property tax rate" mean, with respect to impacted taxing districts, the regular property tax levy rate that would have applied if the state property tax levy, through the (~~local effort~~

~~levy~~)) new state property tax authorized in RCW 84.52.065(2), had not been increased by legislative action after January 1, 2018.

(2) This section applies beginning with taxes levied for collection in 2019 and for taxes levied for collection in subsequent years through 2028.

(3) The department may adopt rules as the department considers necessary to implement this section, consistent with the purpose of those sections as described in section 212, chapter . . . (SSB 5607), Laws of 2017.

(4) This section expires July 1, 2028.

Sec. 7. 2017 c ... (SSB 5607) s 212 (uncodified) is amended to read as follows:

The legislature's purpose in enacting RCW 84.52.--- and 84.55.--- (sections 210 and 211, chapter . . . (SSB 5607), Laws of 2017) is to mitigate the negative financial effects of the (~~local effort levy~~)) new state property tax on local taxing districts resulting from legislative action after January 1, 2017.

Sec. 8. RCW 84.36.381 and 2017 c ... (SSB 5607) s 213 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, or adult family home does not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at a total disability rating for a service-connected disability.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less is exempt from all excess property taxes and the ~~((local effort levy))~~ new state property tax imposed under RCW 84.52.065(2); and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less is exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 9. RCW 84.36.630 and 2017 c ... (SSB 5607) s 214 are each amended to read as follows:

(1) All machinery and equipment owned by a farmer that is personal property is exempt from property taxes levied for any state purpose, including the ~~((local effort levy))~~ new state property tax imposed under RCW 84.52.065(2), if it is used exclusively in growing and producing agricultural products

during the calendar year for which the claim for exemption is made.

(2) "Farmer" and "agricultural product" have the same meaning as defined in RCW 82.04.213.

(3) A claim for exemption under this section must be filed with the county assessor together with the statement required under RCW 84.40.190, for exemption from taxes payable the following year. The claim must be made solely upon forms as prescribed and furnished by the department of revenue."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "84.52.---," strike "and 28A.320.---" and insert "28A.320.---, 84.55.---, 84.36.381, and 84.36.630"

On page 1, line 3 of the title, after "(SSB 5607)" strike "s" and insert "ss 101, 212, and"

Senators Rolfes, Liias, Kuderer and Chase spoke in favor of adoption of the amendment.

Senator Fain spoke on adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

MOTION

Senator Baumgartner demanded that the previous question be put.

The President Pro Tempore, with consent of the Senate, declared the debate concluded.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 146 by Senator Rolfes on page 2, line 31 to Substitute Senate Bill No. 5875.

The motion by Senator Rolfes did not carry and floor amendment no. 146 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 144 by Senator Braun be adopted:

On page 4, line 30, after "2018" insert "that are attributable to the 2018-19 school year"

On page 9, at the beginning of line 12, strike all material through "2027." and insert "~~((10)) This section expires July 1, 2027.~~"

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 144 by Senator Braun on page 4, line 30 to Substitute Senate Bill No. 5875.

The motion by Senator Braun carried and floor amendment no. 144 was adopted by voice vote.

MOTION

Senator Carlyle moved that the following floor amendment no. 159 by Senators Carlyle and Palumbo be adopted:

On page 10, after line 16, insert the following:

"Sec. 5. RCW 84.52.0531 and 2017 c . . . (SSB 5607) s 301 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar years 1998 ~~(and thereafter)~~ through 2019, a district's levy base shall be the sum of allocations in (a) through (d) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (d) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.---(4)(a) (section 102 (4)(a), chapter . . . (SSB 5607), Laws of 2017);

(b) State and federal categorical allocations for the following programs:

- (i) Special education;
- (ii) Education of highly capable students;
- (iii) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;
- (iv) Food services; and
- (v) Statewide block grant programs;

(c) Any other state allocations under RCW 28A.150.---, 28A.400.---, and 28A.405.--- (sections 102, 504, and 506, chapter . . . (SSB 5607), Laws of 2017); and

(d) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

~~(4) ((A district's maximum levy percentage shall be ten percent))~~ Districts are not subject to the limitations of this section beginning in calendar year ((2020)) 2019 and every year thereafter; however, districts must have their levies approved by the office of the superintendent of public instruction as provided in RCW 84.52.053 to ensure that maintenance and operation levies are not used for basic education programs.

(5) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(6) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(7) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(8) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

Sec. 6. RCW 84.52.053 and 2017 c ... (SSB 5607) s 303 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2)(a) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's levy base or maximum levy percentage. ~~((School districts may not impose a levy for maintenance and operation support for taxes due and payable in calendar year 2019.))~~

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for maintenance and operation support of a school district may be called and held before the effective date of dissolution to replace existing maintenance and operation levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b)(i) of this subsection is held but does not pass, the affected school district

may subsequently hold a supplemental levy election pursuant to (b)(ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a supplemental levy election is held under (b)(ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b)(i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing maintenance and operation levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4) To ensure that maintenance and operation levies are not used for basic education programs, beginning with ballot propositions submitted to the voters in calendar year 2019, districts must provide a report to the office of the superintendent of public instruction detailing the programs and activities to be funded through a proposed levy for maintenance and operation support. The report must be submitted to, and approved by, the office of the superintendent of public instruction prior to the election for the proposition.

NEW SECTION. Sec. 7. Section 5 of this act takes effect January 1, 2019."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "84.52.---," strike "and 28A.320.---; and" and insert "28A.320.---, 84.52.0531, and 84.52.053;" and on line 4 of the title, after "(uncodified)" insert ";" and providing an effective date"

Senators Carlyle, Kuderer and Liias spoke in favor of adoption of the amendment.

Senators Braun, Fain and Hasegawa spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 159 by Senators Carlyle and Palumbo on page 10, after line 16 to Substitute Senate Bill No. 5875.

A division was demanded.

The motion by Senator Carlyle did not carry and floor amendment no. 159 was not adopted by a rising vote.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you very much Mr. President. This institution has a long history of being respectful to each other and the speeches that are being given. And I personally know that I, and others, feel that when so many members are off the floor watching a basketball game and not paying attention to the work being done on the floor, and some very important speeches, and some of these speeches we may disagree with, but we still need to respect. But when there is that much cheering and such, and we all love Gonzaga, actually I am more of a Husky guy, but anyway, the point is that is not appropriate. And it really takes

away from our institution and who we are representing our constituents, and I would like us to pay more attention to the work at hand and less attention to a basketball game."

MOTION

Senator Carlyle moved that the following floor amendment no. 160 by Senators Carlyle, Chase, Kuderer and Palumbo be adopted:

On page 10, after line 24, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 82.32 RCW to read as follows:

(1) An additional tax is imposed on businesses who own parcels of real property valued at five million dollars or more. The tax is equal to the amount of the property tax reduction on each parcel of real property valued at over five million dollars owned by the business realized of the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act). Any business that realized an increase in property tax, as a result the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act), on a parcel of real property valued at five million dollars or more is exempt from the tax imposed under this section.

(2) In order to determine whether a business has an increase or a decrease in property tax as a result of RCW 84.52.065(2)(a) (section 2(2)(a) of this act), beginning with the levy of taxes for collection in 2019, the department must do a comparison, for all parcels owned by businesses valued at over five million dollars, comparing the property tax owed from RCW 84.52.065(2)(a) (section 2(2)(a) of this act) and the taxes that would otherwise be due from the levy in RCW 84.52.053 at the rate that existed on January 1, 2017.

(3) This chapter applies to this section except as otherwise provided in this section. The tax imposed by this section must be paid annually by May 25th. The department must adopt rules necessary to implement and collect the tax imposed under this section.

(4) Taxes collected under this section must be deposited into the education levy contingency account hereby created in the state treasury. Funds in the account must first be used to reimburse local school districts from lost revenue from the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act) as a result the amendments in section 7 of this act. Any additional funds must be distributed to the local school districts ratably based on the number of students to fund items not defined as basic education. Expenditures from the account must be appropriated.

Sec. 7. RCW 84.36.381 and 2015 3rd sp.s. c 30 s 2 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, or adult family home does not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

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(c) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at a total disability rating for a service-connected disability.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less is exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars is exempt from all regular property taxes, except for the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act), on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; ((or)

(ii) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less is exempt from all regular property taxes, except for the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act), on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(iii) A person who otherwise qualifies under this section and has a combined disposable income of fifty-seven thousand dollars

or less but greater than fifty-two thousand dollars is exempt from the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act) on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(iv) A person who otherwise qualifies under this section and has a combined disposable income of fifty-two thousand dollars or less is exempt from the levy in RCW 84.52.065(2)(a) (section 2(2)(a) of this act), on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made."

On page 1, line 3 of the title, after "84.52.---," strike "and 28A.320.---; and" and insert ", 28A.320.---, and 84.36.381;"

On page 1, line 4 of the title, after "(unmodified)" insert "; and adding a new section to chapter 82.32 RCW"

Senators Carlyle and Liias spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 160 by Senators Carlyle, Chase, Kuderer and Palumbo on page 10, after line 24 to Substitute Senate Bill No. 5875.

The motion by Senator Carlyle did not carry and floor amendment no. 160 was not adopted by a rising vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Fain spoke in favor of passage of the bill.

Senators Ranker, Pedersen, Carlyle, Mullet, McCoy and Kuderer spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5875.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5894, by Senators O'Ban, Darneille, Braun, Becker, Rossi, Brown, Miloscia, Cleveland, Ranker, Chase, Warnick, Keiser, Hunt, Hasegawa, Wellman and Zeiger

Concerning behavioral health system reform.

MOTION

On motion of Senator O'Ban, Substitute Senate Bill No. 5894 was substituted for Senate Bill No. 5894 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following floor striking amendment no. 161 by Senators Darneille and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act establishes the path of reform for the state behavioral health system over upcoming biennia concerning provision of long-term psychiatric care. Over the ensuing years Washington must transition purchasing of long-term involuntary psychiatric care to a regionally based system under a managed care framework which is responsive to the needs of the community and accountable for quality and patient outcomes. During this time state hospital practices must be modernized and state hospital resources focused on service to forensic and higher acuity civil patients. Treatment for patients under long-term civil commitment must be transitioned into a managed care framework over a time frame coinciding with the integration of physical and behavioral health care, after which the state hospitals must provide civil commitment services as part of a network of geographically diverse facilities certified to provide long-term involuntary civil treatment. Many components are required for the success of this vision. The state must establish the foundation for growth of long-term involuntary treatment capacity in the community and for performance measurement and data collection which enables an acuity-informed comparison of the costs and outcomes achieved in alternative certified community facilities. New community placement options must be established for persons with complex needs related to long-term care and developmental disabilities. Other critical measures improve availability and streamline filing procedures for assisted outpatient mental health treatment, deploy crisis walk-in centers and clubhouses, and expedite the movement of low-level,

nonviolent defendants with severe mental illness through the criminal justice system.

Part I

Integrating Risk for Long-Term Civil Involuntary Treatment Into Managed Care

NEW SECTION. Sec. 101. A new section is added to chapter 71.24 RCW to read as follows:

(1) To promote the development of effective community-based resources for treatment and prevention and align the system financial structure with the goal of reducing inpatient utilization concurrent with the integration of physical and behavioral health care, the authority shall integrate risk for long-term involuntary civil treatment provided by state hospitals into managed care contracts by January 1, 2020.

(2) The office of financial management shall engage a consultant to create a state psychiatric hospital managed care risk model to be submitted to the governor and select committee on quality improvement in state hospitals by December 31, 2017. The design of this model shall support placing full integration managed care entities at risk for the long-term involuntary civil treatment benefit effective January 1, 2020.

(3) The risk model must include analysis and recommendations to address the following:

(a) Necessary fiscal or actuarial analysis to determine how much of the state hospital budget to place in the capitation base;

(b) Steps to develop capacity within the state hospitals to contract with risk-bearing managed care entities by January 1, 2020, as part of a network of regional providers of long-term civil treatment and to collaborate effectively with managed care entities on development of patient treatment plans and discharge decisions;

(c) Special considerations related to the application of the managed care model to civilly committed patients subject to RCW 71.05.325, 71.05.330(2), 71.05.425, 71.05.280(3)(b), and patients civilly committed under chapter 10.77 RCW. Analysis should consider the level of risk observed with these patients and the comparative advantages of reasonable alternative approaches. Patients undergoing competency evaluation and competency restoration treatment are excluded from the risk model;

(d) Performance metrics and other contract structures available to hold:

(i) Managed care entities accountable to uphold the legal requirements of the civil commitment system and the public policy outcomes intended under RCW 71.05.010, 71.05.012, and 10.77.2101; and

(ii) Providers of long-term civil treatment, including state hospitals, accountable for performance, including consideration of the interaction between performance conditions and collective bargaining agreements; and

(e) The availability of options for incentives for the aging and long-term support administration and developmental disability administration to ensure that long-term involuntary treatment patients with specialized needs move to the appropriate level of care within a reasonable time period.

(4) The risk model must be designed to allow managed care entities to contract with any certified provider capable of providing the level of inpatient psychiatric care required under civil commitment within a fixed capitation rate, placing the entity at risk for all hospital utilization above the capitation base.

(5) The contracts for consultant services in this section are exempt from the competitive solicitation requirements in RCW 39.26.125.

Part II

Development of Community Long-Term Involuntary Treatment Capacity

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NEW SECTION. Sec. 201. A new section is added to chapter 71.24 RCW to read as follows:

(1) The state intends to develop new capacity for delivery of long-term treatment in the community in diverse regions of the state prior to the effective date of the integration of risk for long-term involuntary treatment into managed care, and to study the cost and outcomes associated with treatment in community facilities. In furtherance of this goal, the department shall purchase a portion of the state's long-term treatment capacity allocated to behavioral health organizations under RCW 71.24.310 in willing community facilities capable of providing alternatives to treatment in a state hospital. The state shall increase its purchasing of long-term involuntary treatment capacity in the community over time.

(2) The department shall:

(a) Work with willing community hospitals licensed under chapters 70.41 and 71.12 RCW and evaluation and treatment facilities certified under chapter 71.05 RCW to assess their capacity to become certified to provide long-term mental health placements and to meet the requirements of this chapter; and

(b) Enter into contracts and payment arrangements with such hospitals and evaluation and treatment facilities choosing to provide long-term mental health placements, to the extent that willing certified facilities are available. Nothing in this chapter requires any community hospital or evaluation and treatment facility to be certified to provide long-term mental health placements.

(3) The department must establish rules for the certification of facilities interested in providing care under this section.

(4) Contracts developed by the department to implement this section must be constructed to allow the department to obtain complete identification information and admission and discharge dates for patients served under this authority. Prior to requesting identification information and admission and discharge dates or reports from certified facilities, the department must determine that this information cannot be identified or obtained from existing data sources available to state agencies. In addition, until January 1, 2022, facilities certified by the department to provide community long-term involuntary treatment to adults shall report to the department:

(a) All instances where a patient on a ninety or one hundred eighty-day involuntary commitment order experiences an adverse event required to be reported to the department of health pursuant to chapter 70.56 RCW; and

(b) All hospital-based inpatient psychiatric service core measures reported to the joint commission or other accrediting body occurring from psychiatric departments, in the format in which the report was made to the joint commission.

Sec. 202. RCW 71.24.310 and 2014 c 225 s 40 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the behavioral health organization defined in RCW 71.24.025. For this reason, the legislature intends that the department and the behavioral health organizations shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, behavioral health organizations shall recommend to the department the number of state hospital beds that should be allocated for use by each behavioral health organization. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the behavioral health organizations regarding the number of state hospital beds that

should be allocated for use by each behavioral health organization, the department shall contract with each behavioral health organization accordingly.

(3) If there is not consensus among the behavioral health organizations regarding the number of beds that should be allocated for use by each behavioral health organization, the department shall establish by emergency rule the number of state hospital beds that are available for use by each behavioral health organization. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of adults with acute and chronic mental illness in each behavioral health organization area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5)(a) The department ~~((is encouraged to enter))~~ shall enter into performance-based contracts with ~~((behavioral health organizations))~~ facilities certified by the department to provide treatment to adults on a ninety or one hundred eighty-day inpatient involuntary commitment order to provide some or all of the behavioral health organization's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital, to the extent that willing certified facilities and funding are available. The performance contracts shall specify the number of patient days of care available for use by the behavioral health organization in the state hospital and the number of patient days of care available for use by the behavioral health organization in a facility certified by the department to provide treatment to adults on a ninety or one hundred eighty-day inpatient involuntary commitment order, including hospitals licensed under chapters 70.41 and 71.12 RCW and evaluation and treatment facilities certified under chapter 71.05 RCW.

(b) A hospital licensed under chapter 70.41 or 71.12 RCW is not required to undergo certification to treat patients on ninety or one hundred eighty-day involuntary commitment orders in order to treat adults who are waiting for placement at either the state hospital or in certified facilities that voluntarily contract to provide treatment to patients on ninety or one hundred eighty-day involuntary commitment orders.

(6) If a behavioral health organization uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care, except during the period of July 1, 2012, through December 31, 2013, where reimbursements may be temporarily altered per section 204, chapter 4, Laws of 2013 2nd sp. sess. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a behavioral health organization to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among behavioral health organizations that have used less than their allocated or contracted patient days of

care at that hospital, proportional to the number of patient days of care not used.

NEW SECTION. Sec. 203. A new section is added to chapter 71.05 RCW to read as follows:

Treatment under RCW 71.05.320 may be provided at a state hospital or any willing and able facility certified to provide ninety-day or one hundred eighty-day care. The order for such treatment must remand the person to the custody of the department or designee. A prepaid inpatient health plan, managed care organization, or the department, when responsible for the cost of care, may designate where treatment is to be provided, at a willing certified facility or a state hospital, after consultation with the facility currently providing treatment. The prepaid inpatient health plan, managed care organization, or the department, when responsible for the cost of care, may not require prior authorization for treatment under RCW 71.05.320. The designation of a treatment facility must not result in a delay of the transfer of the person to a state hospital or certified treatment facility if there is an open bed available at either the state hospital or a certified facility.

Sec. 204. RCW 71.05.320 and 2016 c 45 s 4 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her ((to the custody of the department or to a facility certified for ninety day treatment by the department)) for a further period of intensive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another,

and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge ((from the state hospital)); or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient (~~(mental)~~) behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant

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to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 205. RCW 71.05.320 and 2016 sp.s. c 29 s 237 and 2016 c 45 s 4 are each reenacted and amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court ~~((shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department))~~ must commit him or her for a period of treatment of up to ninety days or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person

of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge ((from the state hospital)); or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as

provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 206. RCW 71.05.320 and 2016 sp.s. c 29 s 238 are each amended to read as follows:

(1)(a) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court ~~((shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department))~~ must commit him or her for a period of treatment of up to ninety days or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge ~~((from the state hospital))~~; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient ~~((mental))~~ behavioral health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

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(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

NEW SECTION. **Sec. 207.** The department of social and health services shall confer with the department of health and hospitals licensed under chapters 70.41 and 71.12 RCW to review laws and regulations and identify changes that may be necessary to address care delivery and cost-effective treatment for adults on ninety or one hundred eighty day commitment orders which may be different than the requirements for short-term psychiatric hospitalization. The department of social and health services shall report its findings to the select committee on quality improvement in state hospitals by November 1, 2017.

Part III

State Hospital Short-Term Reforms

NEW SECTION. **Sec. 301.** The legislature intends to expand capacity in the upcoming biennia for enhanced community placements for complex patients to decrease utilization of state hospitals and increase community stability. Capacity must be provided in settings such as nursing homes, assisted living facilities, adult family homes, enhanced service facilities, state-operated living alternatives, and supported housing for persons with developmental disabilities or long-term care needs. The funding must be administered by the department of social and health services.

NEW SECTION. **Sec. 302.** A new section is added to chapter 71.05 RCW to read as follows:

Discharge planning in state hospitals and certified community long-term involuntary treatment facilities must begin at admission. Discharge planning must be collaborative across state agencies and community providers, provide individualized treatment targeted towards known risks of rehospitalization or recidivism, and work ahead to resolve known discharge barriers that may prevent patients from leaving the state hospital or certified community long-term involuntary treatment facilities when they are deemed ready. To ensure effective discharge planning, state hospitals, certified long-term involuntary treatment facilities, and state agencies responsible for the cost of the community care long-term involuntary treatment patients must do the following:

(1) The aging and long-term support administration and developmental disabilities administration or their successor agencies must assume expanded responsibility beginning at admission for aiding its clients to transition from state hospitals and certified long-term involuntary treatment facilities into the community. This responsibility may include interfacing with behavioral health organizations and others to coordinate community treatment arrangements for multiagency clients. State hospitals and certified long-term treatment facilities must allow functional assessments to be conducted on individuals identified as potential clients before the patient is deemed eligible for discharge and allow necessary access for agency staff to implement the goals of this subsection;

(2) State hospitals and certified long-term involuntary treatment facilities must allow managed care entities responsible for the cost of a state hospital patient's community care appropriate access to the patient and patient records for purposes of coordinated care. Managed care entities must be allowed to make assessments, provide input into treatment and discharge

planning, and otherwise engage in appropriate rehabilitation case management activities; and

(3) State hospitals must screen patients upon admission for medical necessity for substance use disorder treatment and provide coordinated substance use disorder treatment services targeted to reduce rehospitalization or recidivism to patients with an identified need.

Sec. 303. RCW 71.05.365 and 2016 sp.s. c 37 s 15 are each amended to read as follows:

(1) When a person has been involuntarily committed for treatment to a state hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the state hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health organization((s)) or full integration entity under RCW 71.24.380(~~(s) or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person~~ must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within fourteen days of the determination)) must establish an individualized discharge plan arranging for transition to an identified placement in the community within no more than fourteen days of the determination. The individualized discharge plan must provide for a date certain by which discharge must be completed.

(2) If the entity under subsection (1) of this section has not fulfilled the obligation to establish an individualized discharge plan for the patient, the entity must reimburse the department for days of care provided after the fourteenth day following determination that the person no longer requires active psychiatric treatment at an inpatient level of care, until an individualized discharge plan meeting the requirements of subsection (1) of this section is established. The reimbursement rate per day shall be the same reimbursement rate under RCW 71.24.310.

(3) The department must establish a process for appeal to the secretary or the secretary's designee when entities under subsection (1) of this section and the state hospital are unable to mutually agree within fourteen days about a specific patient's readiness for discharge, whether readiness for discharge is asserted by the state hospital or by the managed care entity. The managed care entity may use this process to request relief from a reimbursement obligation under subsection (2) of this section if the managed care entity is unable to establish a discharge plan due to the action or inaction of a third party outside its contracting authority or control, such as a state agency division responsible for a portion of the costs related to the community care needs of the person or the court.

(4) The requirements of this section are suspended when the risk for state hospital treatment or state-contracted inpatient treatment in a certified community long-term involuntary treatment facility is integrated into managed care contracts as provided under section 101 of this act.

NEW SECTION. **Sec. 304.** A new section is added to chapter 72.23 RCW to read as follows:

(1) The legislature finds that qualified psychiatric advanced registered nurse practitioners and physician assistants supervised by a psychiatrist have a role in participating in the direction of psychiatric treatment at state psychiatric hospitals consistent with practice at the top of their scope of license and capabilities, including sharing duties for prescribing psychiatric medication and other tasks historically performed by psychiatrists at the state hospitals. The department should take reasonable steps available to employ these professionals at state hospitals.

(2) The role of state hospital psychiatrists is expanded to provide supervision to physician assistants specializing in psychiatry and provide mentorship to psychiatric advanced registered nurse practitioners necessary to allow these professionals to practice at the top of their scope of license.

(3) In order to increase the use of psychiatric advanced registered nurse practitioners and physician assistants to perform work and tasks that are currently or have been historically performed by psychiatrists at the state hospitals, the department shall work with the University of Washington department of psychiatry and behavioral sciences and the appropriate department of Washington State University and appropriate schools of nursing to conduct an analysis and develop a plan to create a training and supervision program at western and eastern state hospitals for psychiatric advanced registered nurse practitioners and physician assistants. The plan shall include an appraisal of risks, barriers, and benefits to implementation as well as an implementation timeline. The department must report to the office of financial management and relevant policy and fiscal committees of the legislature on findings and recommendations by December 15, 2017.

Part IV

Improving Access to Assisted Outpatient Mental Health Treatment

Sec. 401. RCW 71.05.020 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by ~~((the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310))~~ a behavioral health organization as defined in RCW 71.24.025 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the behavioral health organization to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) ~~((Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty six months preceding the date of initial detention~~

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~~of the current commitment cycle; (b)) Is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, ((in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e)) based on a history of nonadherence with treatment or in view of the person's current behavior; (b) is likely to benefit from less restrictive alternative treatment; and (c) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time((. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation));~~

(22) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(23) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(24) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(25) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(26) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(27) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(28) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated mental health professional;

(29) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(30) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(31) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community ((mental)) behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(32) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(33) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(34) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(35) "Professional person" means a mental health professional and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(37) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(38) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(39) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(40) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are

receiving or who at any time have received services for mental illness;

(41) "Release" means legal termination of the commitment under the provisions of this chapter;

(42) "Resource management services" has the meaning given in chapter 71.24 RCW;

(43) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(44) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(45) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(46) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(47) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(48) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(49) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 402. RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an

evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient ~~((mental))~~ behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) ~~((Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty six months preceding the date of initial detention of the current commitment cycle; (b)))~~ Is unlikely to voluntarily participate in outpatient

treatment without an order for less restrictive alternative treatment, ~~((in view of the person's treatment history or current behavior; (e) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e)))~~ based on a history of nonadherence with treatment or in view of the person's current behavior; (b) is likely to benefit from less restrictive alternative treatment; and (c) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time ~~((For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty six month calculation));~~

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

- (a) Provides for intoxicated persons:
- (i) Evaluation and assessment, provided by certified chemical dependency professionals;
- (ii) Acute or subacute detoxification services; and
- (iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 403. RCW 71.05.585 and 2016 c 45 s 5 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation;

(d) ~~(Medication management;~~

~~(e))~~ A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

~~((#))~~ ~~(c)~~ A transition plan addressing access to continued services at the expiration of the order; and

~~((#))~~ ~~(f)~~ An individual crisis plan.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

(a) ~~Medication management;~~

(b) Psychotherapy;

~~((#))~~ ~~(c)~~ Nursing;

~~((#))~~ ~~(d)~~ Substance abuse counseling;

~~((#))~~ ~~(e)~~ Residential treatment; and

~~((e))~~ ~~(f)~~ Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(5) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated mental health professionals necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 404. RCW 71.05.585 and 2016 sp.s. c 29 s 241 and 2016 c 45 s 5 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) ~~(Medication management);~~
- ~~(e))~~ A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

~~((f))~~ ~~(e)~~ A transition plan addressing access to continued services at the expiration of the order; and

~~((g))~~ ~~(f)~~ An individual crisis plan.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- ~~((h))~~ ~~(c)~~ Nursing;
- ~~((i))~~ ~~(d)~~ Substance abuse counseling;
- ~~((j))~~ ~~(e)~~ Residential treatment; and
- ~~((k))~~ ~~(f)~~ Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(5) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

NEW SECTION. **Sec. 405.** A new section is added to chapter 71.05 RCW to read as follows:

This section establishes a process for initial evaluation and filing of a petition for assisted outpatient treatment, but however does not preclude the filing of a petition for assisted outpatient treatment following a period of inpatient detention in appropriate circumstances:

(1) The designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a mental health facility.

(2) The designated mental health professional must investigate and evaluate the specific facts alleged and the reliability or credibility of any person providing information. The designated mental health professional may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153.

(3) If the designated mental health professional finds that the person is in need of assisted outpatient mental health treatment, they may file a petition requesting the court to enter an order for up to ninety days less restrictive alternative treatment. The petition must include:

- (a) A statement of the circumstances under which the person's condition was made known and stating that there is evidence, as a result of the designated mental health professional's personal observation or investigation, that the person is in need of assisted outpatient mental health treatment, and stating the specific facts known as a result of personal observation or investigation, upon which the designated mental health professional bases this belief;
- (b) The declaration of additional witnesses, if any, supporting the petition for assisted outpatient treatment;
- (c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;
- (d) The name of an agency or facility which agreed to assume the responsibility of providing less restrictive alternative treatment if the petition is granted by the court;
- (e) A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section.

(4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient mental health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.

(6) A petition for assisted outpatient treatment filed under this section must be adjudicated under RCW 71.05.240.

NEW SECTION. **Sec. 406.** A new section is added to chapter 71.05 RCW to read as follows:

This section establishes a process for initial evaluation and filing of a petition for assisted outpatient treatment, but however does not preclude the filing of a petition for assisted outpatient treatment following a period of inpatient detention in appropriate circumstances:

(1) The designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a mental health facility.

(2) The designated mental health professional must investigate and evaluate the specific facts alleged and the reliability or credibility of any person providing information. The designated mental health professional may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153.

(3) If the designated mental health professional finds that the person is in need of assisted outpatient mental health treatment, they may file a petition requesting the court to enter an order for up to ninety days less restrictive alternative treatment. The petition must include:

- (a) A statement of the circumstances under which the person's condition was made known and stating that there is evidence, as a result of the designated mental health professional's personal observation or investigation, that the person is in need of assisted outpatient mental health treatment, and stating the specific facts known as a result of personal observation or investigation, upon which the designated mental health professional bases this belief;
- (b) The declaration of additional witnesses, if any, supporting the petition for assisted outpatient treatment;
- (c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;
- (d) The name of an agency or facility which agreed to assume the responsibility of providing less restrictive alternative treatment if the petition is granted by the court;
- (e) A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section.

(4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient mental health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

This section establishes a process for initial evaluation and filing of a petition for assisted outpatient treatment, but however does not preclude the filing of a petition for assisted outpatient treatment following a period of inpatient detention in appropriate circumstances:

(1) The designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a mental health facility, secure detoxification facility, or approved substance use disorder treatment program.

(2) The designated crisis responder must investigate and evaluate the specific facts alleged and the reliability or credibility of any person providing information. The designated crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153.

(3) If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to ninety days less restrictive alternative treatment. The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and stating that there is evidence, as a result of the designated crisis responder's personal observation or investigation, that the person is in need of assisted outpatient behavioral health treatment, and stating the specific facts known as a result of personal observation or investigation, upon which the designated crisis responder bases this belief;

(b) The declaration of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;

(d) The name of an agency or facility which agreed to assume the responsibility of providing less restrictive alternative treatment if the petition is granted by the court;

(e) A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section.

(4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.

(6) A petition for assisted outpatient treatment filed under this section must be adjudicated under RCW 71.05.240.

Sec. 407. RCW 71.05.150 and 2015 c 250 s 3 are each amended to read as follows:

(1)~~((a))~~ When a designated mental health professional receives information alleging that a person, as a result of a mental disorder: ~~((i))~~ (a) Presents a likelihood of serious harm; ~~((ii))~~ (b) is gravely disabled; or ~~((iii))~~ (c) is in need of assisted outpatient mental health treatment; the designated mental health professional may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~((b))~~ under this section or a petition for involuntary outpatient treatment under section 405 of this act. Before filing the petition, the designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, or triage facility.

(2)(a) An order to detain to a designated evaluation and treatment facility for not more than a seventy-two-hour evaluation and treatment period(~~, or an order for an involuntary outpatient evaluation.~~) may be issued by a judge of the superior court upon request of a designated mental health professional, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention (~~or involuntary outpatient evaluation~~), signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated mental health professional shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention (~~or involuntary outpatient evaluation~~). After service on such person the designated mental health professional shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. The designated mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual

accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated mental health professional may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 408. RCW 71.05.150 and 2016 sp.s. c 29 s 210 are each amended to read as follows:

~~(1)((a))~~ When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~((mental)) behavioral~~ health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~(b))~~ under this section or a petition for involuntary outpatient treatment under section 405 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period~~((or an order for an involuntary outpatient evaluation.))~~ may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

- (i) That there is probable cause to support the petition; and
- (ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention ~~((or involuntary outpatient evaluation)),~~ signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention ~~((or involuntary outpatient evaluation)).~~ After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 409. RCW 71.05.150 and 2016 sp.s. c 29 s 211 are each amended to read as follows:

~~(1)((a))~~ When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~((mental)) behavioral~~ health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~(b))~~ under this section or a petition for involuntary outpatient treatment under section 405 of this act. Before filing the petition,

the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period(~~(, or an order for an involuntary outpatient evaluation,)~~) may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention (~~(or involuntary outpatient evaluation)~~), signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention (~~(or involuntary outpatient evaluation)~~). After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 410. RCW 71.05.230 and 2016 c 155 s 5 and 2016 c 45 s 1 are each reenacted and amended to read as follows:

A person detained (~~(or committed)~~) for seventy-two hour evaluation and treatment (~~(or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order)~~) may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary

intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the (~~(agency or)~~) facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The (~~(agency or)~~) facility providing intensive treatment (~~(or which proposes to supervise the less restrictive alternative)~~) is certified to provide such treatment by the department; and

(4) The professional staff of the (~~(agency or)~~) facility or the designated mental health professional has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed either by:

(a) Two physicians;

(b) One physician and a mental health professional;

(c) One physician assistant and a mental health professional; or

(d) One psychiatric advanced registered nurse practitioner and a mental health professional. The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained (~~(or committed)~~) person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed; and

(8) At the conclusion of the initial commitment period, the professional staff of the (~~(agency or)~~) facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 411. RCW 71.05.230 and 2016 sp.s. c 29 s 230, 2016 c 155 s 5, and 2016 c 45 s 1 are each reenacted and amended to read as follows:

A person detained (~~(or committed)~~) for seventy-two hour evaluation and treatment (~~(or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order)~~) may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative (~~(to involuntary~~

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intensive)) treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the ((agency or)) facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient ((mental)) behavioral health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The ((agency or)) facility providing intensive treatment ((or which proposes to supervise the less restrictive alternative)) is certified to provide such treatment by the department; and

(4) The professional staff of the ((agency or)) facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed either by:

- (a) Two physicians;
- (b) One physician and a mental health professional;
- (c) One physician assistant and a mental health professional; or
- (d) One psychiatric advanced registered nurse practitioner and a mental health professional.

The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient ((mental)) behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 412. RCW 71.05.240 and 2016 c 45 s 2 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of

the initial detention ((or involuntary outpatient evaluation)) of such person as determined in RCW 71.05.180, or at a time determined under section 405 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) The court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) At the conclusion of the probable cause hearing:

(a) If the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days;

(b) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient mental health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days((, and may not order inpatient treatment;)).

((e)) (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

((4)) (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. The court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 413. RCW 71.05.240 and 2016 sp.s. c 29 s 232 and 2016 c 45 s 2 are each reenacted and amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention ((or involuntary outpatient evaluation)) of such person as determined in RCW 71.05.180, or at a time determined under section 405 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient ~~((mental))~~ behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days ~~((, and may not order inpatient treatment))~~.

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((4))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 414. RCW 71.05.240 and 2016 sp.s. c 29 s 233 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention ~~((or involuntary outpatient evaluation))~~ of such person as determined in RCW 71.05.180, or at a time determined under section 405 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or

subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient ~~((mental))~~ behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days ~~((, and may not order inpatient treatment))~~.

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((4))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 415. RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated mental health professional may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the agency, facility, or designated mental health professional determines that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

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(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated mental health professional, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or evaluation and treatment facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated mental health professional or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated mental health professional when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated mental health professional or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this section to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment, or initiate proceedings under this subsection (4) without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be

scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated mental health professional or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated mental health professional or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

~~((e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) In determining whether or not to take action under this section the designated mental health professional, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 416. RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated crisis responder may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the agency, facility, or designated crisis responder determines that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and

compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

~~((e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 417. RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated crisis responder may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the agency, facility, or designated crisis responder determines that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

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(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in

or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

~~((c) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 418. RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s 1 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2)(a) The petition must be filed in the county in which the designated ((mental health professional)) crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for

evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(3) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(4) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(5) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(6) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(7) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency, which shall execute the order without delay. An order for initial detention under this section expires one hundred eighty days from issuance.

(8) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(9) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Part V

Reducing Demand for Forensic Services

NEW SECTION. **Sec. 501.** (1) The legislature intends to implement crisis walk-in centers, a new crisis service in Washington, to be deployed in high-need urban areas. A crisis walk-in center allows individuals to self-refer or be referred by emergency services or police and stay up to twenty-three hours under observation. Services with crisis walk-in centers generally include crisis stabilization and intervention, general counseling, peer support, medication management, education, and referral assistance. Studies indicate that these centers reduce hospital admissions and increase enrollment in community programs. The legislature intends for these centers to be geographically distributed around the state.

(2) The legislature intends to expand availability of clubhouses to provide community-based programs which promote rehabilitation, recovery, and reintegration services to adults with persistent mental illness. Clubhouses expanded under this section must show fidelity to the evidence-based model and be credentialed through clubhouse international.

Sec. 502. RCW 10.77.060 and 2012 c 256 s 3 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed ((fifteen)) eight days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if:

(i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be committed for inpatient evaluation under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon

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the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated mental health professional under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 503. RCW 10.77.060 and 2016 sp.s. c 29 s 408 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed ((fifteen)) eight days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the

jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be committed for inpatient evaluation under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Part VI
Addressing Managed Care Entities to Provide Fully Integrated Care

NEW SECTION. **Sec. 601.** (1) The health care authority shall establish a work group to examine options for the structuring of integration of physical and behavioral health services by 2020. The work group shall identify multiple options for structuring the services delivery and financing for integrating behavioral health services. Among the various structures for consideration, the work group shall examine:

(a) A model in which the health care authority contracts directly and separately with both a managed care organization to provide behavioral health services in the regional service area and a county administrative service organization to provide crisis services and nonmedicaid services; and

(b) A model in which the health care authority approves an organization operated by the county governments within a regional service area to function as the coordinating entity for any managed care organization that provides fully integrated medical care within the regional service area. The organization's activities shall include coordinating a network of behavioral health providers, operating a health information technology infrastructure, providing crisis services, and providing nonmedicaid services.

(2) The work group shall consist of no more than fifteen members and shall include a representative of the health care authority, a representative of the department of social and health services, representatives of behavioral health organizations, representatives of managed care organizations, representatives of behavioral health providers, representatives of counties, and representatives from each caucus in the house and senate. The director of the health care authority, or his or her designee, shall serve as the chair.

(3) By December 1, 2017, and in compliance with RCW 43.01.036, the work group shall submit a report to the legislature and the governor. The report shall identify recommendations for reducing barriers to the full integration of behavioral health and physical health. The report shall provide a description of the different alternative delivery and financing structure options that shall be made available to regional service areas and allow counties within the regional service areas to select the most appropriate structure to meet the needs of the communities within the regional service area.

NEW SECTION. **Sec. 602.** The health care authority and department of social and health services shall work with the committees and processes established under RCW 70.320.020 and 41.05.690 to define which measures will be used to define value in integrated managed care contracts and how the process of clinical integration will be measured. These processes must ensure that adequate value and accountability terms are employed to align integrated managed care objectives with public policy objectives historically served by behavioral health organizations and to detect and provide disincentives against cost shifting onto crisis systems and jails.

Part VII
Data Measurement

NEW SECTION. **Sec. 701.** A new section is added to chapter 71.24 RCW to read as follows:

The Washington state institute for public policy shall evaluate changes and the effectiveness of specific investments within the adult behavioral health system. The goal for the effort is to provide policymakers with additional information to aid in decision making on an ongoing basis. Therefore, the institute shall consult with the relevant legislative and agency staff when identifying research questions and establishing evaluation

timelines. The institute shall provide a report to the appropriate committees of the legislature upon completion of each evaluation.

Part VIII
Miscellaneous Provisions

NEW SECTION. **Sec. 801.** Sections 205, 402, 404, 406, 408, 411, 413, 416, 418, and 503 of this act take effect April 1, 2018.

NEW SECTION. **Sec. 802.** Sections 204, 401, 403, 405, 407, 410, 412, 415, and 502 of this act expire April 1, 2018.

NEW SECTION. **Sec. 803.** Section 303 of this act takes effect July 1, 2018.

NEW SECTION. **Sec. 804.** Sections 206, 409, 414, and 417 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 805.** Sections 205, 408, 413, and 416 of this act expire July 1, 2026."

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 71.24.310, 71.05.320, 71.05.320, 71.05.365, 71.05.585, 71.05.150, 71.05.150, 71.05.150, 71.05.240, 71.05.240, 71.05.590, 71.05.590, 71.05.590, 10.77.060, and 10.77.060; reenacting and amending RCW 71.05.320, 71.05.020, 71.05.020, 71.05.585, 71.05.230, 71.05.230, 71.05.240, and 71.05.201; adding new sections to chapter 71.24 RCW; adding new sections to chapter 71.05 RCW; adding a new section to chapter 72.23 RCW; creating new sections; providing effective dates; and providing expiration dates."

MOTION

Senator Ranker moved that the following floor amendment no. 168 by Senator Ranker to floor amendment no. 161 be adopted:

On page 73, after line 15, insert the following:

"**Sec. 801.** 2016 1st sp.s. c 36 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

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(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. No later than October 1, 2015, the department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(c) The department, in coordination with the health care authority, shall pursue a federal waiver to use supplemental nutrition assistance program eligibility, aged, blind, or disabled program eligibility, or temporary assistance for needy families eligibility, to enroll eligible persons into medicaid.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to

become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2016))~~ 2017, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((2016))~~ 2017 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2016))~~ 2017 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medical personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(10) To facilitate the authority provided in subsection (7) and (8) of this section, and to ensure a new accounting structure is in place as of July 1, 2017, the department is authorized to create a new program for accounting purposes only that combines the mental health program and alcohol and substance abuse program allotments and expenditures."

NEW SECTION. Sec. 802. The sum of forty three million nine hundred eighty five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2017, from the general fund to the department of social and health services for critical and necessary expenditures state hospitals.

NEW SECTION. Sec. 803. Sections 801 and 802 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Ranker and Darneille spoke in favor of adoption of the amendment to the amendment.

Senators O'Ban and Becker spoke against adoption of the amendment to the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 168 by Senator Ranker on page 73, after line 15 to floor striking amendment no. 161.

The motion by Senator Ranker did not carry and floor amendment no. 168 was not adopted by voice vote.

Senator O'Ban spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 161 by Senators Darneille and O'Ban to Substitute Senate Bill No. 5894.

The motion by Senator O'Ban carried and floor striking amendment no. 161 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

Senator Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5894.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5894 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Cleveland, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Chase, Conway, Hasegawa, Hunt, Liias, McCoy, Nelson, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Honeyford, Vice President Pro Tempore, assumed the Chair.

SECOND READING

SENATE BILL NO. 5902, by Senators Braun and Wilson

Addressing enrollments in postsecondary certification and degree programs with an emphasis in science, technology, engineering, and mathematics.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5902 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Frockt spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5902.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5902 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Hunt

SENATE BILL NO. 5902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5895, by Senator Braun

Making expenditures from the budget stabilization account for catastrophic wildfire events in fiscal year 2017.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SENATE BILL NO. 5891, by Senators Zeiger and Conway

Eliminating the use of the high school science assessment as a graduation prerequisite.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following floor striking amendment no. 140 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 806.** RCW 28A.655.061 and 2015 3rd sp.s. c 42 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008 through the graduating class of 2015, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics high school statewide student assessment shall earn a certificate of academic achievement. The mathematics assessment shall be the end-of-course assessment for the first year of high school mathematics that assesses the standards common to algebra I and integrated mathematics I or the end-of-course assessment for the second year of high school mathematics that assesses standards common to geometry and integrated mathematics II.

(b) As the state transitions from reading and writing assessments to an English language arts assessment and from end-of-course assessments to a comprehensive assessment for high school mathematics, a student in a graduating class of 2016 through 2018 shall earn a certificate of academic achievement if the student meets the state standard as follows:

(i) Students in the graduating class of 2016 may use the results from:

(A) The reading and writing assessment or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(ii) Students in the graduating classes of 2017 and 2018 may use the results from:

(A) The tenth grade English language arts assessment developed by the superintendent of public instruction using

resources from the multistate consortium or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(c) Beginning with the graduating class of 2019, a student who meets the state standards on the high school English language arts assessment developed with the multistate consortium and the comprehensive mathematics assessment developed with the multistate consortium shall earn a certificate of academic achievement.

(d) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area at least twice a year at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of ((2017)) 2021, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment, a retake, or the objective alternative assessments in order to earn a certificate of academic achievement. The assessment under this subsection must be a comprehensive assessment of the science essential academic learning requirements adopted by the superintendent of public instruction in 2013.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative

assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(iii) A student who scores at least a four on selected externally administered international baccalaureate (IB) examinations may use the score as an objective alternative assessment under this section for demonstrating that the student has met or exceeded state standards for the certificate of academic achievement. A score of four on the higher level IB examinations for any of the IB English language and literature courses or for any of the IB individuals and societies courses may be used as an alternative assessment for the reading, writing, or English language arts portions of the statewide student assessment. A score of four on the higher level IB examinations for any of the IB mathematics courses may be used as an alternative assessment for the

mathematics portion of the statewide student assessment. A score of four on the higher level IB examinations for IB biology, chemistry, or physics may be used as an alternative assessment for the science portion of the statewide student assessment.

(11) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

NEW SECTION. Sec. 807. This act applies to students in the graduating class of 2017 and subsequent graduating classes.

NEW SECTION. Sec. 808. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page On page 1, line 2 of the title, after "prerequisite;" strike the remainder of the title and insert "amending RCW 28A.655.061; creating a new section; and declaring an emergency."

MOTION

Senator Billig moved that the following floor amendment no. 166 by Senator Billig to floor striking amendment no. 140 be adopted:

Beginning on page 1, line 3 of the amendment, strike all of section 1 and insert the following:

"**Sec. 809.** RCW 28A.655.061 and 2015 3rd sp.s. c 42 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which

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the student was not successful, and, if approved by the legislature pursuant to subsection ~~((14))~~ (9) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008 through the graduating class of 2015, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics high school statewide student assessment shall earn a certificate of academic achievement. The mathematics assessment shall be the end-of-course assessment for the first year of high school mathematics that assesses the standards common to algebra I and integrated mathematics I or the end-of-course assessment for the second year of high school mathematics that assesses standards common to geometry and integrated mathematics II.

(b) As the state transitions from reading and writing assessments to an English language arts assessment and from end-of-course assessments to a comprehensive assessment for high school mathematics, a student in a graduating class of 2016 through 2018 shall earn a certificate of academic achievement if the student meets the state standard as follows:

(i) Students in the graduating class of 2016 may use the results from:

(A) The reading and writing assessment or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(ii) Students in the graduating classes of 2017 and 2018 may use the results from:

(A) The tenth grade English language arts assessment developed by the superintendent of public instruction using resources from the multistate consortium or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(c) Beginning with the graduating class of 2019, a student who meets the state standards on the high school English language arts assessment developed with the multistate consortium and the comprehensive mathematics assessment developed with the multistate consortium shall earn a certificate of academic achievement.

(d) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area at least twice a year at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a

certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection ~~((14))~~ (9) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

~~(4) ((Beginning with the graduating class of 2017, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment, a retake, or the objective alternative assessments in order to earn a certificate of academic achievement.~~

~~(5))~~ (5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

~~((6))~~ (5) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~((7))~~ (6) School districts must make available to students the following options:

(a) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((8))~~ (7) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((9))~~ (8) Opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((10))~~ (9)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the

state standard in the relevant content area on the statewide student assessment. ~~((A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment.))~~ After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. ~~((A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.))~~

(iii) A student who scores at least a four on selected externally administered international baccalaureate (IB) examinations may use the score as an objective alternative assessment under this section for demonstrating that the student has met or exceeded state standards for the certificate of academic achievement. A score of four on the higher level IB examinations for any of the IB English language and literature courses or for any of the IB individuals and societies courses may be used as an alternative assessment for the reading, writing, or English language arts portions of the statewide student assessment. A score of four on the higher level IB examinations for any of the IB mathematics courses may be used as an alternative assessment for the mathematics portion of the statewide student assessment. ~~((A score of four on the higher level IB examinations for IB biology, chemistry, or physics may be used as an alternative assessment for the science portion of the statewide student assessment.))~~

~~((1))~~ (10) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

Sec. 810. RCW 28A.655.065 and 2009 c 556 s 19 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, and mathematics ~~(, and science)~~ is through the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school ~~((Washington))~~ statewide student assessment ~~((of student learning))~~. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school ~~((Washington))~~ statewide student assessment ~~((of student learning))~~, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in

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the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant. Effective September 1, 2009, collection of work samples may be submitted only in content areas where meeting the state standard on the high school assessment is required for purposes of graduation.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ in the applicable content area. The state board shall make an approval decision and

determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28A.700.030, the superintendent of public instruction shall develop additional guidelines for collections of work samples that are tailored to different career and technical programs. The additional guidelines shall:

(i) Provide multiple examples of work samples that are related to the particular career and technical program;

(ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and

(iii) Provide multiple examples of work samples drawn from career and technical courses.

(b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create appropriate guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student

achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section.

Sec. 811. RCW 28A.655.068 and 2013 2nd sp.s. c 22 s 4 are each amended to read as follows:

(1) Beginning in the 2011-12 school year, the statewide high school assessment in science shall be an end-of-course assessment for biology that measures the state standards for life sciences, in addition to systems, inquiry, and application as they pertain to life sciences.

(2)(a) The superintendent of public instruction may develop or adopt science end-of-course assessments or a comprehensive science assessment that includes subjects in addition to biology for purposes of RCW 28A.655.061, when so directed by the legislature. The legislature intends to transition from a biology end-of-course assessment to a more comprehensive science assessment in a manner consistent with the way in which the state transitioned to an English language arts assessment and a comprehensive mathematics assessment. The legislature further intends that the transition will include at least two years of using the student assessment results from either the biology end-of-course assessment or the more comprehensive assessment in order to provide students with reasonable opportunities to demonstrate high school competencies while being mindful of the increasing rigor of the new assessment.

(b) The superintendent of public instruction shall develop or adopt a science assessment in accordance with RCW 28A.655.070(10) that is not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(c) Before the next subsequent school year after the legislature directs the superintendent to develop or adopt a new science assessment, the superintendent of public instruction shall review the objective alternative assessments for the science assessment and make recommendations to the legislature regarding additional objective alternatives, if any.

(3) The superintendent of public instruction may participate with consortia of multiple states as common student learning standards and assessments in science are developed. The superintendent of public instruction, in consultation with the state board of education, may modify the essential academic learning requirements and statewide student assessments in science, including the high school assessment, according to the multistate common student learning standards and assessments as long as the education committees of the legislature have opportunities for review before the modifications are adopted, as provided under RCW 28A.655.070.

~~((4) The statewide high school assessment under this section shall be used to demonstrate that a student meets the state standards in the science content area of the statewide student assessment for purposes of RCW 28A.655.061-))"~~

Renumber the remaining sections consecutively.

On page 7, beginning on line 1 of the title amendment, strike the title amendment and insert the following:

"On page 1, line 2 of the title, after "prerequisite;" strike the remainder of the title and insert "amending RCW 28A.655.061, 28A.655.065, and 28A.655.068; creating a new section; and declaring an emergency."

Senator Billig spoke in favor of adoption of the amendment.

Senator Zeiger spoke against adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 166 by Senator Billig on page 1, line 3 to floor striking amendment no. 140.

The motion by Senator Billig did not carry and floor amendment no. 166 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 157 by Senator Zeiger to floor striking amendment no. 140 be adopted:

On page 7, at the beginning of line 1 of the title amendment, after "On" strike all material through "amending" and insert "page 1, line 1 of the title, after "to" strike the remainder of the title and insert "delaying the use of the high school science assessment as a graduation prerequisite; amending"

Senator Zeiger spoke in favor of adoption of the amendment.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 157 by Senator Zeiger on page 7, line 1 to floor striking amendment no. 140.

The motion by Senator Zeiger carried and floor amendment no. 157 to floor striking amendment 140 was adopted by voice vote.

Senators Zeiger and Billig spoke in favor of adoption of the striking amendment as amended.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 140 by Senator Zeiger, as amended, to Senate Bill No. 5891.

The motion by Senator Zeiger carried and floor striking amendment no. 140, as amended, was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

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ENGROSSED SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Sheldon, President Pro Tempore, resumed the Chair.

SECOND READING

SENATE BILL NO. 5033, by Senators Keiser, Honeyford, Frockt, Warnick, Conway and Palumbo

Concerning financing essential public infrastructure.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5033 was substituted for Senate Bill No. 5033 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following floor amendment no. 94 by Senator Mullet be adopted:

Beginning on page 13, line 3, strike all of sections 210, 211, and 212

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 22, beginning on line 16, strike all of section 502

On page 1, beginning on line 3 of the title, after "43.155.120," strike all material through "82.18.040," on line 4 and beginning on line 7, after "date;" strike all material through "emergency." on line 8 and insert "and providing a contingent effective date."

Senators Mullet, Wellman and Chase spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

MOTION

Senator Liias demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 94 by Senator Mullet on page 13, line 3 to Substitute Senate Bill No. 5033.

The Secretary called the roll on the adoption of floor amendment no. 94 to Substitute Senate Bill No. 5033 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

Senator Honeyford moved that the following floor amendment no. 88 by Senators Honeyford and Keiser be adopted:

On page 16, beginning on line 7, after "program." strike "The public works board must determine compliance with this requirement under guidance and advice by the state treasurer's office" and insert "The state treasurer's office must determine compliance with this requirement"

On page 16, beginning on line 13, after "code." strike "The public works board must determine compliance with this requirement under guidance and advice by the state treasurer's office." and insert "The state treasurer's office must determine compliance with this requirement."

Senator Honeyford spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 88 by Senators Honeyford and Keiser on page 16, line 7 to Substitute Senate Bill No. 5033.

The motion by Senator Honeyford carried and floor amendment no. 88 was adopted by voice vote.

MOTION

Senator Chase moved that the following floor amendment no. 99 by Senator Chase be adopted:

Beginning on page 19, after line 21, strike all material through "RCW." on page 21, line 34

Re-number the remaining part and sections consecutively and correct any internal references accordingly.

On page 22, line 3, after "Sec. 501." strike "(1)"

On page 22, beginning on line 11, strike all of subsection (2)

On page 1, line 3 of the title, after "82.16.020," strike "82.18.040, and 39.36.060" and insert "and 82.18.040" and beginning on line 5, after "RCW;" strike all material through "RCW;" on line 6

Senator Chase spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 99 by Senator Chase on page 19, line 21 to Substitute Senate Bill No. 5033.

The motion by Senator Chase did not carry and floor amendment no. 99 was not adopted by voice vote.

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Warnick and Rivers spoke in favor of passage of the bill.

Senator Keiser spoke on final passage of the bill.

Senators Frockt, Mullet, Hasegawa and Chase spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5033.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, Keiser, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5048, by Senators Braun and Ranker

Making 2017-2019 fiscal biennium operating appropriations.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 141 by Senators Conway, Frockt, Hasegawa, Liias, Palumbo and Wellman be adopted:

On page 13, line 9, increase the State Treasurer's Service Account-State Appropriation by \$75,000.

On page 13, after line 9, insert the following:

"The appropriations in this section are subject to the following conditions and limitations:

\$75,000 of the State Treasurer's Service Account-State appropriation is provided solely to establish a task force on public infrastructure and a publicly owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(a) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house; and the attorney general, the state auditor, the treasurer,

and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(b) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017."

Senators Hasegawa and Baumgartner spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 141 by Senators Conway, Frockt, Hasegawa, Liias, Palumbo and Wellman on page 13, line 9 to Substitute Senate Bill No. 5048.

The motion by Senator Hasegawa did not carry and floor amendment no. 141 was not adopted by a rising vote.

MOTION

Senator Liias moved that the following floor amendment no. 147 by Senator Liias be adopted:

On page 15, line 2, increase the General Fund-State Appropriation (FY 2018) by \$9,000,000.

On page 15, line 3, increase the General Fund-State Appropriation (FY 2019) by \$12,000,000.

Adjust the total appropriation accordingly.

On page 16, beginning on line 10, strike all material down and through line 16.

Renummer the remaining sections consecutively and correct any internal references accordingly.

Senators Liias, Carlyle and Chase spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 147 by Senator Liias on page 15, line 2 to Substitute Senate Bill No. 5048.

The motion by Senator Liias did not carry and floor amendment no. 147 was not adopted by voice vote.

MOTION

Senator Nelson moved that the following floor amendment no. 148 by Senator Nelson be adopted:

On page 17, line 17, increase the General Fund-State Appropriation (FY 2018) by \$1,000,000.

On page 17, line 18, increase the General Fund-State Appropriation (FY 2019) by \$1,000,000.

Adjust the total appropriation accordingly.

On page 25, after line 36, insert the following:

"(44) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state

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appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing."

Senators Nelson and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 148 by Senator Nelson on page 17, line 17 to Substitute Senate Bill No. 5048.

The motion by Senator Nelson carried and floor amendment no. 148 was adopted by voice vote.

MOTION

Senator Darneille moved that the following floor amendment no. 149 by Senator Darneille be adopted:

On page 17, line 17, increase the General Fund-State Appropriation (FY 2018) by \$27,099,000.

On page 17, line 18, increase the General Fund-State Appropriation (FY 2019) by \$27,098,000.

Adjust the total appropriation accordingly.

On page 25, after line 36, insert the following:

"(44) \$420,000 of the general fund—state appropriation for fiscal year 2018 and \$420,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract for services to provide shelter beds for young adults aged eighteen through twenty-four.

(45) \$787,000 of the general fund—state appropriation for fiscal year 2018 and \$787,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the young adult housing program.

(46) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(47) \$24,892,000 of the general fund—state appropriation for fiscal year 2018 and \$24,891,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the housing and essential needs program pursuant to RCW 43.185C.220 and RCW 74.04.805."

On page 68, line 28, increase the General Fund-State Appropriation (FY 2018) by \$15,224,000.

On page 68, line 29, increase the General Fund-State Appropriation (FY 2019) by \$15,852,000.

Adjust the total appropriation accordingly.

On page 69, line 1, after "(1)(a)", strike "\$114,222,000" and insert "\$127,659,000".

On page 69, line 2, after "2018,", strike "\$117,287,000" and insert "\$131,160,000".

On page 69, line 22, after "(b)", strike "\$248,058,000" and insert "\$251,290,000".

On page 69, line 29, after "(c)", strike "\$164,239,000" and insert "\$188,317,000".

Senators Darneille and Kuderer spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

POINT OF ORDER

Senator Padden: "Mr. President, I know it is late and we're here again, and a lot of us were here late last night but, I do have to rise and ask the President to remind the speakers to stay away from questioning personal motives, questioning the morality of those on the other side. It is highly improper and I know the Senator is new this year but I think it is something that we don't need any more of this evening."

REPLY BY THE PRESIDENT

President Pro Tempore Sheldon: "I will remind all the senators to keep their remarks to the bill at hand, the amendment or the bill at hand."

Senators Miloscia and Ranker spoke in favor of adoption of the amendment.

REMARKS BY THE PRESIDENT

President Pro Tempore Sheldon: "Senator Ranker, if you would, let me control the chamber. And if we could keep our voices down that could be very useful. Continue with your remarks please, Senator Ranker."

Senator Ranker continued his remarks in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 149 by Senator Darneille on page 17, line 17 to Substitute Senate Bill No. 5048.

The motion by Senator Darneille did not carry and floor amendment no. 149 was not adopted by voice vote.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Fain and without objection, senators were limited to speaking but once on each question under debate and, then, for no more than three minutes for the remainder of the day.

MOTION

Senator Cleveland moved that the following floor amendment no. 150 by Senators Cleveland, Keiser and Kuderer be adopted:

On page 25, after line 36, insert the following:

"(44)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract."

Renumber the subsections consecutively and correct internal references accordingly.

On page 35, after line 36, insert the following:

"(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors."

Renumber the subsections consecutively and correct internal references accordingly.

On page 40, after line 33, insert the following:

"(7)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include

a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract."

Renumber the subsections consecutively and correct internal references accordingly.

On page 90, after line 21, insert the following:

"(qq) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The authority must implement this provision with any new contract and at the time of renewal of any existing contract."

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Renumber the subsections consecutively and correct internal references accordingly.

On page 102, on line 25, after "limitations:" insert "(1)".

On page 102, after line 36, insert the following:

"(2)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract."

Renumber the subsections consecutively and correct internal references accordingly.

On page 210, after line 16, insert the following:

"(18)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: consistent with business necessity; not based on or

derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract."

Renumber the subsections consecutively and correct internal references accordingly.

On page 317, after line 33, insert the following:

"NEW SECTION. Sec. 976. RCW 39.26.200 and 2015 c 44 s 1 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter 74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Two or more violations within the previous five years of the federal labor relations act as determined by the national labor relations board or court of competent jurisdiction;

(e) Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

(f) Violation of ethical standards set forth in RCW 39.26.020; and

(g) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations.

(h) During the 2017-2019 fiscal biennium, the failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals.

(3) The director must issue a written decision to debar. The decision must:

- (a) State the reasons for the action taken; and
- (b) Inform the debarred contractor of the contractor's rights to judicial or administrative review."

Senators Cleveland and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 150 by Senators Cleveland, Keiser and Kuderer on page 25, line 36 to Substitute Senate Bill No. 5048.

The motion by Senator Cleveland carried and floor amendment no. 150 was adopted by voice vote.

MOTION

Senator Cleveland moved that the following floor amendment no. 151 by Senators Cleveland, Conway, Keiser, Kuderer and Nelson be adopted:

On page 30, on line 25, after "limitations:" insert "(1)".

On page 30, after line 30, insert the following:

"(2) Within the amounts appropriated within this section, the commissioner must:

(a) Ensure that health plans issued on or after the effective date of the biennial appropriations act, at a minimum, provide coverage for the same preventive services required to be covered under 42 U.S.C. Sec. 300gg-13 (2016) and any federal rules or guidance in effect on December 31, 2016, implementing 42 U.S.C. Sec. 300gg-13; and

(b) Ensure that health plans may not impose cost-sharing requirements for the preventive services required to be covered under subsection (a); and

(c) Enforce subsections (a) and (b) consistent with federal rules, guidance, and case law in effect on December 31, 2016, applicable to 42 U.S.C. 300gg-13 (2016)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Cleveland, Keiser, Ranker and Lias spoke in favor of adoption of the amendment.

Senators Rivers, Becker and Angel spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 151 by Senators Cleveland, Conway, Keiser, Kuderer and Nelson on page 30, line 25 to Substitute Senate Bill No. 5048.

The motion by Senator Cleveland did not carry and floor amendment no. 151 was not adopted by voice vote.

MOTION

Senator Keiser moved that the following floor amendment no. 152 by Senator Keiser be adopted:

On page 55, line 38, increase the General Fund--Federal appropriation by \$19,557,000 and adjust the total appropriation accordingly.

On page 80, line 1, increase the General Fund--Federal appropriation by \$522,184,000.

On page 80, line 2, increase the General Fund--Private/Local appropriation by \$77,145,000 and adjust the total appropriation accordingly.

On page 366, line 13, increase the General Fund--Federal appropriation by \$883,000 and adjust the total appropriation accordingly.

On page 397, line 32, increase the General Fund--Federal appropriation by \$126,442,000.

On page 397, line 34, increase the General Fund--Private/Local appropriation by \$12,226,000 and adjust the total appropriation accordingly.

On page 399, beginning with line 19, strike:

"~~((d) No more than \$127,336,000 of the general fund—federal appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration waiver currently being sought under healthier Washington, including preventing youth drug use. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.))"~~

And insert the following:

"(d) No more than ~~((~~\$127,336,000~~))~~ \$126,442,000 of the general fund—federal appropriation and no more than \$12,226,000 of the general fund-local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration waiver currently being sought under healthier Washington, including preventing youth drug use. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 400, beginning with line 1, strike:

"~~((f) No more than \$9,425,000 of the general fund—federal appropriation may be expended for supportive housing services described in initiative 3(a) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.))"~~

"(g) No more than \$5,567,000 of the general fund—federal appropriation may be expended for supportive employment services described in initiative 3(b) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.))"

And insert the following:

"(f) (~~No more than \$9,425,000 of the general fund—federal appropriation~~) Funds may be expended for supportive housing services described in initiative 3(a) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(g) (~~No more than \$5,567,000 of the general fund—federal appropriation~~) Funds may be expended for supportive employment services described in initiative 3(b) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Keiser, Cleveland and Rolfes spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 152 by Senator Keiser on page 55, line 38 to Substitute Senate Bill No. 5048.

The motion by Senator Keiser did not carry and floor amendment no. 152 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor amendment no. 145 by Senators Fortunato, Miloscia and O'Ban be adopted:

On page 58, line 1, increase the General Fund--State (FY2019) appropriation by \$900,000 and on line 2, increase the General Fund--Federal appropriation by \$1,200,000. Adjust the total appropriation accordingly.

Beginning on page 59, line 3, strike all of sub section (d).

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 63, line 8, increase the General Fund--State (FY2019) appropriation by \$2,400,000 and on line 9, increase the General Fund--Federal appropriation by \$3,200,000. Adjust the total appropriation accordingly.

Beginning on page 66, line 29, strike all of sub section (16).

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 235, after line 34, insert the following:

| | | | |
|--|--------------|-------------------------|---------------|
| <u>"NEW SECTION.</u> | | Sec. 750. | COLLECTIVE |
| BARGAINING AGREEMENT—COALITION OF UNIONS | | | |
| General | Fund—State | Appropriation (FY 2018) | \$4,693,000 |
| General | Fund—State | Appropriation (FY 2019) | \$5,160,000 |
| General | Fund—Federal | | |
| Appropriation | | | \$1,281,000 |
| Dedicated | Funds | and Accounts | Appropriation |
| | | | \$3,136,000 |
| TOTAL | | | |
| APPROPRIATION | | | |
| | | | \$18,555,000 |

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for the agreement between the governor and the coalition of unions as provided in section 976 of this act."

On page 243, line 27, after "921" insert "and 976"

On page 244, beginning on line 8, after "(c)" strike the following:

"The coalition of unions;
(d)"

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 317, after line 33, insert the following:

" NEW SECTION. Sec. 976. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS
An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals."

WITHDRAWAL OF AMENDMENT

On motion of Senator Liias and without objection, the following floor amendment no. 165 by Senator Liias on page 2, line 28 to floor amendment no. 145 was withdrawn.

On page 2 of the amendment, after line 28, insert the following:

"On page 13, line 14, decrease the Auditing Services Revolving Account--State Appropriation by \$250,000.

Beginning on page 13, line 35, strike all of subsection (3).

On page 18, beginning on line 10, strike all material through line 11. Adjust the total appropriation accordingly.

Beginning on page 23, line 35, strike all of subsection (32).

On page 80, beginning on line 13, strike all material through line 14. Adjust the total appropriation accordingly.

On page 90, line 1, strike all of subsection (oo).

On page 280, line 9, after "~~((and))~~" strike "lean performance management systems, excellence assessments and zero-based budget reviews in state agencies."

Renumber the remaining sections consecutively and correct any internal references accordingly."

Senators Miloscia and Braun spoke in favor of adoption of the amendment.

Senator Saldaña spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 145 by Senators Fortunato, Miloscia and O'Ban on page 58, line 1 to Substitute Senate Bill No. 5048.

The motion by Senator Miloscia carried and floor amendment no. 145 was adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 162 by Senator Zeiger be adopted:

On page 68, line 28, increase the General Fund--State Appropriation (FY 2018) by \$22,000.

On page 68, line 29, increase the General Fund--State Appropriation (FY 2019) by \$22,000.

Adjust the total appropriation accordingly.

On page 73, after line 19, insert the following:

"(12) \$22,000 of the general fund-state appropriation for fiscal year 2018 and \$22,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a legislative-executive WorkFirst poverty reduction oversight task force during the 2017-2019 fiscal biennium.

(a) The primary goals of the task force are to:

(i) Reduce the overall percentage of people living below two hundred percent of the federal poverty level by fifty percent by the year 2025. The task force must work toward this goal in a manner that seeks to eliminate disparities including, but not limited to, disparities by race, ethnicity, sex, gender, zip code, immigration status, age, household type, and disability status; and

(ii) Prevent and address adverse childhood experiences and the trauma of children who are living in poverty through the provision of effective services.

(b) The task force shall include diverse, statewide representation and its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state. The task force shall consist of the following members:

(i) Two members from each of the two largest caucuses of the senate;

(ii) Two members from each of the two largest caucuses of the house of representatives;

(iii) One governor appointed representative from each of the following agencies: (A) The department of social and health services; (B) the department of early learning; (C) the department of commerce; (D) the employment security department; (E) the office of the superintendent of public instruction; (F) the

department of corrections; and (G) the state board for community and technical colleges;

(iv) One governor appointed representative from each of the following agencies to serve in an advisory capacity to the task force: The department of health, the health care authority, and the workforce training and education coordinating board; and

(v) One or more representatives of tribal governments.

(vi) The cochairs of the intergenerational poverty advisory committee created in this subsection shall serve as voting members of the task force.

(c) The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.

(d) The task force shall:

(i) Oversee the partner agencies' operation of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(iv) Review existing statutes, administrative codes, and budget appropriations for their impact on advancing the goal of fifty percent poverty reduction by 2025;

(v) Seek input on best practices from service providers, community-based organizations, legislators, state agencies, stakeholders, the business community, and subject matter experts;

(vi) Collaborate with partner agencies to share and analyze data and information collected from other sources regarding intergenerational poverty in the state, with a primary focus on data and information regarding children who are at risk of continuing the cycle of poverty and welfare dependency unless outside intervention is made;

(vii) Make recommendations to the governor and the legislature regarding:

(A) Policies to improve the effectiveness of the WorkFirst program over time;

(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and

(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program;

(viii) Direct the department of social and health services to develop a five-year and ten-year plan to address intergenerational poverty, subject to oversight and approval by the task force. Upon approval by the task force, the department must submit these plans to the governor and the appropriate committees of the legislature by December 1, 2018; and

(ix) No later than December 1, 2018, provide a report to the governor and the appropriate committees of the legislature on the progress being made towards the goals identified in this section.

(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.

(f) The task force shall meet on a quarterly basis, or as determined necessary by the task force cochairs.

(g) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for

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travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(h) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(i) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Zeiger, Darneille and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 162 by Senator Zeiger on page 68, line 28 to Substitute Senate Bill No. 5048.

The motion by Senator Zeiger carried and floor amendment no. 162 was adopted by voice vote.

MOTION

Senator Saldaña moved that the following floor amendment no. 153 by Senators Kuderer and Saldaña be adopted:

On page 92, line 31, increase the General Fund-State Appropriation (FY 2018) by \$96,000.

On page 92, line 32, increase the General Fund-State Appropriation (FY 2019) by \$96,000.

Adjust the total appropriation accordingly.

On page 92, after line 34, insert the following:

"The appropriations in this section are subject to the following condition and limitation: Funding is provided solely to establish, in consultation with stakeholders, a toll-free telephone hotline and a web site with the capacity to refer callers and users to sources of information and assistance for victims of hate crimes or harassment due to their actual or perceived immigration, national origin or citizenship related status."

Senators Saldaña, McCoy, Liias, Nelson and Billig spoke in favor of adoption of the amendment.

Senators Braun and Ericksen spoke against adoption of the amendment.

Senator Padden spoke on adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 153 by Senators Kuderer and Saldaña on page 92, line 31 to Substitute Senate Bill No. 5048.

The motion by Senator Saldaña did not carry and floor amendment no. 153 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following floor amendment no. 164 by Senator Ericksen be adopted:

On page 93, after line 23, insert the following:

"Liquor Revolving Account-State Appropriation.....\$180,000

Adjust the total appropriation accordingly.

On page 96, after line 2, insert the following:

"(14) \$180,000 of the liquor revolving account-state appropriation is provided solely for the Washington association of sheriffs and police chiefs to provide grants to cities or counties through interagency agreements for implementation of 24/7 sobriety programs in accordance with RCW 36.28A.300. If Senate Bill No. 5161 is not enacted by June 30, 2017, the amounts provided in this subsection shall lapse."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Ericksen, Braun and Padden spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 164 by Senator Ericksen on page 93, line 23 to Substitute Senate Bill No. 5048.

The motion by Senator Ericksen carried and floor amendment no. 164 was adopted by voice vote.

MOTION

Senator Van De Wege moved that the following floor amendment no. 138 by Senator Van De Wege be adopted:

On page 120, after line 22, insert the following: "(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017."

Senators Van De Wege and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 138 by Senator Van De Wege on page 120, after line 22 to Substitute Senate Bill No. 5048.

The motion by Senator Van De Wege carried and floor amendment no. 138 was adopted by voice vote.

MOTION

Senator Fain moved that the following floor amendment no. 171 by Senator Fain be adopted:

On page 135, line 21, strike "\$210,000" and insert "\$300,000"

On page 135, line 22, strike "\$210,000" and insert "\$300,000"

On page 206, line 26, strike "\$49,801,000" and insert "\$55,744,000"

On page 206, line 27, strike "\$48,904,000" and insert "\$59,891,000"

On page 206, line 32, after "least", strike "11,691" and insert "12,291"

On page 206, line 32, after "2018 and" strike "11,691" and insert "12,291"

Senators Fain and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 171 by Senator Fain on page 135, line 21 to Substitute Senate Bill No. 5048.

The motion by Senator Fain carried and floor amendment no. 171 was adopted by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 154 by Senator Liias be adopted:

On page 140, line 25, increase the general fund—state appropriation (FY 2019) by \$1,546,000,000

On page 165, line 30, after "(3)" insert "(a)"

On page 165, after line 33, insert the following:

"(b) For the 2018-19 school year, the minimum per pupil guarantee under RCW 28A.150.--- and 2017 c . . . (SSB 5607) s 102(5) is \$14,865."

Senators Liias, Conway, Frockt and Billig spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 154 by Senator Liias on page 140, line 25 to Substitute Senate Bill No. 5048.

The motion by Senator Liias did not carry and floor amendment no. 154 was not adopted by voice vote.

MOTION

Senator Rolfes moved that the following floor amendment no. 167 by Senator Rolfes be adopted:

On page 146, line 8, strike "\$1,308.87" and insert "\$1,708.87"

On page 146, line 12, strike "\$1,472.01" and insert "\$1,755.59"

Beginning on page 166, line 16, strike all of subsection (1) and insert the following:

"(1) \$17,741,000 (reduced as appropriate to reflect full delink) of the general fund—state appropriation for fiscal year 2018, \$19,652,000 of the general fund—state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. Appropriations are reduced to reflect savings from implementation of Substitute House Bill No. 1046 (certificates of achievement)."

Senator Rolfes spoke in favor of adoption of the amendment.

Senator Zeiger spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 167 by Senator Rolfes on page 146, line 8 to Substitute Senate Bill No. 5048.

The motion by Senator Rolfes did not carry and floor amendment no. 167 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 163 by Senator Short be adopted:

On page 166, line 8, increase the General Fund—State Appropriation (FY 2018) by \$100,000

On page 166, line 9, increase the General Fund—State Appropriation (FY 2019) by \$100,000

Adjust the total appropriation accordingly.

On page 168, line 19, after "(9)" strike "\$1,677,000" and insert "\$1,777,000"

On page 168, line 20, after "and" strike "\$1,677,000" and insert "\$1,777,000"

On page 168, at the beginning of line 26, strike "\$100,000" and insert "\$200,000"

On page 168, line 26, after "and" strike "\$100,000" and insert "\$200,000"

Senator Short spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 163 by Senator Short on page 166, line 8 to Substitute Senate Bill No. 5048.

The motion by Senator Short carried and floor amendment no. 163 was adopted by voice vote.

MOTION

Senator Wellman moved that the following floor amendment no. 155 by Senator Wellman be adopted:

On page 174, line 3, increase the General Fund—State Appropriation (FY 2018) by \$600,000,000

On page 174, line 4, increase the General Fund—State Appropriation (FY 2019) by \$600,000,000

Adjust the total appropriation accordingly.

On page 175, beginning on line 14, strike all of subsection (5) and insert the following:

"(5) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, an additional per pupil amount of two thousand dollars per pupil is allocated to school districts based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. For districts in which the percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year exceeds thirty percent, the per pupil amount is increased to five thousand dollars for the total number of students exceeding the thirty percent threshold."

Senator Wellman spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 155 by Senator Wellman on page 174, line 3 to Substitute Senate Bill No. 5048.

The motion by Senator Wellman did not carry and floor amendment no. 155 was not adopted by voice vote.

MOTION

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Senator Palumbo moved that the following floor amendment no. 156 by Senators Conway, Frockt and Palumbo be adopted:

On page 180, line 14 increase the General Fund--State Appropriation (FY 2018) by \$7,179,000 on line 15 increase the General Fund--State Appropriation (FY 2019) by \$13,849,000, and adjust the total appropriation accordingly.

On page 183, after line 24, insert the following:

"(17) \$7,179,000 of the general fund—state appropriation for fiscal year 2018 and \$13,849,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 183, line 26 increase the General Fund--State Appropriation (FY 2018) by \$5,289,000 on line 27 increase the General Fund--State Appropriation (FY 2019) by \$10,202,000 and adjust the total appropriation accordingly.

On page 187, after line 27, insert the following:

"(17) \$5,289,000 of the general fund—state appropriation for fiscal year 2018 and \$10,202,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 187, line 29 increase the General Fund--State Appropriation (FY 2018) by \$3,268,000, on line 30 increase the General Fund--State Appropriation (FY 2019) by \$6,304,000 and adjust the total appropriation accordingly.

On page 191, after line 8, insert the following:

"(17) \$3,268,000 of the general fund—state appropriation for fiscal year 2018 and \$6,304,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 191, line 10 increase the General Fund--State Appropriation (FY 2018) by \$898,000, on line 11 increase the General Fund--State Appropriation (FY 2019) by \$1,732,000 and adjust the total appropriation accordingly.

On page 193, after line 9, insert the following:

"(17) \$898,000 of the general fund—state appropriation for fiscal year 2018 and \$1,732,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 193, line 11 increase the General Fund--State Appropriation (FY 2018) by \$973,000 on line 12 increase the

General Fund--State Appropriation (FY 2019) by \$1,877,000 and adjust the total appropriation accordingly.

On page 195, after line 6, insert the following:

"(17) \$973,000 of the general fund—state appropriation for fiscal year 2018 and \$1,877,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 195, line 8 increase the General Fund-- Fund--State Appropriation (FY 2018) by \$270,000, on line 9 increase the General Fund--State Appropriation (FY 2019) by \$521,000 and adjust the total appropriation accordingly.

On page 198, after line 10, insert the following:

"(17) \$270,000 of the general fund—state appropriation for fiscal year 2018 and \$521,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 198, line 12 increase the General Fund-- Fund--State Appropriation (FY 2018) by \$1,353,000 on line 13 increase the General Fund--State Appropriation (FY 2019) by \$2,610,000 and adjust the total appropriation accordingly.

On page 200 after line 12, insert the following:

"(17) \$1,353,000 of the general fund—state appropriation for fiscal year 2018 and \$2,610,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of section 976 of this act, which provides that tuition operating fees for resident undergraduates at Western Washington University in the 2017-18 and 2018-19 academic years shall remain the same as the fee set in the 2016-17 academic year."

On page 317, after line 33 insert the following:

"NEW SECTION, Sec. 976. RCW 28B.15.067 and 2015 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year and through the 2014-15 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges.

(3)(a) In the 2015-16 and 2016-17 academic years, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be five percent less than the 2014-15 academic year tuition operating fee.

(b) In the 2017-18 and 2018-19 academic years, tuition operating fees for resident undergraduates at community and technical colleges shall remain the same as the fee set in the 2016-17 academic year.

(c) Beginning in the ((2017-18)) 2019-20 academic year, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the

average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(4) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(5)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students; however, during the 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(6)(a) In the 2015-16 academic year, full-time tuition operating fees for resident undergraduates for state universities, regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be five percent less than the 2014-15 academic year tuition operating fee.

(b) Beginning with the 2016-17 academic year, full-time tuition operating fees for resident undergraduates for:

(i) State universities shall be fifteen percent less than the 2014-15 academic year tuition operating fee; and

(ii) Regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be twenty percent less than the 2014-15 academic year tuition operating fee.

(c) In the 2017-18 and 2018-19 academic years, full-time tuition operating fees for resident undergraduates in (a) of this

subsection shall remain the same as the fee set in the 2016-17 academic year.

(d) Beginning with the ((2017-18)) 2019-20 academic year, full-time tuition operating fees for resident undergraduates in (a) of this subsection may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(7) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(8) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.

(10) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels."

On page 200, line 21 increase the General Fund--State Appropriation (FY 2018) by \$50,000,000, on line 22 increase the General Fund--State Appropriation (FY 2019) by \$50,000,000, and adjust the total appropriation accordingly.

On page 200, line 34 strike "\$223,073,000" and insert "\$273,073,000" and on line 35 strike "\$202,844,000" and insert "\$252,844,000."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Palumbo and Conway spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 156 by Senators Conway, Frockt and Palumbo on page 180, line 14 to Substitute Senate Bill No. 5048.

The motion by Senator Palumbo did not carry and floor amendment no. 156 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 170 by Senator O'Ban be adopted:

On page 183, line 26 increase the General Fund--State Appropriation (FY 2018) by \$200,000 and on line 27 increase the General Fund--State Appropriation (FY 2019) by \$200,000, and adjust the total appropriation accordingly.

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On page 187, line 9, strike all of subsection (21) and insert the following:

"(21) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the university to establish a pre-law program in Tacoma, created in preparation for the law school."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator O'Ban spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 170 by Senator O'Ban on page 183, line 26 to Substitute Senate Bill No. 5048.

The motion by Senator O'Ban carried and floor amendment no. 170 was adopted by voice vote.

MOTION

Senator Ranker moved that the following floor amendment no. 169 by Senators Braun and Ranker be adopted:

On page 198, line 12 increase the General Fund--State Appropriation (FY 2018) by \$448,200 and on line 13 increase the General Fund--State Appropriation (FY 2019) by \$913,800 and adjust the total appropriation accordingly.

On page 199, line 32, strike "\$741,000" and insert "\$1,189,200" and on line 33, strike "\$1,517,000" and insert "\$2,430,800."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Ranker and Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 169 by Senators Braun and Ranker on page 198, line 12 to Substitute Senate Bill No. 5048.

The motion by Senator Ranker carried and floor amendment no. 169 was adopted by voice vote.

MOTION

Senator Baumgartner moved that the following floor amendment no. 139 by Senator Baumgartner be adopted:

On page 317, after line 33 insert the following:

"NEW SECTION, Sec. 976. RCW 28B.15.067 and 2015 3rd sp.s. c 36 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year and through the 2014-15 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges.

(3)(a) In the 2015-16 and 2016-17 academic years, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be five percent less than the 2014-15 academic year tuition operating fee.

(b) In the 2017-18 and 2018-19 academic years, tuition operating fees for resident undergraduates at community and technical colleges shall remain the same as the fee set in the 2016-17 academic year.

(c) Beginning in the ((2017-18)) 2019-20 academic year, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(4) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(5)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students; however, during the 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(6)(a) In the 2015-16 academic year, full-time tuition operating fees for resident undergraduates for state universities, regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be five percent less than the 2014-15 academic year tuition operating fee.

(b) Beginning with the 2016-17 academic year, full-time tuition operating fees for resident undergraduates for:

(i) State universities shall be fifteen percent less than the 2014-15 academic year tuition operating fee; and

(ii) Regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be twenty percent less than the 2014-15 academic year tuition operating fee.

(c) In the 2017-18 and 2018-19 academic years, full-time tuition operating fees for resident undergraduates in (a) of this subsection shall remain the same as the fee set in the 2016-17 academic year.

(d) Beginning with the ((2017-18)) 2019-20 academic year, full-time tuition operating fees for resident undergraduates in (a) of this subsection may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(7) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(8) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.

(10) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Baumgartner spoke in favor of adoption of the amendment.

Senators Braun and Liias spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 139 by Senator Baumgartner on page 317, line 33 to Substitute Senate Bill No. 5048.

The motion by Senator Baumgartner did not carry and floor amendment no. 139 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke on final passage of the bill.

Senators Braun, Schoesler and Angel spoke in favor of passage of the bill.

Senators Ranker, Darneille, Wellman, Kuderer, Nelson, Chase and Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 5111 which had been deferred on a previous day.

SECOND READING

SENATE BILL NO. 5111, by Senators Braun, Ranker and Hunt

Enacting an excise tax on capital gains to improve the fairness of Washington's tax system and provide funding for the education legacy trust account.

The measure was read the second time.

MOTION

Senator Fain moved that the rules be suspended, and Senate Bill No. 5111 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Liias objected to the motion by Senator Fain.

MOTION

Senator Fain demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Fain that the rules be suspended and Senate Bill No. 5111 be advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll on the motion by Senator Fain that the Senate Bill No. 5111 be advanced to third reading and final passage and the motion, having failed to receive the required two-thirds majority, did not carry by the following vote: Yeas, 25; Nays, 7; Absent, 17; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford,

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King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Cleveland, Frockt, Hasegawa, Hobbs, Palumbo and Ranker

Absent: Senators Carlyle, Chase, Conway, Darneille, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Pedersen, Rolfes, Saldaña, Takko, Van De Wege and Wellman

MOTION

At 12:22 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock p.m. Monday, March 27, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 5111 was deferred and the bill held its place on the second reading calendar.

SEVENTY EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, March 27, 2017

The Senate was called to order at 12:00 o'clock noon by the Vice President Pro Tempore, Senator Honeyford presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2017

HB 1001 Prime Sponsor, Representative Morris: Concerning utility easements on state-owned aquatic lands. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Short and Wellman.

Referred to Committee on Rules for second reading.

March 23, 2017

SHB 1183 Prime Sponsor, Committee on Appropriations: Authorizing specified local governments, including municipalities and federally recognized Indian tribes, that typically have limited access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko and Van De Wege.

Referred to Committee on Ways & Means.

March 23, 2017

SHB 1266 Prime Sponsor, Committee on Environment: Concerning petroleum storage tank systems. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle,

Ranking Minority Member; Brown; Hobbs; Short and Wellman.

Referred to Committee on Rules for second reading.

March 23, 2017

SHB 1279 Prime Sponsor, Committee on Education: Concerning school safety drills. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 23, 2017

HB 1281 Prime Sponsor, Representative Fitzgibbon: Modifying the appointment process for trustees of rural county library districts in counties with one million or more residents. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 23, 2017

EHB 1322 Prime Sponsor, Representative Kilduff: Reducing training requirements for developmental disability respite providers working three hundred hours or less in any calendar year. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1401 Prime Sponsor, Representative Ortiz-Self: Requiring the court to remove any person serving as a court-appointed special advocate or volunteer guardian ad litem if that person has made a materially false statement under oath. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 23, 2017

SHB 1444 Prime Sponsor, Committee on Education: Facilitating on-time grade level progression and graduation for

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certain students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 23, 2017

HB 1449 Prime Sponsor, Representative Manweller: Concerning water recreation facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 23, 2017

SHB 1520 Prime Sponsor, Committee on Appropriations: Allowing alternative payment methodologies for critical access hospitals participating in the Washington rural health access preservation pilot. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

March 23, 2017

ESHB 1600 Prime Sponsor, Committee on Appropriations: Increasing the career and college readiness of public school students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

March 22, 2017

HB 1616 Prime Sponsor, Representative McBride: Clarifying the type of land eligible for purchase under the affordable housing land acquisition revolving loan fund program. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 23, 2017

SHB 1618 Prime Sponsor, Committee on Education: Concerning family and community engagement coordinators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

March 22, 2017

HB 1627 Prime Sponsor, Representative Ryu: Addressing nonprofit corporation facilities financing by the Washington state housing finance commission. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 23, 2017

ESHB 1714 Prime Sponsor, Committee on Health Care & Wellness: Concerning nursing staffing practices at hospitals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Ways & Means.

March 23, 2017

HB 1716 Prime Sponsor, Representative Hudgins: Creating the construction registration inspection account as a dedicated account to fund contractor registration and compliance, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, elevators, lifting devices, and moving walks. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Ways & Means.

March 23, 2017

HB 1721 Prime Sponsor, Representative Cody: Concerning obtaining required clinical experience for licensed practical nurses who complete a nontraditional registered nurse program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority

Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Becker, Vice Chair.

Referred to Committee on Rules for second reading.

March 23, 2017

SHB 1765 Prime Sponsor, Committee on Health Care & Wellness: Concerning donations to the prescription drug donation program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1790 Prime Sponsor, Representative Lovick: Concerning dependency petitions where the department of social and health services is the petitioner. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1816 Prime Sponsor, Committee on Early Learning & Human Services: Concerning information sharing related to implementation of the homeless youth prevention and protection act of 2015. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 22, 2017

HB 1832 Prime Sponsor, Representative Pellicciotti: Concerning the commercially sexually exploited children statewide coordinating committee. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 22, 2017

SHB 1867 Prime Sponsor, Committee on Appropriations: Improving transitions in extended foster care to increase housing stability for foster youth. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 23, 2017

SHB 1902 Prime Sponsor, Committee on Commerce & Gaming: Modifying tavern license provisions. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

March 23, 2017

HB 1953 Prime Sponsor, Representative Dolan: Addressing maximum penalties under the Washington industrial safety and health act. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators King; Rossi and Wilson.

Referred to Committee on Rules for second reading.

March 23, 2017

HB 1991 Prime Sponsor, Representative Volz: Clarifying the county treasurer's administration of payments and costs related to delinquent properties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 23, 2017

EHB 2005 Prime Sponsor, Representative Lytton: Improving the business climate in this state by simplifying the administration of municipal general business licenses. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Keiser, Ranking Minority Member; Conway; Hasegawa; King; Rossi; Saldaña and Wilson.

Referred to Committee on Ways & Means.

March 23, 2017

SGA 9072 STANLEY M SORSCHER, reappointed on September 10, 2014, for the term ending October 1, 2018, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Brown; Honeyford; McCoy; Pearson; Short and Takko.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed House Bill No. 2005 which had been designated to the Committee on Rules and referred to the Committee on Ways & Means.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 24, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

BETHANY S. RIVARD, appointed March 24, 2017, for the term ending June 30, 2017, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9258.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5910 by Senators Wilson, Keiser, Honeyford, Conway, Hunt and Rossi

AN ACT Relating to the sales tax credit or refund for amounts charged off as bad debts with respect to private label credit accounts; amending RCW 82.08.037; and creating new sections.

Referred to Committee on Ways & Means.

SB 5911 by Senators Nelson, Saldaña, Lias and McCoy

AN ACT Relating to making expenditures from the budget stabilization account; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 43.330 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon, Tuesday, March 28, 2017.

JIM HONEYFORD, Vice President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SEVENTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, March 28, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 27, 2017

2SHB 1402 Prime Sponsor, Committee on Appropriations: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 27, 2017

SHB 1477 Prime Sponsor, Committee on Health Care & Wellness: Concerning disclosure of health-related information with persons with a close relationship with a patient. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 27, 2017

ESHB 1508 Prime Sponsor, Committee on Appropriations: Promoting student health and readiness through meal and nutrition programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

March 27, 2017

EHB 1551 Prime Sponsor, Representative Riccelli: Creating a competitive equipment assistance grant program to enhance student nutrition in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Ways & Means.

March 27, 2017

ESHB 1719 Prime Sponsor, Committee on Early Learning & Human Services: Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 27, 2017

EHB 2107 Prime Sponsor, Representative Schmick: Concerning the addition of services for long-term placement of mental health patients in community settings that voluntarily contract to provide the services. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Ways & Means.

March 28, 2017

SGA 9056 SUSAN M. MAYER, appointed on January 1, 2015, for the term ending October 1, 2018, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Wellman; Honeyford; McCoy; Pearson and Takko.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9094 SUSANA REYES, reappointed on May 13, 2015, for the term ending June 30, 2019, as Member of the Washington Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9146 PHILLIP L. BARRETT, reappointed on October 15, 2014, for the term ending September 30, 2019, as Member of the Shoreline Community College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9166 ROY F. HEYNDERICKX, reappointed on March 28, 2016, for the term ending March 26, 2020, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9172 JEFFREY A. CHARBONNEAU, reappointed on July 1, 2016, for the term ending June 30, 2020, as Member of the Washington Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9199 JEFFREY F. CALLENDER, reappointed on September 19, 2016, for the term ending September 30, 2021, as Member of the Bellingham Technical College Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9213 JANICE H. WIGEN, reappointed on September 21, 2016, for the term ending September 30, 2021, as Member of the Community Colleges of Spokane Board of Trustees. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION

8637

By Senator O'Ban

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through an individual's lifespan, but typically is not diagnosed until after 4 years of age; and

WHEREAS, Autism is the fastest growing developmental disability in the United States, affecting over 2 million Americans and 1 in 88 babies born; and

WHEREAS, 1 in 54 boys are affected, as opposed to 1 in 252 girls; and

WHEREAS, There are many different characteristics in individuals with autism, including delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, With aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask their symptoms; and

WHEREAS, Applied Behavior Analysis has become widely accepted among health care professionals and used as a treatment to improve a variety of skills; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community, provided with opportunities and supports to live, work, and play as independently as possible; and

WHEREAS, Individuals with autism, their families, caregivers, advocates, and organizations, are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more accepting, inclusive, and better equipped to support the growing number of individuals with autism and their families; and

WHEREAS, April is observed nationally as Autism Awareness Month, and April 2nd has been declared World Autism Awareness Day by the United Nations General Assembly;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism during Autism Awareness Month; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jay Inslee.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8637.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION 8638

By Senator Van De Wege

WHEREAS, the Neah Bay Red Devils of the Cape Flattery School District are the reigning 1B boys basketball and football state champions; and

WHEREAS, With a 73-48 victory over Almira/Coulee-Hartline last March, the Red Devils became the first boys basketball team from the North Olympic Peninsula to win a state title; and

WHEREAS, The Red Devils won their fourth state 1B football title in 6 years (their third in four years) this past December; and

WHEREAS, Neah Bay never trailed in the game and ran over the Odessa-Harrington Titans 64-34 for its latest state football title, racking up leads of 6-0 after one quarter, 34-14 at halftime, and 50-20 after three quarters; and

WHEREAS, Cameron Buzzell led the way for Neah Bay, racking up 168 rushing yards on just eight carries, including touchdown runs from 63, 53, and 30-yards out in addition to catching a 59-yard touchdown pass from Rwehabura Munyagi Jr.; and

WHEREAS, Cole Svec rushed 20 times for 87 yards and a touchdown and caught four passes for another 82 yards and two touchdowns; and

WHEREAS, Neah Bay's athletes mirrored the determination and tenacity of tribal members who, on May 17, 1999, harvested their first whale in 70 years; and

WHEREAS, Neah Bay's athletic excellence is matched only by its academic excellence, with graduation rates and athletic eligibility rates of 100 percent;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to honor the Neah Bay Red Devils and recognize their unmatched combination of academic and athletic prowess; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Cape Flattery School District, to the Makah Tribe, to the Clallam County Commissioners, to the Superintendent of Public Education, Chris Reykdal, and to Governor Jay Inslee.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Pearson moved adoption of the following resolution:

SENATE RESOLUTION 8640

By Senator Pearson

WHEREAS, Mayor Donnetta Walser was a pillar of the Monroe community; an exemplary public servant; and a beloved educator, wife, mother, and grandmother; and

WHEREAS, Mayor Walser spent 28 years as a public school teacher; she taught for 1 year in Morton, Washington, before moving to Monroe where she taught for the next 27 years; and

WHEREAS, Mayor Walser led a grant-funded program at Monroe Middle School that catered to kids struggling with attendance or failing grades; and regardless of their struggles, Mayor Walser would always remind her kids that they were gifted; and

WHEREAS, Mayor Walser was always proud of the success of her students; and she cherished the phone calls from past pupils expressing their thanks for her hard work and influence; and

WHEREAS, During their schooling, many citizens of Washington are inspired by a special teacher, and for many students in Monroe, Mayor Walser was that teacher; and

WHEREAS, Mayor Walser was not content to retire after nearly 30 years as a teacher, and instead, demonstrated her deep commitment to her community by running for office; and

WHEREAS, Once on the Monroe City Council, Mayor Walser poured herself into the work, and approached her position as a full-time job; and

WHEREAS, Mayor Walser's 32 years in local politics included years on the Monroe City Council, the Monroe Civil Service Commission, the U.S. 2 Safety Coalition, the Snohomish County League of Women Voters, the Snohomish County Senior Services' Board of Directors, and two terms as the Mayor of Monroe; few citizens of any state can proudly claim such a diverse background of hard work, family life, and political engagement; and

WHEREAS, Mayor Walser's graceful demeanor and formidable devotion to her community served her well on the otherwise all-male Monroe City Council; she was known for her ability to build compromise and work long nights at council meetings that sometimes stretched into morning; and even after meetings that lasted until 2:00 a.m., she would return home to work a little longer and correct students' papers; and

WHEREAS, Mayor Walser passed on December 22, 2016, surrounded by her family; and

WHEREAS, Mayor Walser leaves behind her loving husband of 45 years, Fred; her sons and daughters-in-law, Scott and Stacey and Matt and Kimberly, respectively; her grandchildren, Morgan and Nathan, born of Matt and Kimberly; her brother, Gordon Halverson; niece, Candace Burnikel, and nephew, Rod Stevens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Mayor Donnetta Walser, and recognize her years of exemplary public service, dedication to the education of young people, unwavering commitment to community development, and love for her family and the people she served.

Senators Pearson and Liias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

The motion by Senator Pearson carried and the resolution was adopted by voice vote.

MOTION

At 12:10 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, March 29, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, March 29, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

Pursuant to Rule 46, on motion of Senator Fain, and without objection, the Committee on State Government was granted special leave to meet during the day's floor session.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5912 by Senators Kuderer, Rivers, Cleveland, Walsh, Conway, Mullet and Keiser

AN ACT Relating to insurance coverage of tomosynthesis or three-dimensional mammography; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SB 5913 by Senators Saldaña, Frockt, McCoy, Kuderer, Rolfes, Keiser, Pedersen, Lias, Takko, Hobbs, Hunt, Chase and Hasegawa

AN ACT Relating to recognizing the thirty-first day of March as Cesar Chavez day; and amending RCW 1.16.050.

Referred to Committee on State Government.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8641

By Senator Fain

WHEREAS, The Seattle Metropolitans were a professional hockey team founded in 1915; and

WHEREAS, Their victory over the Montreal Canadiens by 3 games to 1 in the 1917 Stanley Cup finals marked the first time that an American team ever won the Stanley Cup; and

WHEREAS, The 4th and final game on March 26, 1917, was won by a score of 9 to 1; and

WHEREAS, Over all 4 games the combined score was 23 to 11; and

WHEREAS, At the time, the Metropolitans only had 9 players on the team; and

WHEREAS, 3 of the 9 players on the team were future hockey hall of famers: Harry Holmes, Jack Walker, and Frank Foyston; and

WHEREAS, They played in the aptly named Seattle Ice Arena, which was constructed privately by the team's owners for 100,000 dollars; and

WHEREAS, The Seattle Metropolitans are not officially recognized by the NHL or any other organization; and

WHEREAS, There is no known video or audio recordings capturing their victory in 1917;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 100th Anniversary of the Seattle Metropolitans 1917 Stanley Cup victory and their advancement of the sport of hockey in America.

Senator Fain spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION
8642

By Senator Saldaña

WHEREAS, César Estrada Chávez was a world-changing American activist, renowned as a champion of Latino American civil rights and as an outspoken proponent of the American labor movement; and

WHEREAS, Chávez was born March 31, 1927, outside of Yuma, Arizona; and from the age of twelve, he labored in California as a farm worker; and

WHEREAS, In 1946, Chávez joined the United States Navy; he has since received military honors for his service and is the only Latino for whom a United States military ship is named; and

WHEREAS, Chávez contributed to this country not only through military service, but also by actively working to promote equality and freedom; and

WHEREAS, Inspired by his Catholic faith, Chávez embraced nonviolence in the manner of Martin Luther King, Jr.; worked hard to value the dignity of all types of occupations; and later,

while working for a civil rights group, taught people to solve their problems collectively; and

WHEREAS, Chávez's nonviolent efforts, particularly between 1952 and 1976, brought the realities of the farm worker community to the nation's attention; and

WHEREAS, Chávez cofounded the National Farm Workers Association in 1962, which later became known as the United Farm Workers of America (UFW), and worked hard to enroll Hispanic members in the American labor movement; and

WHEREAS, César Chávez believed that farm workers deserved fair treatment; his work brought numerous improvements for union laborers, many of whom were underrepresented Latinos; and Chávez also made lasting contributions to consumer and laborer health and safety standards, including initiating the discontinued use of the short-handled hoe, a tool that often resulted in debilitating back pain for farm workers; and

WHEREAS, Chávez has become an iconic figure for organized labor and Latino communities; he, along with Dolores Huerta, popularized the phrase "*Sí, se puede*" or "Yes, one can," a saying that still holds relevance today; and

WHEREAS, During his lifetime and long after his death on April 23, 1993, Chávez inspired generations of Latino youth to invest in a life of service, to pursue education, and to give back to their communities; and

WHEREAS, In 2014, former President Obama declared March 31st César Chávez Day, honoring Chávez as one of America's greatest champions for social justice;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize César Estrada Chávez for dedicating his life to serving others and making the world a better place; and applaud his remarkable work to gain respect, dignity, and justice for farm workers, for the poor, and for all people during the celebration of César Chávez Day, March 31st.

Senators Saldaña and Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

The motion by Senator Saldaña carried and the resolution was adopted by voice vote.

MOTION

At 10:10 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of reading committee reports into the record later in the day.

EVENING SESSION

The Senate was called to order at 5:16 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 28, 2017

SB 5188 Prime Sponsor, Senator Angel: Concerning removal of land from the current use property tax classification due to certain natural disasters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

March 28, 2017

SB 5557 Prime Sponsor, Senator Rivers: Extending the sales tax exemption for clay targets purchased by a nonprofit gun club. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Billig; Carlyle; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Referred to Committee on Rules for second reading.

March 28, 2017

SB 5863 Prime Sponsor, Senator Miloscia: Requiring the Department of Social and Health Services to adopt outcome and performance measures to evaluate substance use disorder treatment providers. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Padden and Walsh.

MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle and Hunt.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1010 Prime Sponsor, Committee on Environment: Directing the department of ecology to submit an annual report to the legislature detailing the department's participation in interagency agreements. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

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ESHB 1017 Prime Sponsor, Committee on Environment: Addressing the siting of schools and school facilities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Billig.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1036 Prime Sponsor, Committee on Transportation: Concerning business practices of registered tow truck operators by authorizing electronic records creation and storage. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1037 Prime Sponsor, Committee on Transportation: Concerning certain notice sent by registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1042 Prime Sponsor, Representative Springer: Eliminating the office of the insurance commissioner's school district or educational service district annual report. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1043 Prime Sponsor, Committee on Health Care & Wellness: Addressing nonpublic personal health information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Becker, Vice Chair;

Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1055 Prime Sponsor, Committee on Appropriations: Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1056 Prime Sponsor, Representative Kilduff: Concerning consumer protections for military service members on active duty. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1058 Prime Sponsor, Representative MacEwen: Changing provisions relating to court-ordered restitution in certain criminal cases. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Frockt and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Darneille.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1060 Prime Sponsor, Committee on Health Care & Wellness: Concerning the administration of marijuana to students for medical purposes. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1070 Prime Sponsor, Committee on Judiciary: Concerning filing fee surcharges for funding dispute resolution centers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1079 Prime Sponsor, Committee on Public Safety: Creating a criminal no-contact order for human trafficking and promoting prostitution-related offenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1086 Prime Sponsor, Committee on Environment: Promoting the completion of environmental impact statements within two years. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Erickson, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1095 Prime Sponsor, Representative Appleton: Concerning antifreeze products. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; King and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Rossi and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1097 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning tribal consultation regarding hunting rights and activities. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1107 Prime Sponsor, Representative Haler: Eliminating the term "branch" as an identifying factor for extensions of the public institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

ESHB 1109 Prime Sponsor, Committee on Appropriations: Supporting victims of sexual assault. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1115 Prime Sponsor, Committee on Education: Concerning paraeducators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 29, 2017

2SHB 1120 Prime Sponsor, Committee on Appropriations: Concerning the regulatory fairness act. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1130 Prime Sponsor, Committee on Higher Education: Making the customized employment training program permanent. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1136 Prime Sponsor, Committee on Environment: Exempting short-line railroads that haul nonfuel oils from oil spill contingency planning requirements. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Erickson, Chair; Sheldon, Vice Chair;

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Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1148 Prime Sponsor, Representative Walsh, J.: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1149 Prime Sponsor, Committee on Transportation: Providing exemptions from certain maximum vehicle length limitations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

ESHB 1153 Prime Sponsor, Committee on Public Safety: Concerning crimes against vulnerable persons. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

E2SHB 1163 Prime Sponsor, Committee on Appropriations: Concerning domestic violence. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

2SHB 1169 Prime Sponsor, Committee on Appropriations: Enacting the student opportunity, assistance, and relief act. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

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2SHB 1170 Prime Sponsor, Committee on Appropriations: Maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1184 Prime Sponsor, Committee on Public Safety: Modifying patronizing a prostitute provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

EHB 1188 Prime Sponsor, Representative Bergquist: Concerning the use of child passenger restraint systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban and Saldaña.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Takko and Van De Wege.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1200 Prime Sponsor, Committee on Public Safety: Concerning the crime of voyeurism. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1204 Prime Sponsor, Representative Young: Requiring the display of the national league of families' POW/MIA flag on certain days. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1218 Prime Sponsor, Committee on Transportation: Modifying when towing fees terminate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1258 Prime Sponsor, Committee on Judiciary: Concerning persons with a disability present at the scene of an accident. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1262 Prime Sponsor, Representative McBride: Concerning accessible parking spaces for people with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

2SHB 1280 Prime Sponsor, Committee on Appropriations: Including referred and diverted youth in establishing community juvenile accountability program guidelines. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1314 Prime Sponsor, Committee on Health Care & Wellness: Addressing health care authority auditing practices. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Becker, Vice Chair;

Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban and Walsh.

Referred to Committee on Ways & Means.

March 28, 2017

ESHB 1333 Prime Sponsor, Committee on Higher Education: Requiring establishment of a systemwide policy for granting credit for AP exams. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1340 Prime Sponsor, Committee on Health Care & Wellness: Modernizing substance use disorder professional practice. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser and Mullet.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator O'Ban.

Referred to Committee on Rules for second reading.

March 28, 2017

2SHB 1341 Prime Sponsor, Committee on Appropriations: Concerning professional certification for teachers and school administrators. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1353 Prime Sponsor, Committee on Agriculture & Natural Resources: Commissioning an elk management pilot project that focuses initially on the Colockum elk herd. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1369 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Defining veteran for the purpose of receiving certain benefits. Reported by Committee on State Government

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MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

E2SHB 1375 Prime Sponsor, Committee on Appropriations: Providing students at community and technical colleges with the costs of required course materials. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1377 Prime Sponsor, Committee on Education: Improving students' mental health by enhancing nonacademic professional services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1388 Prime Sponsor, Committee on Health Care & Wellness: Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia and Mullet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Fain; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1417 Prime Sponsor, Committee on State Government, Elections & Information Technology: Concerning the harmonization of the open public meetings act with the public records act in relation to information technology security matters. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1421 Prime Sponsor, Committee on Appropriations: Concerning the removal of payment credentials and other sensitive data from state data networks. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1427 Prime Sponsor, Committee on Health Care & Wellness: Concerning opioid treatment programs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Conway; Keiser and Mullet.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey and O'Ban.

Referred to Committee on Ways & Means.

March 28, 2017

ESHB 1432 Prime Sponsor, Committee on Appropriations: Concerning foundational public health services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet; O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair and Fain.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1433 Prime Sponsor, Committee on Higher Education: Decoupling services and activities fees from tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1434 Prime Sponsor, Committee on State Government, Elections & Information Technology: Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

E2SHB 1439 Prime Sponsor, Committee on Appropriations: Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1464 Prime Sponsor, Committee on Judiciary: Concerning the development of cooperative agreements to expand recreational access on privately owned lands. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1465 Prime Sponsor, Committee on State Government, Elections & Information Technology: Exempting from public disclosure certain information regarding reports on wolf depredations. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1467 Prime Sponsor, Committee on Local Government: Removing disincentives to the voluntary formation of regional fire protection service authorities by establishing parity, equalizing certain provisions with existing laws governing fire protection districts, and clarifying the formation process. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1470 Prime Sponsor, Representative Hudgins: Modifying declaration of candidacy provisions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1493 Prime Sponsor, Committee on Technology & Economic Development: Concerning biometric identifiers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member and Darneille.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

E2SHB 1495 Prime Sponsor, Committee on Finance: Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1499 Prime Sponsor, Representative Pollet: Creating protections and fairness for students in the student loan disbursement process. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1501 Prime Sponsor, Committee on Judiciary: Protecting law enforcement and the public from persons who illegally attempt to obtain firearms. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1503 Prime Sponsor, Committee on Environment: Preventing unfunded mandates involving on-site sewage systems from affecting local governments and property owners. Reported by Committee on Local Government

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MAJORITY recommendation: Do pass. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pearson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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ESHB 1504 Prime Sponsor, Committee on Environment: Concerning rail dependent uses for purposes of the growth management act and related development regulations. Reported by Committee on Local Government

HB 1530 Prime Sponsor, Representative Gregerson: Grandfathering the accrual of vacation leave above the statutory maximum for certain employees of the Washington state ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Lias; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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EHB 1506 Prime Sponsor, Representative Senn: Addressing workplace practices to achieve gender pay equity. Reported by Committee on Commerce, Labor & Sports

2SHB 1540 Prime Sponsor, Committee on Appropriations: Providing public notices of public health, safety, and welfare in a language other than English. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; King; Rossi; Saldaña and Wilson.

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 29, 2017

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EHB 1507 Prime Sponsor, Representative Holy: Enhancing election reconciliation reports. Reported by Committee on State Government

SHB 1543 Prime Sponsor, Committee on Judiciary: Concerning parental rights and responsibilities of sexual assault perpetrators and survivors. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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ESHB 1513 Prime Sponsor, Committee on Transportation: Concerning the collection of youth voter registration sign up information. Reported by Committee on State Government

ESHB 1547 Prime Sponsor, Committee on Health Care & Wellness: Exempting certain hospitals from certificate of need requirements for the addition of psychiatric beds until June 2019. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member and Kuderer.

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Becker, Vice Chair; Bailey; Fain; Miloscia; O'Ban and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Pearson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Cleveland, Ranking Minority Member; Kuderer; Conway; Keiser and Mullet.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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SHB 1521 Prime Sponsor, Committee on State Government, Elections & Information Technology: Addressing vacation leave. Reported by Committee on State Government

E2SHB 1561 Prime Sponsor, Committee on Appropriations: Concerning open educational resources. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member and Kuderer.

MAJORITY recommendation: Do pass as amended.
Signed by Senators Wilson, Chair; Bailey, Vice Chair;
Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

E2SHB 1562 Prime Sponsor, Committee on Appropriations:
Continuing the work of the Washington food policy forum.
Reported by Committee on Agriculture, Water, Trade &
Economic Development

MAJORITY recommendation: Do pass as amended.
Signed by Senators Warnick, Chair; Hawkins, Vice Chair;
Chase, Ranking Minority Member; Wellman; Brown;
Honeyford; McCoy; Short and Takko.

MINORITY recommendation: That it be referred without
recommendation. Signed by Senator Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1571 Prime Sponsor, Representative Reeves:
Creating a community care and supportive services program for
veterans. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by
Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking
Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1578 Prime Sponsor, Representative Dent:
Concerning irrigation district authority. Reported by
Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by
Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle,
Ranking Minority Member; Brown; Hobbs; Honeyford;
Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 29, 2017

ESHB 1594 Prime Sponsor, Committee on Appropriations:
Improving public records administration. Reported by
Committee on State Government

MAJORITY recommendation: Do pass as amended.
Signed by Senators Miloscia, Chair; Zeiger, Vice Chair;
Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

EHB 1595 Prime Sponsor, Representative Nealey:
Concerning costs associated with responding to public records
requests. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.
Signed by Senators Miloscia, Chair; Zeiger, Vice Chair;
Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1603 Prime Sponsor, Representative Kilduff:
Updating the child support economic table based on
recommendations of the child support work group. Reported by
Committee on Law & Justice

MAJORITY recommendation: Do pass as amended.
Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel
and Wilson.

MINORITY recommendation: That it be referred without
recommendation. Signed by Senators Pedersen, Ranking
Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1605 Prime Sponsor, Committee on Public Safety:
Concerning vessel impoundment. Reported by Committee on
Law & Justice

MAJORITY recommendation: Do pass as amended.
Signed by Senators Padden, Chair; O'Ban, Vice Chair;
Pedersen, Ranking Minority Member; Angel; Darneille;
Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

E2SHB 1614 Prime Sponsor, Committee on Transportation:
Concerning impaired driving. Reported by Committee on Law
& Justice

MAJORITY recommendation: Do pass as amended.
Signed by Senators Padden, Chair; O'Ban, Vice Chair;
Pedersen, Ranking Minority Member; Angel; Darneille;
Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

EHB 1620 Prime Sponsor, Representative Lovick:
Concerning the authority of local governments to require criminal
history background checks. Reported by Committee on Local
Government

MAJORITY recommendation: Do pass as amended.
Signed by Senators Short, Chair; Angel, Vice Chair; Takko,
Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1630 Prime Sponsor, Representative Slatter:
Allowing minors to consent to share their personally identifying
information in the Washington homeless client management
information system. Reported by Committee on Human
Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended.
Signed by Senators O'Ban, Chair; Miloscia, Vice Chair;
Padden and Walsh.

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MINORITY recommendation: Do not pass. Signed by Senators Darneille, Ranking Minority Member; Carlyle and Hunt.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1641 Prime Sponsor, Committee on Judiciary: Concerning informed consent for nonemergency, outpatient, primary health care services for unaccompanied homeless youth under the federal McKinney-Vento homeless assistance act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Mullet; O'Ban and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Miloscia.

Referred to Committee on Rules for second reading.

March 28, 2017

E2SHB 1661 Prime Sponsor, Committee on Appropriations: Creating the department of children, youth, and families. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1676 Prime Sponsor, Representative Sullivan: Concerning crimes involving a dog guide or service animal. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1680 Prime Sponsor, Committee on Public Safety: Concerning the sentencing elements worksheet. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

E2SHB 1711 Prime Sponsor, Committee on Appropriations: Prioritizing lands to receive forest health treatments. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1717 Prime Sponsor, Committee on Technology & Economic Development: Concerning state agency collection, use, and retention of biometric identifiers. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

EHB 1728 Prime Sponsor, Representative Sawyer: Protecting minors from sexual exploitation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

ESHB 1739 Prime Sponsor, Committee on Public Safety: Concerning the crime victims' compensation program. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1754 Prime Sponsor, Representative Klippert: Prioritizing sex offender treatment based on the offender's risk to reoffend. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1757 Prime Sponsor, Representative Hayes: Addressing transient accommodations contaminated by methamphetamine. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 29, 2017

E2SHB 1783 Prime Sponsor, Committee on Appropriations: Concerning legal financial obligations. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

2SHB 1789 Prime Sponsor, Committee on Appropriations: Concerning sentencing laws and practices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1794 Prime Sponsor, Representative Klippert: Concerning the death investigations account. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

E2SHB 1802 Prime Sponsor, Committee on Appropriations: Increasing the access of veterans, military service members, and military spouses to shared leave in state employment. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1815 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the rights of an alleged parent in dependency proceedings. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1824 Prime Sponsor, Committee on Environment: Concerning electronic product recycling. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs; Ranker and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Brown and Short.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1829 Prime Sponsor, Representative Hudgins: Concerning the exemption from public disclosure of information regarding public and private computer and telecommunications networks. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown; Hobbs; Honeyford; Ranker; Short and Wellman.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1833 Prime Sponsor, Representative Dolan: Concerning financial reporting by elected and appointed officials, candidates, and appointees. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1838 Prime Sponsor, Committee on Transportation: Concerning the crossing of certain public roadways by wheeled all-terrain vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Takko; Van De Wege and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Liias and Saldaña.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1853 Prime Sponsor, Representative Doglio: Removing references to specific nonoperational historical facilities from state statute. Reported by Committee on State Government

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MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1859 Prime Sponsor, Representative Pellicciotti: Providing an aggravating circumstance for assault against a utility worker. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1877 Prime Sponsor, Committee on Transportation: Concerning the release of driving record abstract information affecting registered tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Van De Wege and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 1886 Prime Sponsor, Committee on Education: Concerning the responsibilities of the superintendent of public instruction and the state board of education. (REVISED FOR ENGROSSED: Establishing a legislative task force to review issues relating to the responsibilities of the superintendent of public instruction and the state board of education.) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig; Mullet; Rivers and Warnick.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1907 Prime Sponsor, Representative Orcutt: Concerning abandoned cemeteries. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

EHB 1913 Prime Sponsor, Representative Dolan: Creating a leasehold excise tax exemption for certain leasehold interests in facilities owned or used by schools, colleges, or universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

2SHB 1929 Prime Sponsor, Committee on Appropriations: Concerning independent security testing of state agencies' information technology systems and infrastructure by the military department. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 1939 Prime Sponsor, Representative Hudgins: Recognizing the thirty-first day of March as Cesar Chavez day. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 23, 2017

EHB 1967 Prime Sponsor, Representative Stanford: Concerning noncompetition agreements. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King; Rossi and Wilson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Ranking Minority Member; Conway; Hasegawa and Saldaña.

Referred to Committee on Rules for second reading.

March 28, 2017

HB 1983 Prime Sponsor, Representative Dye: Reducing the population requirement in a consortium of counties in order to operate a juvenile correctional facility. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 1988 Prime Sponsor, Committee on Judiciary: Implementing a vulnerable youth guardianship program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Mental Health & Housing. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi,

Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 28, 2017

SHB 2006 Prime Sponsor, Committee on Appropriations: Providing cities and counties flexibility with existing resources. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Angel, Vice Chair.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 2007 Prime Sponsor, Representative Kagi: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

2SHB 2009 Prime Sponsor, Committee on Appropriations: Providing higher education support for gold star families. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 2010 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Addressing homelessness in wildfire areas. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Ways & Means.

March 28, 2017

ESHB 2023 Prime Sponsor, Committee on Environment: Addressing the effective date of certain actions taken under the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

March 28, 2017

SHB 2037 Prime Sponsor, Committee on Higher Education: Reauthorizing the work group concerned with removing obstacles for higher education students with disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 29, 2017

HB 2052 Prime Sponsor, Representative Buys: Concerning recertification of public bodies using alternative contracting methods. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 2114 Prime Sponsor, Committee on Health Care & Wellness: Addressing protecting consumers from charges for out-of-network health services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Keiser; Miloscia; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Fain and O'Ban.

Referred to Committee on Rules for second reading.

March 28, 2017

ESHB 2126 Prime Sponsor, Committee on Appropriations: Creating a community-based approach to provide assistance with nonlethal management methods to reduce livestock depredations by wolves. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 29, 2017

HJM 4011 Prime Sponsor, Representative Blake: Requesting that the United States Coast Guard name a Coast

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Guard cutter in honor of Petty Officer Matthew E. Schlimme.
Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 29, 2017

HCR 4400 Prime Sponsor, Representative Cody: Naming the building at 1063 Capitol Way "The Helen Sommers Building." Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Hunt, Ranking Minority Member; Kuderer and Pearson.

Referred to Committee on Rules for second reading.

March 28, 2017

HCR 4402 Prime Sponsor, Representative Sells: Approving the 2016 state comprehensive plan for workforce training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member and Frockt.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9021 LORETTA S. DEKAY, appointed on July 8, 2013, for the term ending June 12, 2017, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9061 PATRICK DOWD, appointed on January 16, 2015, for the term ending at the governors pleasure, as Director of the Office of the Family and Children Ombudsman - Agency Head. Reported by Committee on Human Services, Mental Health & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Carlyle; Hunt; Padden and Walsh.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9080 NANCY BIERY, reappointed on June 16, 2015, for the term ending July 15, 2019, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 29, 2017

SGA 9088 LORRAINE LEE, reappointed on July 1, 2015, for the term ending June 30, 2020, as Director of the Office of Administrative Hearings. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9097 BRIAN BLAKE, reappointed on August 28, 2015, for the term ending June 30, 2019, as Member of the Pacific States Marine Fisheries Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

March 28, 2017

SGA 9167 JANET WAINWRIGHT, reappointed on June 15, 2016, for the term ending June 12, 2020, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Referred to Committee on Rules for second reading.

MOTION

On motion of Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Substitute House Bill No. 1314 ; Engrossed Substitute House Bill No. 1427; Engrossed Substitute House Bill No. 2010; and Engrossed Substitute House Bill No. 2023 which had been designated to the Committee on Rules and are referred to the Committee on Ways & Means.

MOTION

At 5:17 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Thursday, March 30, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 30, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Benjamin Honeyford and Mr. Orion Green, presented the Colors. Page, Miss Alyson Marquardt led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Phil Fortunato of the 31st Legislative District, Auburn.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2017

SB 5086 Prime Sponsor, Senator Honeyford: Concerning the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5086 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5090 Prime Sponsor, Senator Honeyford: Concerning state general obligation bonds and related accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5090 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5914 by Senator Braun

AN ACT Relating to public employer collection and remission of dues and other amounts on behalf of labor organizations; adding a new section to chapter 41.56 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 41.76 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5915 by Senator Braun

AN ACT Relating to reorganizing and streamlining central service functions, powers, and duties of state government; amending RCW 41.04.020, 41.04.220, 41.04.460, 41.04.720, 41.04.770, 41.06.400, 41.06.080, 41.06.395, 41.06.410, 43.41.450, 39.26.005, 39.26.010, 39.26.050, 39.26.060, 39.26.080, 39.26.090, 39.26.110, 39.26.130, 39.26.140, 39.26.180, 43.82.010, 43.82.055, and 43.82.150; adding new sections to chapter 43.41 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5916 by Senators Rivers and Cleveland

AN ACT Relating to the continuation of tax preferences supporting the semiconductor materials manufacturing industry; amending RCW 82.04.2404, 82.08.9651, and 82.12.9651; creating new sections; and providing expiration dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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On motion of Senator Fain, the Senate advanced to the eighth order of business.

The President Pro Tempore welcomed and introduced members of the West Seattle Helpline who were seated in the gallery.

MOTION

MOTION

Senator Nelson moved adoption of the following resolution:

At 9:13 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

SENATE RESOLUTION
8615

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

By Senator Nelson

The Senate was called to order at 10:37 a.m. by President Pro Tempore Sheldon.

WHEREAS, Founded in 1989, the West Seattle Helpline has continued, year by year, to embody its founding principle and enduring philosophy: Neighbors helping neighbors; and

MOTION

WHEREAS, The West Seattle Helpline is devoted to helping the most vulnerable families and individuals throughout the city. Quoted as often doing the "work that is left undone," the West Seattle Helpline offers a range of services with the purpose of aiding people through unforeseen hardships so that they may stand back up on their feet and regain self-sufficiency; and

On motion of Senator Fain, the Senate reverted to the seventh order of business.

WHEREAS, Those who are unable to power their homes, maintain running water, or in danger of ending up on the street, who have come to the West Seattle Helpline, have been helped to ease their circumstances, find hope, and see a light at the end of the tunnel; and

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

WHEREAS, Those who have struggled to get to the doctor, a job interview, or take their children to school, who have come to the West Seattle Helpline, have been provided with transportation to get to where they need to go, allowing them to take another step closer to independence; and

Senator Angel moved that GLORIA PAPIEZ, Gubernatorial Appointment No. 9254, be confirmed as Director of the Department of Financial Institutions.

Senators Angel and Mullet spoke in favor of passage of the motion.

APPOINTMENT OF GLORIA PAPIEZ

WHEREAS, Those infants, children, teens, adults, and aspiring professionals in such great need that even clothing has become a luxury, who have come to the West Seattle Helpline, have left with a shirt on their back, or a coat, or a tie, or a school uniform, etc.; and because of the West Seattle Helpline's devoted service, they have also left with more confidence in themselves and in their capacity to regain stability; and

The President Pro Tempore declared the question before the Senate to be the confirmation of GLORIA PAPIEZ, Gubernatorial Appointment No. 9254, as Director of the Department of Financial Institutions.

WHEREAS, With the help of the public and several community partners, the West Seattle Helpline has spent thousands of dollars helping numerous individuals and families; doing so while consistently treating those members of the community with the utmost dignity and respect required of a good neighbor; and

The Secretary called the roll on the confirmation of GLORIA PAPIEZ, Gubernatorial Appointment No. 9254, as a Director of the Department of Financial Institutions and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

WHEREAS, It's great work has not gone unnoticed, and the West Seattle Helpline recently won the 2016 Nonprofit of the Year award from the West Seattle Chamber of Commerce; and

GLORIA PAPIEZ, Gubernatorial Appointment No. 9254, having received the constitutional majority was declared confirmed as a Director of the Department of Financial Institutions.

WHEREAS, The West Seattle Helpline will continue to be a beacon of goodwill and unity throughout Seattle and the State of Washington and will continue to inspire, amongst people, the principle of neighbors helping neighbors;

MOTION

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the West Seattle Helpline and recognize all of the partners and individuals who support it.

On motion of Senator Fain, the Senate reverted to the sixth order of business.

Senators Nelson and Lias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

SECOND READING

The motion by Senator Nelson carried and the resolution was adopted by voice vote.

SENATE BILL NO. 5086, by Senators Honeyford and Frockt

INTRODUCTION OF SPECIAL GUESTS

Concerning the capital budget.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5086 was substituted for Senate Bill No. 5086 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 173 by Senator Hasegawa be adopted:

On page 19, line 18, strike "and"

On page 19, line 20, after "infrastructure" insert "; and (vii) rail electrification (solutionary rail project) in consultation with Washington State University"

Senators Hasegawa and Honeyford spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 173 by Senator Hasegawa on page 19, line 18 to Substitute Senate Bill No. 5086.

The motion by Senator Hasegawa carried and floor amendment no. 173 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following floor amendment no. 176 by Senator Hawkins be adopted:

On page 23, line 18, strike "(Brewster). . . \$500,000" and insert "(Wenatchee) . . . \$1,000,000"

On page 26, line 10, strike "\$90,160,000" and insert "\$90,660,000"

On page 26, line 13, strike "\$90,160,000" and insert "\$90,660,000"

On page 67, line 4, strike "\$1,500,000" and insert "\$1,000,000"

On page 67, line 7, strike "\$4,050,000" and insert "\$3,550,000"

On page 67, line 10, strike "\$4,050,000" and insert "\$3,550,000"

Senators Hawkins, Frockt and Honeyford spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 176 by Senator Hawkins on page 23, line 18 to Substitute Senate Bill No. 5086.

The motion by Senator Hawkins carried and floor amendment no. 176 was adopted by voice vote.

MOTION

Senator Conway moved that the following floor amendment no. 174 by Senator Conway be adopted:

On page 23, after line 35 insert "Eastside Community Center (Tacoma) . . . \$1,200,000"

On page 26, line 10 strike "\$90,160,000" and insert "\$91,360,000"

On page 26, line 13 strike "\$90,160,000" and insert "\$91,360,000"

Senators Conway and Darneille spoke in favor of adoption of the amendment.

Senator Zeiger spoke on the adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 174 by Senator Conway on page 23, after line 35 to Substitute Senate Bill No. 5086.

The motion by Senator Conway did not carry and floor amendment no. 174 was not adopted by voice vote.

MOTION

Senator Darneille moved that the following floor amendment no. 177 by Senators Conway, Darneille, O'Ban and Zeiger be adopted:

On page 63, line 12, after "limitations:", insert "(1) "

On page 63, line 16, after "hospitals.", insert the following:

"(2) \$3,000,000 of the appropriation in this section is provided solely for the alliance of south sound behavioral hospital project in Pierce county to develop a portion of its 120-bed facility for long-term inpatient psychiatric beds consistent with Engrossed Substitute Senate Bill No. 5894 (behavioral health system) and is contingent upon providing beds to the system no later than January 1, 2019, through a contract with the department."

Senators Darneille and O'Ban spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 177 by Senators Conway, Darneille, O'Ban and Zeiger on page 63, line 12 to Substitute Senate Bill No. 5086.

The motion by Senator Darneille did not carry and floor amendment no. 177 was not adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington Youth Academy of Bremerton who were seated in the gallery.

MOTION

Senator Ranker moved that the following floor amendment no. 175 by Senator Ranker be adopted:

On page 128, line 24, strike "mountain", insert "forest"

On page 128, after line 28, insert the following:

" Appropriation:
State Building Construction Account—State. . . .
\$7,700,000"

On page 128, line 31, strike "\$34,781,000" and insert "\$42,481,000"

Senator Ranker spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 175 by Senator Ranker on page 128, line 24 to Substitute Senate Bill No. 5086.

The motion by Senator Ranker did not carry and floor amendment no. 175 was not adopted by voice vote.

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5086 was advanced to third

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reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Frockt spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Liias: “Mr. President, apart from my duties as a legislator, I am a Policy Analyst employed by the City of Mukilteo. Senate Bill 5086, which concerns the capital budget, includes two provisos that provide funding for City of Mukilteo projects. As additional detail, I did not request these projects, my job is not conditioned on the funding of these projects and my salary will not be affected by the funding or failure to fund these projects. My employer does however, obviously have an interest in the projects. Under Senate Rule 22, Legislators are prohibited from voting on matters in which they have a personal or direct interest. My question therefore is whether I have a personal or direct interest in the proposed legislation which requires my recusal from voting.”

RULING BY THE PRESIDENT

President Pro Tempore Sheldon: “Senator Liias, in keeping with precedent, the President believes that you are not prohibited from voting because you are not personally or directly impacted by the outcome of this bill.”

Senators Mullet and Warnick spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Native American Shadow Day who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Ms. Jeannie and Miss Gracie MacGuinness, friends of Secretary Goodman, who were seated at the rostrum.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1531, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chapman, DeBolt, Blake, Koster, Orcutt, Tharinger, Kraft, Pettigrew, Smith, Dolan and Fitzgibbon)

Concerning the forest riparian easement program.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1531.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1531 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Health Care & Wellness (originally sponsored by Representatives Short, Cody, Schmick and Kloba)

Concerning exemptions from the massage therapy law.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Substitute House Bill No. 1189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Cleveland spoke in favor of passage of the bill.

Senator Fain spoke on passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1189.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1722, by Representatives Kirby and Vick

Eliminating wholesale vehicle dealer licensing.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1722.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1722 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Padden, Short and Warnick

HOUSE BILL NO. 1722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1765, by House Committee on Health Care & Wellness (originally sponsored by Representatives Irwin, Koster, Volz, Kraft, Stokesbary and Kloba)

Concerning donations to the prescription drug donation program.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1765.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1765 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1001, by Representatives Morris, Smith, Tarleton, Haler and Doglio

Concerning utility easements on state-owned aquatic lands.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, House Bill No. 1001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Carlyle spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1001.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1001 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

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HOUSE BILL NO. 1001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2073, by Representatives Dent and Buys

Concerning the beef commission.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed House Bill No. 2073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed House Bill No. 2073.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2073 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 2073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake and Short)

Concerning private wildland fire suppression contractors.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1489 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Van De Wege spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1489.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1489 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1329, by Representatives McCabe, Sells and Young

Modifying monetary penalties imposed for infractions relating to mobile and manufactured home installation.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1329.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1329 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington Youth Academy of Bremerton who were seated in the gallery.

SECOND READING

HOUSE BILL NO. 1832, by Representatives Pellicciotti, Irwin, Lovick, Ormsby and Ortiz-Self

Concerning the commercially sexually exploited children statewide coordinating committee.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:59 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, March 31, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY SECOND DAY, MARCH 31, 2017

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EIGHTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 31, 2017

The Senate was called to order at 9:01 a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exceptions of Senators Billig, Nelson and Van De Wege.

The Sergeant at Arms Color Guard consisting of Pages Mr. Peter Yunker and Mr. Karlton Hisaw, presented the Colors. Page Miss Astrid Duenas led the Senate in the Pledge of Allegiance. The prayer was offered by Rabbi Adam Rubin of Congregation Beth Shalom, Seattle.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2017

SB 5809 Prime Sponsor, Senator Rivers: Extending surcharges on court filing fees for deposit in the judicial stabilization trust account to July 1, 2021. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5866 Prime Sponsor, Senator Brown: Creating a tax court for the state of Washington. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5866 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ;

Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5892 Prime Sponsor, Senator Fortunato: Concerning regional transit authority capital project reauthorization. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5892 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5893 Prime Sponsor, Senator O'Ban: Concerning the administration of motor vehicle excise taxes by regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Liias; Cleveland; Saldaña; Takko and Van De Wege.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5905 Prime Sponsor, Senator Hobbs: Concerning taxpayer relief for persons subject to a motor vehicle excise tax imposed by a regional transit authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; Saldaña; Takko; Van De Wege and Walsh.

MINORITY recommendation: Do not pass. Signed by Senator O'Ban.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5906 Prime Sponsor, Senator Saldaña: Establishing a regional transit authority rebate program for low-income individuals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Ericksen; Fortunato; Hawkins; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 29, 2017

SJR 8209 Prime Sponsor, Senator Brown: Authorizing a tax court. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget and Billig.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1100 Prime Sponsor, Committee on Appropriations: Concerning concealed pistol license renewal notices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Conway; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle and Darneille.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

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SHB 1183 Prime Sponsor, Committee on Appropriations: Authorizing specified local governments, including

municipalities and federally recognized Indian tribes, that typically have limited access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture, Water, Trade & Economic Development. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1273 Prime Sponsor, Committee on Transportation: Concerning the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Referred to Committee on Rules for second reading.

March 29, 2017

2SHB 1338 Prime Sponsor, Committee on Appropriations: Addressing the Washington state health insurance pool. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 29, 2017

ESHB 1371 Prime Sponsor, Committee on Transportation: Modifying the infraction of and penalties for distracted driving. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; O'Ban; Saldaña; Takko; Van De Wege and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Hawkins.

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MINORITY recommendation: That it be referred without recommendation. Signed by Senator Walsh.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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ESHB 1481 Prime Sponsor, Committee on Transportation: Creating uniformity in driver training education provided by school districts and commercial driver training schools. Reported by Committee on Transportation

ESHB 1808 Prime Sponsor, Committee on Transportation: Providing support for foster youth in obtaining drivers' licenses and automobile liability insurance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

March 29, 2017

SHB 1566 Prime Sponsor, Committee on Early Learning & Human Services: Concerning the definition of work activity for the purposes of the WorkFirst program. Reported by Committee on Ways & Means

E2SHB 1819 Prime Sponsor, Committee on Appropriations: Reducing certain documentation and paperwork requirements in order to improve children's mental health and safety. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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EHB 1742 Prime Sponsor, Representative Stambaugh: Modifying the motor vehicle transporter's license to accommodate automotive repair facilities. Reported by Committee on Transportation

SHB 2058 Prime Sponsor, Committee on Transportation: Creating procedures for the redemption of certain vehicles that are towed from accident scenes by registered tow truck companies when the vehicle owner is admitted as a patient in a hospital due to the accident. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Erickson; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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ESHB 1796 Prime Sponsor, Committee on Appropriations: Providing reasonable accommodations in the workplace for pregnant women. Reported by Committee on Ways & Means

SGA 9190 TRACY GUERIN, appointed on September 1, 2016, for the term ending at the pleasure of the Governor, as Director of the Department of Retirement Systems - Agency Head. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Commerce, Labor & Sports. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5917 by Senators Mullet, Palumbo, Wilson, Frockt, Rolfes and Liias

AN ACT Relating to a systemwide credit policy regarding international baccalaureate exams; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Keiser moved adoption of the following resolution:

SENATE RESOLUTION
8639

By Senators Keiser, Fain, Liias, and Wellman

WHEREAS, Auburn dentist Amy Cook has succeeded in creating a thriving dental practice, and has kept an open door to local Medicaid patients despite the low reimbursement rates for her professional dental services; and

WHEREAS, Nearly two hundred Washington dentists provided care at no cost to almost two thousand five hundred patients during the 2016 four-day, free, volunteer-run health care clinic in Seattle; and

WHEREAS, Dependable access to good dental care is an important part of maintaining good overall health status, and prevention of dental disease is also a way to prevent complications for pregnant women and diabetic patients; and

WHEREAS, The Washington State Dental Association has adopted a proposal offered by dentist Amy Cook called the "Take 5 Program" to encourage all Washington dentists to accept at least five patients with Medicaid Apple Health dental coverage; and

WHEREAS, Washington dentists participating in the Access to Baby and Child Dentistry (ABCD) program, established in 1999, have more than doubled the percentage of Medicaid Apple Health eligible babies, toddlers, and preschoolers who receive preventive dental care; and

WHEREAS, The Washington State Dental Association has also adopted a resolution supporting continued eligibility in the ABCD program for patients with developmental disabilities who may be unable to cooperate in a traditional, adult dental setting;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the valuable role played by the hundreds of Washington dentists who promote access to dental care by volunteering their services to the uninsured, and by treating patients with special needs and those with Medicaid dental insurance; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Governor's Interagency Council on Health Disparities.

Senators Keiser, Fain and Angel spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8639.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced several volunteer dentists who were seated in the gallery: Dr. Amy Cook; Dr. John Gibbons; Mr. Bracken Kilpack; Dr. Cindy Polley; and Dr. Mark Walker.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

MOTION

On motion of Senator Saldaña, Senators Billig, Nelson and Van De Wege were excused.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Short moved that RUSSELL E. OLSEN, Gubernatorial Appointment No. 9010, be confirmed as Director of the Pollution Liability Insurance Program.

Senators Short and Hunt spoke in favor of passage of the motion.

APPOINTMENT OF RUSSELL E. OLSEN

The President Pro Tempore declared the question before the Senate to be the confirmation of RUSSELL E. OLSEN, Gubernatorial Appointment No. 9010, as Director of the Pollution Liability Insurance Program.

The Secretary called the roll on the confirmation of RUSSELL E. OLSEN, Gubernatorial Appointment No. 9010, as Director of

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the Pollution Liability Insurance Program and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

RUSSELL E. OLSEN, Gubernatorial Appointment No. 9010, having received the constitutional majority was declared confirmed as a Director of the Pollution Liability Insurance Program.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1027, by House Committee on Business & Financial Services (originally sponsored by Representatives Barkis, Vick, Stanford, Kirby and Ryu)

Addressing surplus line broker licensing.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Substitute House Bill No. 1027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1027.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1027 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1150, by Representatives DeBolt and Blake

Clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

The measure was read the second time.

MOTION

Senator Braun moved that the following committee amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 812.** RCW 43.21A.731 and 2016 c 194 s 2 are each amended to read as follows:

(1) The Chehalis board is created consisting of seven voting members.

(2)(a) Four members of the board must be voting members who are appointed ~~((by))~~ through the governor ~~((subject to confirmation by the senate. One member must represent the Chehalis Indian tribe and one member must represent the Quinault Indian nation)).~~ The governor shall invite the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation to each designate a voting member of the board. In addition, the governor shall appoint two members of the board, subject to confirmation by the senate. Three board members must be selected by the Chehalis basin flood authority. No member may have a direct financial ~~((or regulatory))~~ interest in the ~~((work))~~ actions of the board. The governor shall appoint one of the flood authority appointees as the chair. The voting members of the board must be appointed for terms of four years, except that ~~((two members))~~ one member appointed by the governor and one member appointed by the flood authority initially must be appointed for terms of two years, and ~~((three members))~~ one member appointed by the governor and two members appointed by the flood authority must initially be appointed for terms of three years. In making the appointments, ~~((the governor))~~ each appointing authority shall seek a board membership that collectively provides the expertise necessary to provide strong oversight for implementation of the Chehalis basin strategy, that provides extensive knowledge of local government processes and functions, and that has an understanding of issues relevant to reducing flood damages and restoring aquatic species.

(b) In addition to the seven voting members of the board, the following five state officials must serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the Washington state conservation commission, the secretary of the department of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. These designations must be made in writing and in such a manner as is specified by the board.

(3) Staff support to the board must be provided by the department. For administrative purposes, the board is located within the department.

(4) Members of the board who do not represent state agencies must be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(5) The board is responsible for oversight of a long-term strategy resulting from the department's programmatic environmental impact statement for the Chehalis river basin to reduce flood damages and restore aquatic species habitat.

(6) The board is responsible for overseeing the implementation of the strategy and developing biennial and supplemental budget recommendations to the governor.

NEW SECTION. Sec. 813. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "Laws of 2016;" strike the remainder of the title and insert "amending RCW 43.21A.731; and declaring an emergency."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Energy, Environment & Telecommunications to House Bill No. 1150.

The motion by Senator Braun carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, House Bill No. 1150 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Carlyle spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1150 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1150 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1150, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1734, by Representatives Lovick, Hargrove, Stonier, Muri, Ortiz-Self and Pollet

Authorizing reimbursement for substitute teachers participating in activities of the Washington state professional educator standards board to carry out its powers and duties.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 1734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1734.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1734 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1906, by Representatives Orcutt, Blake, McDonald, Pike and Doglio

Allowing the expansion of counties qualifying for the farm internship program, including certain southwest Washington counties.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee amendment by the Committee on Commerce, Labor & Sports be adopted:

On page 1, line 16, after "Thurston," insert "Walla Walla,"

Senators Baumgartner, Conway, Walsh and Ranker spoke in favor of adoption of the committee amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee amendment by the Committee on Commerce, Labor & Sports to House Bill No. 1906.

The motion by Senator Baumgartner carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1906 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Keiser, Becker, Ranker and Angel spoke in favor of passage of the bill.

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The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1906 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1906 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1906, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1257, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Taylor, Fitzgibbon and Buys)

Concerning the release of wild beavers.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1257.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1257 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Baumgartner

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1615, by Representatives Kloba, Clibborn, Rodne, Doglio, Stanford and Jinkins

Concerning relocation assistance for persons displaced by agency property acquisitions.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1615 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1615.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1615 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1615, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Honeyford, Vice President Pro Tempore, assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1199, by House Committee on Judiciary (originally sponsored by Representatives Irwin, Jinkins, Goodman, Rodne, Hayes, Muri, Frame, Stokesbary and Stambaugh)

Allowing youth courts to have jurisdiction over transit infractions.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1199.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1199 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1176, by House Committee on Commerce & Gaming (originally sponsored by Representative Muri)

Concerning the alcoholic beverage mead.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 1176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1176.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1176 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Darneille, Liias and Pearson

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1515, by House Committee on Transportation (originally sponsored by Representatives Graves, Riccelli and Kraft)

Clarifying the appropriate format for signed written authorizations for special parking privileges.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Substitute House Bill No. 1515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1515.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1515 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Short, acting President Pro Tempore, assumed the chair.

SECOND READING

HOUSE BILL NO. 1400, by Representatives Dent, Gregerson, Hargrove, McBride, Klippert, Tarleton, Dye, Blake, Peterson, Sells, Griffey, Holy, Harris, McCabe, Buys, Koster, Haler, Wilcox, Graves, Jenkin, Van Werven, Stokesbary, Pike, Condotta, Rodne, MacEwen, Irwin, Steele, Nealey, Volz, McDonald, McCaslin, Chandler, Stambaugh, Barkis, Kraft, Manweller, Muri, J. Walsh, Pettigrew, Bergquist and Kagi

Creating Washington state aviation special license plates.

The measure was read the second time.

MOTION

On motion of Senator Hawkins, the rules were suspended, House Bill No. 1400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hawkins and Bailey spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Short presiding) declared the question before the Senate to be the final passage of House Bill No. 1400.

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ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1400 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1616, by Representatives McBride, Johnson, Stanford, Pollet and Jinkins

Clarifying the type of land eligible for purchase under the affordable housing land acquisition revolving loan fund program.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Short presiding) declared the question before the Senate to be the final passage of House Bill No. 1616.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1616 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Keiser, acting President Pro Tempore, assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431, by House Committee on Health Care & Wellness (originally sponsored by Representatives Slatter, Cody and Jinkins)

Increasing the number of members on the board of osteopathic medicine and surgery.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Keiser presiding) declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1431.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1431 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1235, by House Committee on Education (originally sponsored by Representatives Riccelli, Harris, Stonier, Bergquist, Caldier, Robinson, Nealey, Stokesbary, Jinkins, McBride, Goodman, Ryu, Frame, Gregerson, Dolan and Ormsby)

Assessing physical education practices in public schools.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Keiser presiding) declared the question before the Senate to be the final passage of Substitute House Bill No. 1235.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1235 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Wilson, acting President Pro Tempore, assumed the chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 1648, by Representatives Stonier, Frame, Peterson, Harris, Vick, Wylie and Pike

Concerning county treasurer administrative efficiencies.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 814.** RCW 84.56.020 and 2014 c 13 s 1 are each amended to read as follows:

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All ~~((taxes upon))~~ real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the thirtieth day of April and, except as provided in this section, ~~((shall be))~~ are delinquent after that date.

(2) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax ~~((be))~~ is paid on or before the thirtieth day of April, the remainder of such tax is due and payable on or before the

following thirty-first day of October ~~((following and shall be))~~ and is delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax ~~((be))~~ is paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following thirty-first day of October ~~((following))~~ and is delinquent after that date.

(5) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the tax payment ~~((of the tax))~~, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent is assessed on the ~~((amount of tax))~~ delinquent tax amount on December 1st of the year in which the tax is due.

(c) If a taxpayer is successfully participating in a payment agreement under subsection (12)(b) of this section or a partial payment ~~((agreement under subsection (11)(b) of this section))~~ program pursuant to subsection (13) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(6)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) For the purposes of this section, "tax foreclosure avoidance costs" means those ~~((costs that can be identified specifically))~~ direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted ~~((and identified specifically))~~ to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended ~~((specifically for the purpose of))~~ in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency.

(c) When tax foreclosure avoidance costs are collected, ~~((the tax foreclosure avoidance costs))~~ such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(d) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

(7) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict ~~((or))~~ regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

(8) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or

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at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

(9) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(10) For purposes of this chapter, "interest" means both interest and penalties.

~~((10) All collections of interest on delinquent taxes must be credited to the county current expense fund; but))~~

(11) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale ~~((for))~~ because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

~~((12))~~ (12)(a) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic ~~((bill presentment))~~ billing and payment. Electronic ~~((bill presentment))~~ billing and payment may be ~~((utilized))~~ used as an option by the taxpayer, but the treasurer may not require the use of electronic ~~((bill presentment))~~ billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for delinquent tax year payments only or for prepayments of current tax. All prepayments must be paid in full by the due date specified in (c) of this subsection. Payments on past due taxes must include collection of the oldest delinquent year, which includes interest and taxes within a twelve-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

(b) The treasurer ~~((must))~~ may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies, which must also require current year taxes to be paid timely. The payment agreement must be signed by the taxpayer and treasurer prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes. The treasurer may accept partial payment of current and delinquent taxes including interest and penalties using electronic bill presentment and payments.

(c) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the thirtieth day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following thirty-first ~~((day))~~ of October ~~((following))~~ and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

(d) A county treasurer may authorize payment of past due property taxes, penalties, and interest under this chapter by electronic funds transfers ~~((payments))~~ on a monthly basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section.

(e) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

~~((12))~~ (13) In addition to the payment program in subsection (12)(b) of this section, the treasurer may accept partial payment of current and delinquent taxes including interest and penalties by any means authorized.

(14) For purposes of this section unless the context clearly requires otherwise, the following definitions apply:

(a) "Electronic ~~((bill presentment))~~ billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

Sec. 815. RCW 84.56.050 and 1991 c 245 s 17 are each amended to read as follows:

(1) On ~~((receiving the tax rolls the treasurer shall post))~~ receipt of the certification of the tax rolls from the county assessor, the county treasurer must transfer all real and personal property taxes from the rolls to the treasurer's tax roll, and ~~((shall))~~ must carry forward to the current tax rolls a memorandum of all delinquent taxes on each and every description of property, ~~((and enter the same on the property upon which the taxes are delinquent showing the amounts for each year. The treasurer shall notify each taxpayer in the county, at the expense of the county, of the amount of the real and personal property, and the current and delinquent amount of tax due on the same; and the treasurer shall have printed on the notice the name of each tax and the levy made on the same. The county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county; PROVIDED, That the term "taxpayer" as used in this section shall))~~ entering which taxes are delinquent and the amounts for each year. Except as provided otherwise in this section, the treasurer must provide a printed notice or electronically publish, at the expense of the county, information for each taxpayer, regarding the amount of real and personal property, and the name of each tax and levy made on the same. The county treasurer must be the sole collector of all taxes, current or delinquent.

(2) For the purposes of this section, "taxpayer" means any person charged, or whose property is charged, with property tax~~((; and))~~.

(3) The person to be notified ~~((is that))~~ under this section is the person whose name appears on the tax roll herein mentioned~~((: PROVIDED, FURTHER, That)). However, if:~~

(a) No name so appears the person to be notified is ~~((that))~~ the person shown by the treasurer's tax rolls or duplicate tax receipts of any preceding year as the payer of the tax last paid on the property ~~((in question)); or~~

(b) The real property taxes are paid by a bank, as defined in RCW 62A.1-201, the name of each tax and levy in the property tax information on the county treasurer's web site satisfies the notice requirements of this section.

Sec. 816. RCW 82.45.090 and 2009 c 350 s 8 are each amended to read as follows:

(1) Except for a sale of a beneficial interest in real property where no instrument evidencing the sale is recorded in the official real property records of the county in which the property is located, the tax imposed by this chapter ~~((shall))~~ must be paid to and collected by the treasurer of the county within which is located the real property ~~((which))~~ that was sold. In collecting the tax the county treasurer ~~((shall))~~ must act as agent for the state. The county treasurer ~~((shall))~~ must cause a verification of payment evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home

sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter ~~((shall be))~~ is evidence of the satisfaction of the lien imposed ~~((hereunder))~~ in this section and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax ~~((shall))~~ may be accepted by the county auditor for filing or recording until the tax ~~((shall have been))~~ is paid and the verification of payment affixed thereto; in case the tax is not due on the transfer, the instrument ~~((shall))~~ may not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer. ~~((Any time there is a))~~ At the sale of a used mobile home, used manufactured home, used park model, or used floating home that has not been title eliminated, property taxes must be current in order to complete the processing of the real estate excise tax affidavit or other documents transferring title. Verification that the property taxes are current must be noted on the mobile home real estate excise tax affidavit or on a form approved by the county treasurer. For the purposes of this subsection, "mobile home," "manufactured home," and "park model" have the same meaning as provided in RCW 59.20.030.

(2) For a sale of a beneficial interest in real property where a tax is due under this chapter and where no instrument is recorded in the official real property records of the county in which the property is located, the sale ~~((shall))~~ must be reported to the department of revenue within five days from the ~~((date of the))~~ sale date on such returns or forms and according to such procedures as the department may prescribe. Such forms or returns ~~((shall))~~ must be signed or electronically signed by both the transferor and the transferee and ~~((shall))~~ must be accompanied by payment of the tax due.

(3) Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter is guilty of perjury under chapter 9A.72 RCW.

NEW SECTION. Sec. 817. 2014 c 13 s 3 (uncodified) is repealed."

On page 1, line 1 of the title, after "efficiencies;" strike the remainder of the title and insert "amending RCW 84.56.020, 84.56.050, and 82.45.090; and repealing 2014 c 13 s 3 (uncodified)."

The acting President Pro Tempore (Senator Wilson presiding) declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to Engrossed House Bill No. 1648.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed House Bill No. 1648 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Wilson presiding) declared the question before the Senate to be the final passage of Engrossed House Bill No. 1648 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1648 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Froctt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

ENGROSSED HOUSE BILL NO. 1648, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1420, by House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins, MacEwen and Bergquist)

Concerning theatrical wrestling.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 1420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Saldaña, Liias, and Keiser spoke in favor of passage of the bill.

Senator Chase spoke on passage of the bill.

PARLIAMENTARY INQUIRY

Senator Palumbo: "I am curious if in the rules of the Senate it is permissible for me to do a 'Superfly' Snuka from the gallery onto Mr. Baumgartner? Is that allowed?"

REPLY BY THE PRESIDENT PRO TEMPORE

Acting President Pro Tempore (Senator Wilson presiding): "No."

Senator Hunt spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Wilson presiding) declared the question before the Senate to be the final passage of Substitute House Bill No. 1420.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1420 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Froctt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Frockt, acting President Pro Tempore, assumed the chair.

SECOND READING

HOUSE BILL NO. 1965, by Representatives Lovick and Irwin

Standardizing the collection and distribution of criminal records.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 818. RCW 9.41.070 and 2011 c 294 s 1 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include ~~((two))~~ a complete set~~((s))~~ of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of

licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed

pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

Sec. 819. RCW 9.41.173 and 2009 c 216 s 3 are each amended to read as follows:

(1) In order to obtain an alien firearm license, a nonimmigrant alien residing in Washington must apply to the sheriff of the county in which he or she resides.

(2) The sheriff of the county shall within sixty days after the filing of an application of a nonimmigrant alien residing in the state of Washington, issue an alien firearm license to such person to carry or possess a firearm for the purposes of hunting and sport shooting. The license shall be good for two years. The issuing authority shall not refuse to accept completed applications for alien firearm licenses during regular business hours. An application for a license may not be denied, unless the applicant's alien firearm license is in a revoked status, or the applicant:

(a) Is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) Is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(c) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; or

(d) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

No license application shall be granted to a nonimmigrant alien convicted of a felony unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or unless RCW 9.41.040 (3) or (4) applies.

(3) The sheriff shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

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(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, ~~((not more than two))~~ a complete set~~(s))~~ of fingerprints, and signature of the applicant, a copy of the applicant's passport and visa showing the applicant is in the country legally, and a valid Washington hunting license or documentation that the applicant is a member of a sport shooting club.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9A.41.040 to possess a firearm. The nonimmigrant alien applicant shall be required to produce a passport and visa as evidence of being in the country legally.

The license may be in triplicate or in a form to be prescribed by the department of licensing. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(5) The sheriff has the authority to collect a nonrefundable fee, paid upon application, for the two-year license. The fee shall be fifty dollars plus additional charges imposed by the Washington state patrol and the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license. The fee shall be retained by the sheriff.

(6) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the sheriff.

(7) A political subdivision of the state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(8) A person who knowingly makes a false statement regarding citizenship or identity on an application for an alien firearm license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the alien firearm license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for an alien firearm license.

Sec. 820. RCW 9A.44.130 and 2015 c 261 s 3 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. When a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection must give notice to the county sheriff of the county with whom the person is registered within three business days:

(i) Prior to arriving at a school or institution of higher education to attend classes;

(ii) Prior to starting work at an institution of higher education; or

(iii) After any termination of enrollment or employment at a school or institution of higher education.

(2)(a) A person required to register under this section must provide the following information when registering: (i) Name and any aliases used; (ii) complete and accurate residential address or, if the person lacks a fixed residence, where he or she plans to stay; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) social security number; (viii) photograph; and (ix) fingerprints.

(b) A person may be required to update any of the information required in this subsection in conjunction with any address verification conducted by the county sheriff or as part of any notice required by this section.

(c) A photograph or copy of an individual's fingerprints, which may include palmprints may be taken at any time to update an individual's file.

(3) Any person required to register under this section who intends to travel outside the United States must provide, by certified mail, with return receipt requested, or in person, signed written notice of the plan to travel outside the country to the county sheriff of the county with whom the person is registered at least twenty-one days prior to travel. The notice shall include the following information: (a) Name; (b) passport number and country; (c) destination; (d) itinerary details including departure and return dates; (e) means of travel; and (f) purpose of travel. If the offender subsequently cancels or postpones travel outside the United States, the offender must notify the county sheriff not later than three days after cancellation or postponement of the intended travel outside the United States or on the departure date provided in the notification, whichever is earlier. The county sheriff shall notify the United States marshals service as soon as practicable after receipt of the notification. In cases of unexpected travel due to family or work emergencies, or for offenders who travel routinely across international borders for work-related purposes, the notice must be submitted in person at least twenty-four hours prior to travel to the sheriff of the county where such offenders are registered with a written explanation of the circumstances that make compliance with this subsection (3) impracticable.

(4)(a) Offenders shall register with the county sheriff within the following deadlines:

(i) **OFFENDERS IN CUSTODY.** Sex offenders or kidnapping offenders who are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

When a person required to register under this section is in the custody of the state department of corrections or a local corrections or probations agency and has been approved for partial confinement as defined in RCW 9.94A.030, the person must register at the time of transfer to partial confinement with the official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county in which the offender is in partial confinement. The offender must also register within three business days from the time of the termination of partial confinement or release from confinement with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

(ii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders or kidnapping offenders who are in the custody of the United States bureau of prisons or other federal or military correctional agency must register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation.

(iii) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense and kidnapping offenders who are convicted for a kidnapping offense but who are not sentenced to serve a term of confinement immediately upon sentencing shall report to the county sheriff to register within three business days of being sentenced.

(iv) **OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. If the offender is under the jurisdiction of an agency of this state when the offender moves to Washington, the agency shall provide notice to the offender of the duty to register.

Sex offenders and kidnapping offenders who are visiting Washington state and intend to reside or be present in the state for ten days or more shall register his or her temporary address or

where he or she plans to stay with the county sheriff of each county where the offender will be staying within three business days of arrival. Registration for temporary residents shall include the information required by subsection (2)(a) of this section, except the photograph and fingerprints.

(v) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing a sex offense or a kidnapping offense and who is in custody, as a result of that finding, of the state department of social and health services, must register within three business days from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register.

(vi) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than three business days after entering the county and provide the information required in subsection (2)(a) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(viii) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of RCW 9A.44.132, or arraignment on charges for a violation of RCW 9A.44.132, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under RCW 9A.44.132 who asserts as a defense the lack of notice of the duty to register shall register within three business days following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address to the county sheriff within three business days of moving.

(b) If any person required to register pursuant to this section moves to a new county, within three business days of moving the person must register with the county sheriff of the county into which the person has moved and provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address to the county sheriff with whom the person last

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registered. The county sheriff with whom the person last registered is responsible for address verification pursuant to RCW 9A.44.135 until the person completes registration of his or her new residence address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within three business days after ceasing to have a fixed residence. The notice shall include the information required by subsection (2)(a) of this section, except the photograph ~~((and))~~, fingerprints, and palmprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within three business days of ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vi) or (vii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within three business days of the entry of the order.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section."

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 9.41.070, 9.41.173, and 9A.44.130."

Senator Padden spoke in favor of adoption of the committee striking amendment.

The acting President Pro Tempore (Senator Frockt presiding) declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1965.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1965 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Liias: "Mr. President, I am wondering if the amendment passed by the Senate is enrolled upon passage by the Senate or after the House concurs. I wonder if you could give us guidance on that?" [laughter]

REPLY BY THE PRESIDENT PRO TEMPORE

Acting President Pro Tempore Frockt: "When the bill is complete it will be enrolled."

The acting President Pro Tempore (Senator Frockt presiding) declared the question before the Senate to be the final passage of House Bill No. 1965 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1965 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Fortunato

Excused: Senators Billig, Nelson and Van De Wege

HOUSE BILL NO. 1965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Senator Fortunato was excused.

PERSONAL PRIVILEGE

Senator Baumgartner: "Well, Mr. President, we do have a member here as was noted earlier that will be having her birthday, a very special birthday, tomorrow. And Mr. President, you are known as perhaps the golden voice of the Washington State Legislature, at least here in the Senate, and I was hoping Mr. President, that you might lead us in a rendition of Happy Birthday. You may start acapella if you wish Mr. President, if you would so indulge the body. But we could also do it with you. That would be my point of personal privilege, Mr. President."

REPLY BY THE PRESIDENT PRO TEMPORE

Acting President Pro Tempore (Senator Frockt presiding): “Thank you, Senator Baumgartner. I think the public has not paid for me to sing acapella in my duties as Senator but perhaps when we are done we can be happy in all singing ‘Happy Birthday’ to Senator Saldaña. Maybe Senator Walsh could lead the singing.”

Senator Walsh rose and led the Senate in a rendition of ‘Happy Birthday’ in honor of Senator Saldaña’s birthday.

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. I just don’t want to leave out the fact that Senator Rolfes also celebrated a milestone last weekend and so could we just retroactively apply that song to her as well.”

REPLY BY THE PRESIDENT PRO TEMPORE

Acting President Pro Tempore (Senator Frockt presiding): “So ordered.”

SECOND READING

HOUSE BILL NO. 1629, by Representatives Sells and Manweller

Extending the redetermination timeline regarding appeals to the department of labor and industries.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Frockt presiding) declared the question before the Senate to be the final passage of House Bill No. 1629.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1629 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Fortunato, Nelson and Van De Wege

HOUSE BILL NO. 1629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Rivers, acting President Pro Tempore, assumed the chair.

SECOND READING

SENATE BILL NO. 5130, by Senators Rivers, Conway and Chase

Increasing marijuana license fees and adding a temporary additional fee on marijuana licenses issued by the Washington state liquor and cannabis board.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Rivers presiding) declared the question before the Senate to be the final passage of Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O’Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rossi, Saldaña, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Frockt, Palumbo, Rolfes, Schoesler, Sheldon, Short, Takko, Walsh and Warnick

Excused: Senators Billig, Fortunato, Nelson and Van De Wege

SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5248, by Senators Rivers, Cleveland, Becker, Carlyle and Kuderer

Concerning persons to whom the department of health may provide prescription monitoring program data. Revised for 1st Substitute: Concerning the requirements for prescribing opioids.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Cleveland and Carlyle spoke in favor of passage of the bill.

The acting President Pro Tempore (Senator Rivers presiding) declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Billig, Nelson and Van De Wege

SUBSTITUTE SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Sheldon, President Pro Tempore, resumed the chair.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION
8644

By Senators Baumgartner, Billig, Warnick, and Hunt

WHEREAS, The Gonzaga men's basketball team has dominated the March Madness NCAA playoffs and advanced to the Final Four semifinal matchup against South Carolina; and

WHEREAS, A Pacific Northwest team has not advanced to the Final Four since Seattle University did it in 1958; and

WHEREAS, Gonzaga has developed a culture and tradition of winning beginning with the leadership of coach Dan Fitzgerald, who led the team to its first NCAA appearance in 1995, and continuing with the success of Dan Monson, who brought Gonzaga to its first Elite Eight appearance in 1999; and

WHEREAS, Head Coach Mark Few has created a culture of ownership and responsibility built on a unique attention to player development and an attitude of loyalty and persistence; and

WHEREAS, Coach Few has led the Zags to an NCAA tournament appearance in each of his 17 years as head coach, including fifteen West Coast Conference titles, five Sweet 16 appearances, and one Elite Eight competition; and

WHEREAS, Gonzaga has become a national powerhouse and a place where athletes come to be a part of a winning culture and something bigger than themselves; and

WHEREAS, Gonzaga demonstrates a high level of student achievement on and off the court, leading the nation with 80 percent of Gonzaga sports teams scoring at the top of the Academic Progress Rate score for academic achievement; and

WHEREAS, The Zags outlasted West Virginia in the Sweet 16 round and manhandled Xavier in the Elite Eight; and

WHEREAS, South Carolina should tremble at having to face the speed and endurance of the mighty Bulldogs this Saturday in the Final Four;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the success of the Gonzaga men's basketball team in reaching the Final Four of the NCAA tournament; and

BE IT FURTHER RESOLVED, That the Senate commend Head Coach Mark Few for his leadership in crafting a national powerhouse that is now contending for a national title; and

BE IT FURTHER RESOLVED, That the Washington State Senate fully support the Gonzaga Bulldogs in their game on Saturday and will be cheering for a victory; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Gonzaga University.

Senators Baumgartner, Frockt, Padden, Conway and Warnick spoke in favor of adoption of the resolution.

Senator Erickson spoke on the adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

The motion by Senator Baumgartner carried and the resolution was adopted by voice vote.

MOTION

At 11:19 a.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Monday, April 3, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY FIFTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, April 3, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 30, 2017

SB 5135 Prime Sponsor, Senator Rivers: Modifying the Washington main street program by increasing the total amount of tax credits allowed under the program and making administrative changes to the program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5135 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Hasegawa.

Referred to Committee on Rules for second reading.

March 30, 2017

SB 5768 Prime Sponsor, Senator Rossi: Concerning a leasehold excise tax credit for properties of market value in excess of ten million dollars and for certain major international airport leases. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Darneille; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Hasegawa and Keiser.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Conway.

Referred to Committee on Rules for second reading.

March 30, 2017

SB 5853 Prime Sponsor, Senator Walsh: Concerning career and technical education funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

ESHB 1115 Prime Sponsor, Committee on Education: Concerning paraeducators. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

HB 1166 Prime Sponsor, Representative Griffey: Concerning fire protection district tax levies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

EIGHTY FIFTH DAY, APRIL 3, 2017

2017 REGULAR SESSION

March 30, 2017

HB 1267 Prime Sponsor, Representative DeBolt: Creating the wastewater treatment plant operator certification account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

SHB 1314 Prime Sponsor, Committee on Health Care & Wellness: Addressing health care authority auditing practices. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

2SHB 1402 Prime Sponsor, Committee on Appropriations: Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Mental Health & Housing. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

SHB 1526 Prime Sponsor, Committee on Finance: Exempting multipurpose senior citizen centers from property taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

SHB 1532 Prime Sponsor, Committee on Finance: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Mental Health & Housing. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Hasegawa and Padden.

Referred to Committee on Rules for second reading.

March 30, 2017

HB 1709 Prime Sponsor, Representative Chandler: Authorizing the transfer of public employees' retirement system service credit to the public safety employees' retirement system due to differing definitions of full-time. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler and Warnick.

Referred to Committee on Rules for second reading.

March 30, 2017

EHB 2005 Prime Sponsor, Representative Lytton: Improving the business climate in this state by simplifying the administration of municipal general business licenses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

March 30, 2017

EHB 2107 Prime Sponsor, Representative Schmick: Concerning the addition of services for long-term placement of mental health patients in community settings that voluntarily

contract to provide the services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Hasegawa.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

Health Care Authority – *“SmartHealth Effectiveness, October - December 2016”* in accordance with Second Engrossed Substitute House Bill No. 2376, report date March 31, 2017;

Office of Minority and Women's Business Enterprises – *“Annual Report, Fiscal Year 2016”* pursuant to 39.19.030 RCW, report date March 1, 2017;

Department of Social & Health Services - *“WorkFirst Maintenance of Effort and Work Participation Rate, April - June 2016”* in accordance with Second Engrossed Substitute House Bill No. 2376, report date December 2, 2016;

Department of Social & Health Services - *“Individual Provider Overtime Quarterly Expenditures”* pursuant to 74.39A.275 RCW, report date March 1, 2017;

Department of Social & Health Services – *“Child Fatality Report, April - June 2016”* pursuant to 74.13.640 RCW, report date June 30, 2016;

Department of Social & Health Services - *“Child Fatality Report, July - September 2016”* pursuant to 74.13.640 RCW, report date September 30, 2016;

Department of Social & Health Services - *“Foster and Adoptive Home Placement Annual Report for 2016”* pursuant to 74.13.031 RCW, report date December 1, 2015;

Department of Transportation – *“Toll Division Proviso Report, October - December 2016”* in accordance with Engrossed Substitute House Bill No. 2524, report date February 27, 2017; and

Department of Transportation – *“Grant Program Examination 2016”* pursuant to 47.66.080 RCW, report date March 23, 2016.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 31, 2017

TO THE HONORABLE LT. GOVERNOR CYRUS HABIB,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KECIA L. RONGEN, reappointed March 30, 2017, for the term ending April 15, 2022, as Member of the Indeterminate Sentence Review Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9259.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5918 by Senators Ericksen and Chase

AN ACT relating to providing incentives for carbon reduction investments in rural manufacturing; and amending RCW 19.285.030, 19.285.040, and 19.285.070.

Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Tuesday, April 4, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
 Tuesday, April 4, 2017

The Senate was called to order at 9:02 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Tikvah Meeks and Mr. Tristan Bird, presented the Colors. Page Miss Ekaterina Matsko led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Dr. Eugene Wiegman, Tacoma.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Reverend Dr. Eugene Wiegman and his wife, Kathleen, who were seated at the rostrum.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 31, 2017

SB 5409 Prime Sponsor, Senator Conway: Extending the sales and use tax deferral for historic automobile museums. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Frockt, Assistant Ranking Minority Member, Capital Budget.

Referred to Committee on Rules for second reading.

March 31, 2017

SHB 1060 Prime Sponsor, Committee on Health Care & Wellness: Concerning the administration of marijuana to students for medical purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget and Padden.

Referred to Committee on Rules for second reading.

April 3, 2017

HB 1063 Prime Sponsor, Representative Morris: Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators King, Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

April 3, 2017

ESHB 1105 Prime Sponsor, Committee on Transportation: Concerning passenger-carrying vehicles for railroad employees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

March 31, 2017

SHB 1344 Prime Sponsor, Committee on Finance: Extending the period for which a bond levy may be increased. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Padden and Schoesler.

Referred to Committee on Rules for second reading.

April 3, 2017

HB 1373 Prime Sponsor, Representative Bergquist: Concerning the means of communication between a buyer or lessee and an auto dealer during the "bushing" period. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

April 3, 2017

HB 1395 Prime Sponsor, Representative Peterson: Allowing public transportation benefit area authorities to use job order contracts and procedure. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

Referred to Committee on Rules for second reading.

April 3, 2017

E2SHB 1614 Prime Sponsor, Committee on Transportation: Concerning impaired driving. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senator Van De Wege.

Referred to Committee on Rules for second reading.

March 31, 2017

SHB 1741 Prime Sponsor, Committee on Appropriations: Concerning educator preparation data for use by the professional educator standards board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

March 31, 2017

SHB 1747 Prime Sponsor, Committee on Finance: Concerning the withdrawal of land from a designated classification. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Assistant Ranking Minority Member, Operating Budget.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget and Hasegawa.

Referred to Committee on Rules for second reading.

March 31, 2017

2SHB 1777 Prime Sponsor, Committee on Capital Budget: Concerning the financing of early learning facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Carlyle; Conway; Darneille; Fain; Keiser; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Schoesler.

Referred to Committee on Rules for second reading.

March 31, 2017

ESHB 1809 Prime Sponsor, Committee on Finance: Concerning tax credits for clean alternative fuel commercial vehicles. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Becker; Padden and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

April 3, 2017

EIGHTY SIXTH DAY, APRIL 4, 2017

2017 REGULAR SESSION

EHB 2003 Prime Sponsor, Representative Kloba: Allowing special parking privileges for certain organizations that dispatch taxicab vehicles or vehicles for hire that transport persons with disabilities. Reported by Committee on Transportation

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9262.

MAJORITY recommendation: Do pass as amended.
Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Cleveland; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh and Wilson.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

Referred to Committee on Rules for second reading.

MOTION

At 9:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

The Senate was called to order at 10:37 a.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

SECOND READING

April 3, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

SUBSTITUTE HOUSE BILL NO. 1036, by House Committee on Transportation (originally sponsored by Representatives Harmsworth, Kirby, Short and Muri)

I have the honor to submit the following appointment, subject to your confirmation.

Concerning business practices of registered tow truck operators by authorizing electronic records creation and storage.

ELYSE M. BALMERT, appointed April 3, 2017, for the term ending April 15, 2022, as Member of the Indeterminate Sentence Review Board.

The measure was read the second time.

Sincerely,
JAY INSLEE, Governor

MOTION

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9260.

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

April 3, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

Senator King spoke in favor of passage of the bill.

I have the honor to submit the following appointment, subject to your confirmation.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1036.

PHILLIP R. LEMLEY, appointed April 3, 2017, for the term ending August 2, 2017, as Member of the Sentencing Guidelines Commission.

ROLL CALL

Sincerely,
JAY INSLEE, Governor

The Secretary called the roll on the final passage of Substitute House Bill No. 1036 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9261.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

April 3, 2017
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

SUBSTITUTE HOUSE BILL NO. 1036, having received the constitutional majority, was declared passed. There being no

I have the honor to submit the following reappointment, subject to your confirmation.

WILLIAM S. AYER, reappointed April 3, 2017, for the term ending September 30, 2022, as Member of the University of Washington Board of Regents.

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136, by House Committee on Environment (originally sponsored by Representatives Dye, Blake, Haler, Shea, Taylor, Farrell, Dent, Nealey, Manweller, Short, Muri, Schmick, Ormsby, Fey, Young and Buys)

Exempting short-line railroads that haul nonfuel oils from oil spill contingency planning requirements.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 821.** RCW 90.56.210 and 2015 c 274 s 5 are each amended to read as follows:

(1) Each onshore and offshore facility shall have a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, shellfish beds, environmentally and archaeologically sensitive areas, and public facilities. The departments of ecology, fish and wildlife, and natural resources, and the department of archaeology and historic preservation, upon request, shall provide information that they have available to assist in preparing this description. The description of archaeologically sensitive areas shall not be required to be included in a contingency plan until it is reviewed and updated pursuant to subsection (9) of this section;

(h) State the means of protecting and mitigating effects on the environment, including fish, shellfish, marine mammals, and

other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Provide arrangements for the repositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to RCW 90.56.200, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The following shall submit contingency plans to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section:

(i) Onshore facilities capable of storing one million gallons or more of oil; and

(ii) Offshore facilities.

(b) Contingency plans for all other onshore and offshore facilities shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The department by rule shall determine the contingency plan requirements for railroads transporting oil in bulk.

(b) For class III railroads transporting oil in bulk that is not crude oil in an amount of forty-nine or more tank car loads per year, the rules adopted under this subsection may not require contingency plans to include:

(i) Contracted access to oil spill response equipment; or

(ii) The completion of more than a total of one basic table-top drill every three years to test the contingency plans.

(c) For class III railroads transporting oil in bulk that is not crude oil in an amount less than forty-nine tank car loads per year, rules adopted under this subsection may only require railroads to submit a basic contingency plan to the department. A basic contingency plan filed under this subsection (3)(c) must be limited to requiring the class III railroads to:

(i) Keep documentation of the basic contingency plan on file with the department at the plan holder's principal place of business and at dispatcher field offices of the railroad;

(ii) Identify and include contact information for the chain of command and other personnel, including employees or spill response contractors, who will be involved in the railroad's response in the event of a spill;

(iii) Include information related to the relevant accident insurance carried by the railroad and provide a certificate of insurance upon request;

(iv) Develop a field document for use by personnel involved in oil handling operations that includes time-critical information regarding basic contingency plan procedures to be used in the initial response to a spill or a threatened spill; and

(v) Annually review the plan for accuracy.

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(d) Federal oil spill response plans created pursuant to 33 U.S.C. Sec. 1321 may be submitted in lieu of contingency plans ~~((until state rules are adopted))~~ by a class III railroad transporting oil in bulk that is not crude oil.

(e) For the purposes of this section, "class III railroad" has the same meaning as defined by the United States surface transportation board as of January 1, 2017.

(4)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

(b) A person who has contracted with a facility to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.56.240, may submit the plan for any facility for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility.

(5) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall ensure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(6) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries, shellfish beds, and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(7) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(8) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(9) An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(10) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(11) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 90.56.210."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Engrossed Substitute House Bill No. 1136.

The motion by Senator Sheldon carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1136 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Carlyle and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1136 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1136 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frocht, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa, Liias and McCoy

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students of Saint Philomena Catholic School in Edmonds, including Connor, the grandson of Senator Fortunato, who were seated in the gallery.

SECOND READING

HOUSE BILL NO. 1401, by Representatives Ortiz-Self, Stonier, Ryu, Peterson, Santos, Jinkins, Appleton and Bergquist

Requiring the court to remove any person serving as a court-appointed special advocate or volunteer guardian ad litem if that person has made a materially false statement under oath.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1401.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1320, by House Committee on Transportation (originally sponsored by Representatives Reeves, McDonald, Dolan, Stambaugh, Kilduff, Ryu, Klippert, Tarleton, Appleton, Sawyer, Jinkins, Bergquist, Pellicciotti, McBride and Riccelli)

Concerning certain gold star license plate qualified applicants and recipients. Revised for 1st Substitute: Concerning certain gold star license plate qualified applicants.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1320.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1320 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1369, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Hayes, Muri, Kilduff, Appleton and Lovick)

Defining veteran for the purpose of receiving certain benefits.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Substitute House Bill No. 1369 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1369.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1369 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1248, by Representatives Griffey, Appleton, Goodman, Klippert, Holy and Hayes

Correcting a conflict between state and federal law regarding class I correctional industries work programs.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 1248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1248.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1248 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED HOUSE BILL NO. 1248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1411, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, DeBolt, Riccelli, Caldier, Jinkins and Appleton)

Concerning dental licensure through completion of a residency program.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1411.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1411 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1593, by Representatives Vick and Kirby

Simplifying small securities offerings.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, House Bill No. 1593 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1593.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1593 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1283, by Representatives Chapman, Orcutt, Nealey and Lytton

Eliminating the collection of anticipated taxes and assessments.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, House Bill No. 1283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1283.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1283 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Environment (originally sponsored by Representatives Shea, Taylor, Holy, Short, McCaslin, Pike, Haler and Young)

Directing the department of ecology to submit an annual report to the legislature detailing the department's participation in interagency agreements.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 1010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1010.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1010 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1654, by Representatives McCaslin, Bergquist, Ortiz-Self, Muri and Pollet

Changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed House Bill No. 1654 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1654.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1654 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 1654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1755, by House Committee on Labor & Workplace Standards (originally sponsored by Representative Manweller)

Requiring notice to state fund employers for certain workers' compensation third-party settlements.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 1755 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1755.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1755 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1755, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1732, by Representatives Springer and Bergquist

Concerning the confidentiality of educator professional growth plans.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 1732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1732.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1732 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Habib: "Message from the earth: Bertha has broken through."

EDITOR'S NOTE: Washington State Department of Transportation project tunnel.

MOTION

On motion of Senator Fain, Senator Padden was excused.

SECOND READING

SENATE BILL NO. 5303, by Senators Honeyford, Rolfes, Chase, Hawkins, Warnick, Bailey and Ranker

Concerning aquatic invasive species management.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5303 was substituted for Senate Bill No. 5303 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5303.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Padden

SUBSTITUTE SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5347, by Senators Walsh, Darneille, Zeiger, Rolfes, Sheldon, Angel and Hasegawa

Concerning the definition of work activity for the purposes of the WorkFirst program.

MOTIONS

On motion of Senator Walsh, Second Substitute Senate Bill No. 5347 was substituted for Senate Bill No. 5347 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Second Substitute Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Walsh and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5347.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Padden

SECOND SUBSTITUTE SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1905, by House Committee on Transportation (originally sponsored by Representatives Orcutt and Clibborn)

Modifying the volume limitation for certain vessels exempt from the pilotage act. Revised for 1st Substitute: Modifying limitations for certain vessels exempt from the pilotage act.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1905.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1905 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Padden

SUBSTITUTE HOUSE BILL NO. 1905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886, by House Committee on Education (originally sponsored by Representatives Harris, Santos and Pollet)

Concerning the responsibilities of the superintendent of public instruction and the state board of education. Revised for 1st Substitute: Concerning the responsibilities of the superintendent of public instruction and the state board of education. (REVISED FOR ENGROSSED: Establishing a legislative task force to review issues relating to the responsibilities of the superintendent of public instruction and the state board of education.)

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 822. (1) The office of the superintendent of public instruction and the state board of education shall jointly review the following issues:

(a) The constitutional and statutory provisions establishing the governance structure and associated responsibilities in the K-12 system;

(b) Options for the division of roles and responsibilities between the office of the superintendent of public instruction and the state board of education;

(c) Past and present provisions governing the superintendent of public instruction and the superintendent's office, including authorities and duties assigned and modified by the legislature; and

(d) Past and present provisions governing the state board of education, including provisions prescribing its authorities, duties, composition, and membership qualifications; and

(e) Other relevant information as determined by the superintendent of public instruction or the members of the state board of education.

(2) The office of the superintendent of public instruction and the state board of education shall jointly report findings and recommendations, including recommendations regarding the appropriate roles and responsibilities of the superintendent of public instruction and the state board of education in the K-12 system, to the education committees of the house of representatives and the senate by November 15, 2017.

(3) This section expires January 31, 2018.

NEW SECTION. Sec. 823. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1886.

The motion by Senator Zeiger carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1886 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1886.

ROLL CALL

EIGHTY SIXTH DAY, APRIL 4, 2017

2017 REGULAR SESSION

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1886 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Ericksen

Excused: Senator Padden

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:51 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of reading committee reports into the record later in the day.

EVENING SESSION

Senator Palumbo, acting President Pro Tempore, assumed the Chair.

The Senate was called to order at 7:51 p.m. by acting President Pro Tempore Palumbo.

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 4, 2017

SB 5205 Prime Sponsor, Senator Fain: Concerning the excise taxation of martial arts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Conway; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member and Carlyle.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Darneille.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5260 Prime Sponsor, Senator Warnick: Concerning the continuation of tax preferences supporting the solar silicon manufacturing industry. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5260 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Keiser; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille and Pedersen.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5515 Prime Sponsor, Senator Warnick: Encouraging job creation and retention in rural economies through the transparent and accountable provision of targeted tax relief for silicon smelters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille and Keiser.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5642 Prime Sponsor, Senator Brown: Concerning a pilot program that provides incentives for investments in Washington state job creation and economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5642 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget;

Froct, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Darneille; Hasegawa; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Conway.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5738 Prime Sponsor, Senator Schoesler: Making a technical correction in Engrossed Substitute Senate Bill No. 6057 from 2015 to provide that the business and occupation tax rate for newspapers takes effect as of July 1, 2015. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Froct, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Carlyle.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5786 Prime Sponsor, Senator Walsh: Creating a business and occupation tax exemption for certain sales of commercial fertilizer, agricultural crop protection products, and seed. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Bailey; Becker; Billig; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Froct, Assistant Ranking Minority Member, Capital Budget; Carlyle; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Keiser.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5799 Prime Sponsor, Senator Ranker: Removing the expiration date from the sales and use tax exemptions for certain products that impart flavor to food. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5799 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Bailey; Becker;

Conway; Fain; Keiser; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Froct, Assistant Ranking Minority Member, Capital Budget; Carlyle; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Referred to Committee on Rules for second reading.

April 4, 2017

SB 5914 Prime Sponsor, Senator Braun: Concerning public employer collection and remission of dues and other amounts on behalf of labor organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5914 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Froct, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia and Pedersen.

Referred to Committee on Rules for second reading.

April 3, 2017

SB 5915 Prime Sponsor, Senator Braun: Concerning central service functions, powers, and duties of state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5915 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Billig; Conway; Fain; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Carlyle and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Froct, Assistant Ranking Minority Member, Capital Budget; Darneille and Keiser.

Referred to Committee on Rules for second reading.

April 4, 2017

SB 5916 Prime Sponsor, Senator Rivers: Concerning the continuation of tax preferences supporting the semiconductor materials manufacturing industry. Reported by Committee on Ways & Means

EIGHTY SIXTH DAY, APRIL 4, 2017

2017 REGULAR SESSION

MAJORITY recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Carlyle; Darneille; Hasegawa and Pedersen.

April 4, 2017

SHB 1130 Prime Sponsor, Committee on Higher Education: Making the customized employment training program permanent. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Conway and Keiser.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1055 Prime Sponsor, Committee on Appropriations: Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 1153 Prime Sponsor, Committee on Public Safety: Concerning crimes against vulnerable persons. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Vice Chair, Capital Budget and Bailey.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 1109 Prime Sponsor, Committee on Appropriations: Supporting victims of sexual assault. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1163 Prime Sponsor, Committee on Appropriations: Concerning domestic violence. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Law & Justice. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 3, 2017

2SHB 1120 Prime Sponsor, Committee on Appropriations: Concerning the regulatory fairness act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser;

April 4, 2017

2SHB 1170 Prime Sponsor, Committee on Appropriations: Maintaining and facilitating court-based and school-based efforts

to promote attendance and reduce truancy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Vice Chair, Capital Budget .

Referred to Committee on Rules for second reading.

April 3, 2017

EHB 1201 Prime Sponsor, Representative Stonier: Concerning the taxing authority of public facilities districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Carlyle; Hasegawa; Keiser; Padden and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Vice Chair; Becker and Darneille.

Referred to Committee on Rules for second reading.

April 3, 2017

ESHB 1296 Prime Sponsor, Committee on Finance: Consolidating and simplifying the annual report and annual survey used for economic development tax incentives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1353 Prime Sponsor, Committee on Agriculture & Natural Resources: Commissioning an elk management pilot

project that focuses initially on the Colockum elk herd. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Assistant Ranking Minority Member, Operating Budget.

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1358 Prime Sponsor, Committee on Appropriations: Concerning reimbursement for services provided pursuant to community assistance referral and education services programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 3, 2017

E2SHB 1375 Prime Sponsor, Committee on Appropriations: Providing students at community and technical colleges with the costs of required course materials. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 1427 Prime Sponsor, Committee on Health Care & Wellness: Concerning opioid treatment programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Ranker, Ranking Minority Member.

EIGHTY SIXTH DAY, APRIL 4, 2017

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

April 3, 2017

SHB 1434 Prime Sponsor, Committee on State Government, Elections & Information Technology: Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1445 Prime Sponsor, Committee on Appropriations: Concerning dual language in early learning and K-12 education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Vice Chair, Capital Budget .

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1495 Prime Sponsor, Committee on Finance: Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey;

Becker; Conway; Darneille; Fain; Padden; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Billig; Carlyle; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Frockt, Assistant Ranking Minority Member, Capital Budget; Keiser and Schoesler.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1501 Prime Sponsor, Committee on Judiciary: Protecting law enforcement and the public from persons who illegally attempt to obtain firearms. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 1508 Prime Sponsor, Committee on Appropriations: Promoting student health and readiness through meal and nutrition programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Padden and Schoesler.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1520 Prime Sponsor, Committee on Appropriations: Allowing alternative payment methodologies for critical access hospitals participating in the Washington rural health access preservation pilot. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa;

Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Vice Chair, Capital Budget and Becker.

Referred to Committee on Rules for second reading.

April 3, 2017

SHB 1521 Prime Sponsor, Committee on State Government, Elections & Information Technology: Addressing vacation leave. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Schoesler.

Referred to Committee on Rules for second reading.

April 3, 2017

E2SHB 1561 Prime Sponsor, Committee on Appropriations: Concerning open educational resources. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1562 Prime Sponsor, Committee on Appropriations: Continuing the work of the Washington food policy forum. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Agriculture, Water, Trade & Economic Development. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Schoesler.

Referred to Committee on Rules for second reading.

April 3, 2017

ESHB 1594 Prime Sponsor, Committee on Appropriations: Improving public records administration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

April 3, 2017

ESHB 1600 Prime Sponsor, Committee on Appropriations: Increasing the career and college readiness of public school students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1612 Prime Sponsor, Committee on Appropriations: Creating a suicide-safer homes project account to support prevention efforts and develop strategies for reducing access to lethal means. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Becker and Schoesler.

Referred to Committee on Rules for second reading.

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SHB 1624 Prime Sponsor, Committee on Appropriations: Concerning working connections child care eligibility for vulnerable children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Billig; Fain; Miloscia; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Darneille and Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Carlyle; Conway; Hasegawa; Keiser and Pedersen.

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1711 Prime Sponsor, Committee on Appropriations: Prioritizing lands to receive forest health treatments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

E2SHB 1713 Prime Sponsor, Committee on Appropriations: Implementing recommendations from the children's mental health work group. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Bailey; Becker and Schoesler.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 1714 Prime Sponsor, Committee on Health Care & Wellness: Concerning nursing staffing practices at hospitals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Padden and Schoesler.

Referred to Committee on Rules for second reading.

April 4, 2017

HB 1716 Prime Sponsor, Representative Hudgins: Creating the construction registration inspection account as a dedicated account to fund contractor registration and compliance, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, elevators, lifting devices, and moving walks. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 1739 Prime Sponsor, Committee on Public Safety: Concerning the crime victims' compensation program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

2SHB 1789 Prime Sponsor, Committee on Appropriations: Concerning sentencing laws and practices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Darneille; Keiser and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Hasegawa.

Referred to Committee on Rules for second reading.

April 4, 2017

HB 1794 Prime Sponsor, Representative Klippert: Concerning the death investigations account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 3, 2017

E2SHB 1802 Prime Sponsor, Committee on Appropriations: Increasing the access of veterans, military service members, and military spouses to shared leave in state employment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1863 Prime Sponsor, Committee on Appropriations: Concerning the national fire incident reporting system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

SHB 1867 Prime Sponsor, Committee on Appropriations: Improving transitions in extended foster care to increase housing

stability for foster youth. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services, Mental Health & Housing. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

HB 2007 Prime Sponsor, Representative Kagi: Making provisions to commemorate the centennial of national women's suffrage. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 2010 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Addressing homelessness in wildfire areas. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 4, 2017

ESHB 2023 Prime Sponsor, Committee on Environment: Addressing the effective date of certain actions taken under the growth management act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Rolfes,

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Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser and Pedersen.

Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

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ESHB 2121 Prime Sponsor, Committee on Appropriations: Repealing income eligibility for temporary assistance for needy families benefits for a child who lives with a nonparent caregiver. Reported by Committee on Ways & Means

SGA 9238 YONA MAKOWSKI, appointed on December 27, 2016, for the term ending December 31, 2019, as Member of the Investment Board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers and Warnick.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

April 4, 2017

ESHB 2126 Prime Sponsor, Committee on Appropriations: Creating a community-based approach to provide assistance with nonlethal management methods to reduce livestock depredations by wolves. Reported by Committee on Ways & Means

MOTION

At 7:52 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Wednesday, April 5, 2017.

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources & Parks. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser;

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, April 5, 2017

SENATE RESOLUTION
8613

The Senate was called to order at 9:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Bruce Giuntoll and Miss Sarah Gorrell, presented the Colors. Page Mr. Andrew Conklin led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Kirk Pearson, 39th Legislative District, Monroe.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5919 by Senators Ranker, Fain, Miloscia, Rivers, Rossi, Billig, Carlyle, Brown, Rolfes, Frockt, Hasegawa, Conway, Warnick, Darneille, Pedersen, Keiser, Zeiger, Baumgartner, Cleveland, Chase, Kuderer, Takko, McCoy, Hunt, Nelson, Saldaña, Fortunato, Lias, Short, Mullet, Palumbo and Wellman

AN ACT Relating to consumer protection of internet privacy; and adding new sections to chapter 43.105 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5920 by Senator Palumbo

AN ACT Relating to modifying the months in which the state economic and revenue forecast is submitted; reenacting and amending RCW 82.33.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Angel moved adoption of the following resolution:

By Senators Angel, Wilson, Rossi, Short, Padden, Pearson, Brown, Rivers, Sheldon, King, Honeyford, Keiser, Walsh, Pedersen, Wellman, and Cleveland

WHEREAS, Washington State is committed to the promotion of safety programs, policies, and actions; and

WHEREAS, Thousands of motorcyclists travel the roads, streets, highways, and interstate systems of Washington State every day; and

WHEREAS, Motorcycles are fuel-efficient vehicles that have access to Washington State High Occupancy Vehicle lanes, promoting a less congested travel way; and

WHEREAS, Motorcyclists help to provide funds for the transportation infrastructure of Washington State that they and others use; and

WHEREAS, The majority of the motorcycling community is committed to motorcycle safety and awareness and promotes policies and procedures for themselves and other motorists in order to create a safe roadway for all; and

WHEREAS, The motorcycling community is filled with people dedicated to charitable organizations and activities; and

WHEREAS, Hundreds of motorcyclists, like those of Bikers Against Child Abuse, band together to support kids and other vulnerable communities all around the state; and

WHEREAS, The month of May is recognized nationally and throughout the state as Motorcycle Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the month of May as Motorcycle Awareness Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the AAA Washington office, the ABATE of Washington office, Bikers Against Child Abuse, and the headquarters of the Washington State Patrol and the Washington State Department of Transportation.

Senator Angel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

The motion by Senator Angel carried and the resolution was adopted by voice vote.

MOTION

At 9:11 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Sacred Roads Ministries from the Yakama Nation who were seated in the gallery.

Senator Wellman announced a meeting of the Democratic Caucus.

The Senate was called to order at 1:44 p.m. by President Habib.

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION
8643

By Senators Rivers, Honeyford, Kuderer, Angel, Brown, Lias, Rolfes, Cleveland, Padden, Wellman, Saldaña, and Conway

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are more than one hundred twenty thousand courageous Americans awaiting a lifesaving organ transplant, with twenty-two individuals losing their lives every day because of the shortage of donations; and

WHEREAS, Every ten minutes a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation another person's life has been saved or enhanced; and

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from recipients whose lives have been enhanced by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life and its partnering organizations have designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated, and celebrate the lives of the recipients.

Senators Rivers, Angel and Takko spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Rivers carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed family members of organ donors and recipients of organ donations who were seated in the gallery.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1450, by Representatives Nealey, Kirby and Vick

Creating and establishing the rights and duties for title insurance rating and advisory organizations.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed House Bill No. 1450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Saldaña was excused.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1450 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1148, by Representatives J. Walsh, Chapman, Vick, Blake, Orcutt and Muri

Extending the expiration date for reporting requirements on timber purchases.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1148.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1079, by House Committee on Public Safety (originally sponsored by Representatives Orwall, Klippert, Goodman, Stokesbary, Kilduff, Chapman, McCabe, Hudgins, Jinkins, Ortiz-Self, Bergquist, Stanford, Griffey, Hargrove, Smith, Tarleton, Harmsworth, Ormsby, Muri, Van Werven, Kraft, Fey, Slatter, Sawyer, McBride and Gregerson)

Creating a criminal no-contact order for human trafficking and promoting prostitution-related offenses.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 824. A new section is added to chapter 9A.40 RCW to read as follows:

(1) A defendant who is charged by citation, complaint, or information with an offense involving trafficking, as described in RCW 9A.40.100, and is not arrested, shall appear in court for arraignment or initial appearance in person as soon as practicable, but in no event later than fourteen days after the defendant is served with the citation, complaint, or information. At that appearance, the court shall determine the necessity of imposing or extending a no-contact order, and consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) Whenever a no-contact order is issued under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has

been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 825. A new section is added to chapter 9A.40 RCW to read as follows:

Any general authority Washington peace officer as defined in RCW 10.93.020 in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others.

NEW SECTION. Sec. 826. A new section is added to chapter 9A.40 RCW to read as follows:

(1) Because of the likelihood of repeated harassment and intimidation directed at those who have been victims of trafficking as described in RCW 9A.40.100, before any defendant charged with or arrested, for a crime involving trafficking, is released from custody, or at any time the case remains unresolved, the court may prohibit that person from having any contact with the victim whether directly or through third parties.

At the initial preliminary appearance, the court shall determine whether to extend any existing prohibition on the defendant's contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. The court may also consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(3)(a) Willful violation of a court order issued under this section is punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(4) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(5)(a) A defendant's motion to terminate or modify a no-contact order must include a declaration setting forth facts supporting the requested order for termination or modification. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the defendant established adequate cause, the court shall set a date for hearing the defendant's motion.

(b) The court may terminate or modify the terms of a no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances such that the defendant is not likely to engage in or attempt to engage in physical or nonphysical contact with the victim if the order is terminated or modified. The victim bears no burden of proving that he or she has a current reasonable fear of harm by the defendant.

(c) A defendant may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month

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period that the order is in effect, starting from the date of the order and continuing through any renewal.

(6) Whenever a no-contact order is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 827. A new section is added to chapter 9A.40 RCW to read as follows:

(1) If a defendant is found guilty of the crime of trafficking under RCW 9A.40.100 and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition must be recorded and a written certified copy of that order must be provided to the victim by the clerk of the court. Willful violation of a court order issued under this section is punishable under RCW 26.50.110. The written order must contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(2) Whenever a no-contact order is issued under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 828. A new section is added to chapter 9A.88 RCW to read as follows:

(1) A defendant who is charged by citation, complaint, or information with an offense involving promoting prostitution in the first degree as described in RCW 9A.88.070 or promoting prostitution in the second degree as described in RCW 9A.88.080 and not arrested shall appear in court for arraignment or initial appearance in person as soon as practicable, but in no event later than fourteen days after the defendant is served with the citation, complaint, or information. At that appearance, the court shall determine the necessity of imposing or extending a no-contact order, and consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) Whenever a no-contact order is issued under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until

the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 829. A new section is added to chapter 9A.88 RCW to read as follows:

Any general authority Washington peace officer as defined in RCW 10.93.020 in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others.

NEW SECTION. Sec. 830. A new section is added to chapter 9A.88 RCW to read as follows:

(1) Because of the likelihood of repeated harassment and intimidation directed at those who have been victims of promoting prostitution in the first degree under RCW 9A.88.070 or promoting prostitution in the second degree under RCW 9A.88.080, before any defendant charged with or arrested, for a crime involving promoting prostitution is released from custody, or at any time the case remains unresolved, the court may prohibit that person from having any contact with the victim whether directly or through third parties. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. The court may also consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) At the time of arraignment, the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(3)(a) Willful violation of a court order issued under this section is punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(4) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(5)(a) A defendant's motion to terminate or modify a no-contact order must include a declaration setting forth facts supporting the requested order for termination or modification. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the defendant established adequate cause, the court shall set a date for hearing the defendant's motion.

(b) The court may terminate or modify the terms of a no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances

such that the defendant is not likely to engage in or attempt to engage in physical or nonphysical contact with the victim if the order is terminated or modified. The victim bears no burden of proving that he or she has a current reasonable fear of harm by the defendant.

(c) A defendant may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(6) Whenever a no-contact order is issued, modified, or terminated under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 831. A new section is added to chapter 9A.88 RCW to read as follows:

(1) If a defendant is found guilty of the crime of promoting prostitution in the first degree under RCW 9A.88.070 or promoting prostitution in the second degree under RCW 9A.88.080, and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition must be recorded and a written certified copy of that order must be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is punishable under RCW 26.50.110. The written order must contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(2) Whenever a no-contact order is issued under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

Sec. 832. RCW 26.50.110 and 2015 c 275 s 15 and 2015 c 248 s 1 are each reenacted and amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

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(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation."

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "reenacting and amending RCW 26.50.110; adding new sections to chapter 9A.40 RCW; adding new sections to chapter 9A.88 RCW; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1079.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1079 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1079 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1079, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1204, by Representatives Young, McCaslin, Shea, Taylor and J. Walsh

Requiring the display of the national league of families' POW/MIA flag on certain days.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 1204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1204.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1204 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1275, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Chapman, MacEwen, J. Walsh, Orcutt, Buys, Pettigrew, Fitzgibbon, Haler, Condotta and Muri)

Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 833. RCW 77.55.181 and 2014 c 120 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; ((and))

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must submit a copy of their forest practices application to the appropriate local government on the same day that they submit the forest practices application to the department of natural resources.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. ((The department)) A local government shall ((provide)) be provided with a fifteen-day comment period during which it ((will receive)) may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c) ((Within forty-five days)) Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct."

On page 1, line 3 of the title, after "77.55.181;" strike the remainder of the title and insert "and amending RCW 77.55.181."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Substitute House Bill No. 1275.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1275 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1275 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1275 as amended by the Senate and the bill passed

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the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1275, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1338, by House Committee on Appropriations (originally sponsored by Representatives Cody, Schmick, Jinkins, Johnson, Robinson and Riccelli)

Addressing the Washington state health insurance pool.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Second Substitute House Bill No. 1338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1338.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1338 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SECOND SUBSTITUTE HOUSE BILL NO. 1338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351, by House Committee on Appropriations (originally sponsored by Representatives Sawyer, Vick, Springer, Barkis, Blake, Fitzgibbon and Haler)

Authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed Second Substitute House Bill No. 1351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1351.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1351 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Pearson and Van De Wege

Excused: Senator Saldaña

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1449, by Representatives Manweller and Dent

Concerning water recreation facilities.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1449.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1449 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on Transportation (originally sponsored by Representatives Fey, McCaslin and Goodman)

Modifying when towing fees terminate.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1218.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

Concerning curricula for persons in long-term care facilities with behavioral health needs.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1548.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1845, by House Committee on Business & Financial Services (originally sponsored by Representatives Vick, Kirby and Haler)

Concerning the delivery of insurance notices and documents by electronic means.

The measure was read the second time.

MOTION

Senator Angel moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 834. RCW 48.185.005 and 2015 c 263 s 1 are each amended to read as follows:

The definitions in this subsection apply throughout this chapter unless the context clearly requires otherwise.

(1)(a)(i) "Delivered by electronic means" includes:

(A) Delivery to an electronic mail address at which a party has consented to receive notices or documents; or

(B) Posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with separate notice of the posting which shall be provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party.

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(ii) "Delivered by electronic means" does not include any communication between an insurer and an insurance producer relating to RCW 48.17.591 and 48.17.595.

(b) "Party" means any recipient of any notice or document required as part of an insurance transaction, including but not limited to an applicant, an insured, a policyholder, or an annuity contract holder.

(2) Subject to the requirements of this section, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means so long as it meets the requirements of the Washington electronic authentication act (chapter 19.34 RCW). An electronic signature is the equivalent of a digital signature, as those terms are defined in chapter 19.34 RCW, for the purposes of satisfying the requirements of chapter 19.34 RCW under this chapter.

(3) Delivery of a notice or document in accordance with this section is the equivalent to any delivery method required under applicable law, including delivery by first-class mail; first-class mail, postage prepaid; certified mail; or registered mail.

(4) A notice or document may be delivered by an insurer to a party by electronic means under this section only if:

(a) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(b) The party, before giving consent, has been provided with a clear and conspicuous statement informing the party of:

(i) The right the party has to withdraw consent to have a notice or document delivered by electronic means at any time, and any conditions or consequences imposed in the event consent is withdrawn;

(ii) The types of notices and documents to which the party's consent would apply;

(iii) The right of a party to have a notice or document in paper form; and

(iv) The procedures a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update the party's electronic mail address;

(c) The party:

(i) Before giving consent, has been provided with a statement of the hardware and software requirements for access to and retention of notices or documents delivered by electronic means; and

(ii) Consents electronically, or confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(d) After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies:

(i) Shall provide the party with a statement that describes:

(A) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and

(B) The right of the party to withdraw consent without the imposition of any fee, condition, or consequence that was not disclosed at the time of initial consent; and

(ii) Complies with (b) of this subsection.

(5) This section does not affect requirements related to content or timing of any notice or document required under applicable law.

(6) If this title or applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.

(7) The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be denied solely because of the failure to obtain electronic consent or confirmation of consent of the party in accordance with subsection (4)(c)(ii) of this section.

(8)(a) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective.

(b) A withdrawal of consent by a party is effective within a reasonable period of time, not to exceed thirty days, after receipt of the withdrawal by the insurer.

(c) Failure by an insurer to comply with subsections (4)(d) and (10) of this section may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

(9) This section does not apply to a notice or document delivered by an insurer in an electronic form before July 24, 2015, to a party who, before that date, has consented to receive a notice or document in an electronic form otherwise allowed by law.

(10) If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before July 24, 2015, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall:

(a) Provide the party with a statement that describes:

(i) The notices or documents that shall be delivered by electronic means under this section that were not previously delivered electronically; and

(ii) The party's right to withdraw consent to have notices or documents delivered by electronic means, without the imposition of any condition or consequence that was not disclosed at the time of initial consent; and

(b) Comply with subsection (4)(b) of this section.

(11) An insurer shall deliver a notice or document by any other delivery method permitted by law other than electronic means if:

(a) The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party; or

(b) The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

(12) A producer shall not be subject to civil liability for any harm or injury that occurs as a result of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver a notice or document by electronic means.

(13) This section does not modify, limit, or supersede the provisions of the federal electronic signatures in global and national commerce act (E-SIGN), P.L. 106-229, as amended."

On page 1, line 2 of the title, after "means;" strike the remainder of the title and insert "and amending RCW 48.185.005."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions & Insurance to Substitute House Bill No. 1845.

The motion by Senator Angel carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Angel, the rules were suspended, Substitute House Bill No. 1845 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1845 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1845 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1845, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1195, by Representatives Kilduff, Rodne, Goodman, Hayes and Muri

Concerning surrender of person under surety's bond.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1195.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Lias

Excused: Senator Saldaña

HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1820, by House Committee on Environment (originally sponsored by Representatives Volz, Tharinger, Senn, McCaslin, Koster, Haler, Shea, Irwin and Holy)

Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1820.

MOTION

On motion of Senator Mullet, Senator Lias was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1820 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1728, by Representatives Sawyer, Smith, Caldier, Jinkins, Fey, Kloba, Ortiz-Self, Stanford and Frame

Protecting minors from sexual exploitation.

The measure was read the second time.

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MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 1728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1728.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1728 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED HOUSE BILL NO. 1728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1337, by Representatives Riccelli, Harris, Cody, Jinkins, Tharinger, Robinson, Goodman, Ormsby and Ortiz-Self

Creating the interstate medical licensure compact.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 193 by Senator Padden be adopted:

On page 15, line 9, after "(2)" insert "Notwithstanding subsection (1) of this section, the Washington state medical quality assurance commission shall review the rules of the interstate commission. The Washington medical quality assurance commission may reject or approve and adopt the rules of the interstate commission as rules of the Washington medical quality assurance commission. A rule shall only be enforceable within the state of Washington if the rule of the interstate commission is adopted by the Washington medical quality assurance commission and the rule does not violate any right guaranteed by the state Constitution or the United States Constitution.

(3)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Senators Padden and Rivers spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 193 by Senator Padden on page 15, after line 9 to House Bill No. 1337.

The motion by Senator Padden carried and floor amendment no. 193 was adopted on a rising vote.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1337 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1337 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1337 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Kuderer, Lias, McCoy, Palumbo, Takko and Wellman

Excused: Senators Nelson and Saldaña

HOUSE BILL NO. 1337, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1718, by Representatives Jenkin, Kirby, Barkis, Vick, Stanford, Nealey, Springer, Fey and Condotta

Creating a special permit for certain wine auctions.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee amendment by the Committee on Commerce, Labor & Sports be adopted:

On page 5, line 39, after "(17) is" strike "twenty-seven" and insert "twenty-five"

Senator Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Commerce, Labor & Sports to House Bill No. 1718.

The motion by Senator Baumgartner carried and the committee amendment was adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 199 by Senator Schoesler be adopted:

On page 5, line 30, after "(c)" insert "A nonprofit organization that holds a special permit under either subsection (3) of this section or this subsection (17) may accept liquor donated to the organization by any person, industry member, or entity so long as the donor or the organization pays any fees established by RCW 66.24.630(4), taxes imposed on a retail sale under RCW 82.08.150, or other sales taxes that would be paid, if the sale were made to a consumer.

(d)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Schoesler and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 199 by Senator Schoesler on page 5, line 30 to House Bill No. 1718.

The motion by Senator Schoesler carried and floor amendment no. 199 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 202 by Senator Fortunato be adopted:

On page 6, after line 4, insert the following:

"(18)(a) There is a special permit to be designated as a banquet permit to be issued to a nonprofit organization, which has annual gross income of less than two hundred fifty thousand dollars, to provide free of charge, spirits, beer, and wine by the individual serving for on-premises consumption at a specified date and place.

(b) The banquet permit is available for an unlimited number of the nonprofit organization's business or social events that are held solely for the organization's members and guests. The events may not be open to the general public.

(c) Liquor served at the event may be:

(i) Provided by individuals attending the event for their own consumption or with the intent to share, at no cost, with other attendees;

(ii) Included in the total price for an event when participants receive an equal share by distribution of exchangeable tickets as part of the package; or

(iii) Purchased by the event organizers at an authorized retail source.

(d) The nonprofit organization may accept cash donations at an event so long as there is no expectation or implied obligation to give a donation in exchange for a beverage containing liquor.

(e) The fee for the banquet permit is ten dollars per day.

(f) For events occurring under this subsection, the board must provide for an online permit to be issued on the day the event occurs.

(g) For the purposes of this subsection (18), "nonprofit organization" means an entity incorporated as a nonprofit organization under Washington state law."

On page 1, line 1 of the title, after "creating" strike all material through "auctions" on line 2 and insert "special permits for nonprofit organizations"

Senators Fortunato and Keiser spoke in favor of adoption of the amendment.

Senator Conway spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 202 by Senator Fortunato on page 6, after line 4 to House Bill No. 1718.

The motion by Senator Fortunato carried and floor amendment no. 202 was adopted on a rising vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1718 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1718 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1718 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Cleveland, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Conway, Darneille, Liias, Nelson, Pearson, Van De Wege and Wellman

Excused: Senator Saldaña

HOUSE BILL NO. 1718, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1907, by Representatives Orcutt, Blake, DeBolt, McDonald and Van Werven

Concerning abandoned cemeteries.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 1907 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1907.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1907 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1907, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1278, by Representatives Macri, DeBolt, Cody, Rodne, Wylie, Jinkins, Harris, Short and Farrell

Enacting the physical therapy licensure compact.

The measure was read the second time.

MOTION

Senator Rivers moved that the following floor striking amendment no. 181 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 835. A new section is added to chapter 18.74 RCW to read as follows:

The Physical Therapy Licensure Compact as set forth in this section is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

**PHYSICAL THERAPY LICENSURE COMPACT
ARTICLE I - PURPOSE**

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

(1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

(2) Enhance the states' ability to protect the public's health and safety;

(3) Encourage the cooperation of member states in regulating multistate physical therapy practice;

(4) Support spouses of relocating military members;

(5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

ARTICLE II - DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions apply:

(1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

(2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

(4) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

(5) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

(6) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

(7) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

(8) "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(9) "Home state" means the member state that is the licensee's primary state of residence.

(10) "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(11) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

(12) "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

(13) "Member state" means a state that has enacted the compact.

(14) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(15) "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

(16) "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

(17) "Physical therapy" has the same meaning given in RCW 18.74.010. "Physical therapy practice" and "the practice of physical therapy" have the same meaning given to "practice of physical therapy" in RCW 18.74.010.

(18) "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(19) "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

(21) "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

(22) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

ARTICLE III - STATE PARTICIPATION IN THE COMPACT

(1) To participate in the compact, a state must:

(a) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rule;

(b) Have a mechanism in place for receiving and investigating complaints about licensees;

(c) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(d) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection (2) of this Article;

(e) Comply with the rules of the commission;

(f) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(g) Have continuing competence requirements as a condition for license renewal.

(2) Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the federal bureau of investigation for a criminal background check in accordance with 28 U.S.C. Sec. 534 and 42 U.S.C. Sec. 14616.

(3) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(4) Member states may charge a fee for granting a compact privilege.

ARTICLE IV - COMPACT PRIVILEGE

(1) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(a) Hold a license in the home state;

(b) Have no encumbrance on any state license;

(c) Be eligible for a compact privilege in any member state in accordance with subsections (4), (7), and (8) of this Article;

(d) Have not had any adverse action against any license or compact privilege within the previous two years;

(e) Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

(f) Pay any applicable fees, including any state fee, for the compact privilege;

(g) Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

(h) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

(2) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection (1) of this Article to maintain the compact privilege in the remote state.

(3) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(4) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(5) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(a) The home state license is no longer encumbered; and

(b) Two years have elapsed from the date of the adverse action.

(6) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (1) of this Article to obtain a compact privilege in any remote state.

(7) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(a) The specific period of time for which the compact privilege was removed has ended;

(b) All fines have been paid; and

(c) Two years have elapsed from the date of the adverse action.

(8) Once the requirements of subsection (7) of this Article have been met, the licensee must meet the requirements in subsection (1) of this Article to obtain a compact privilege in a remote state.

ARTICLE V - ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

(1) Home of record;

(2) Permanent change of station; or

(3) State of current residence if it is different than the permanent change of station state or home of record.

ARTICLE VI - ADVERSE ACTIONS

(1) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(2) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(3) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(4) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(5) A remote state shall have the authority to:

(a) Take adverse actions as set forth in subsection (4) of Article IV of this compact against a licensee's compact privilege in the state;

(b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of

that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(c) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(6)(a) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(b) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

ARTICLE VII - ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

(1) The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

(a) The commission is an instrumentality of the compact states.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(c) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(2)(a) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(b) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(c) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(d) The member state board shall fill any vacancy occurring in the commission.

(e) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(f) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(g) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(3) The commission shall have the following powers and duties:

- (a) Establish the fiscal year of the commission;
- (b) Establish bylaws;
- (c) Maintain its financial records in accordance with the bylaws;
- (d) Meet and take such actions as are consistent with the provisions of this compact and the bylaws;
- (e) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
- (f) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(g) Purchase and maintain insurance and bonds;

(h) Borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(i) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(j) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(k) Lease, purchase, or accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(m) Establish a budget and make expenditures;

(n) Borrow money;

(o) Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(p) Provide and receive information from, and cooperate with, law enforcement agencies;

(q) Establish and elect an executive board; and

(r) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

(4) The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

(a) The executive board shall be comprised of nine members:

(i) Seven voting members who are elected by the commission from the current membership of the commission;

(ii) One ex officio, nonvoting member from a recognized national physical therapy professional association; and

(iii) One ex officio, nonvoting member from a recognized membership organization of the physical therapy licensing boards.

(b) The ex officio members will be selected by their respective organizations.

(c) The commission may remove any member of the executive board as provided in bylaws.

(d) The executive board shall meet at least annually.

(e) The executive board shall have the following duties and responsibilities:

(i) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(ii) Ensure compact administration services are appropriately provided, contractual or otherwise;

(iii) Prepare and recommend the budget;

(iv) Maintain financial records on behalf of the commission;

(v) Monitor compact compliance of member states and provide compliance reports to the commission;

(vi) Establish additional committees as necessary; and

(vii) Other duties as provided in rules or bylaws.

(5)(a) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rule-making provisions in Article IX of this compact.

(b) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

- (i) Noncompliance of a member state with its obligations under the compact;
- (ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- (iii) Current, threatened, or reasonably anticipated litigation;
- (iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- (v) Accusing any person of a crime or formally censuring any person;
- (vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- (vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (viii) Disclosure of investigative records compiled for law enforcement purposes;
- (ix) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- (x) Matters specifically exempt from disclosure by federal or member state statute.

(c) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(d) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(6)(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and

the report of the audit shall be included in and become part of the annual report of the commission.

(7)(a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE VIII - DATA SYSTEM

(1) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(2) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (a) Identifying information;
- (b) Licensure data;
- (c) Adverse actions against a license or compact privilege;
- (d) Nonconfidential information related to alternative program participation;
- (e) Any denial of application for licensure, and the reason(s) for such denial; and
- (f) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(3) Investigative information pertaining to a licensee in any member state will only be available to other party states.

(4) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(5) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(6) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

ARTICLE IX - RULE MAKING

(1) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this Article IX and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(2) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(3) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(4) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rule making:

(a) On the web site of the commission or other publicly accessible platform; and

(b) On the web site of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(5) The notice of proposed rule making shall include:

(a) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(b) The text of the proposed rule or amendment and the reason for the proposed rule;

(c) A request for comments on the proposed rule from any interested person; and

(d) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(6) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(7) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(a) At least twenty-five persons;

(b) A state or federal governmental subdivision or agency; or

(c) An association having at least twenty-five members.

(8) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(a) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(b) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(c) All hearings will be recorded. A copy of the recording will be made available on request.

(d) Nothing in this Article IX shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Article IX.

(9) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(10) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(11) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rule-making procedures provided in the compact and in this Article IX shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(a) Meet an imminent threat to public health, safety, or welfare;

(b) Prevent a loss of commission or member state funds;

(c) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the web site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE X - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1) Oversight. (a) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(c) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(2) Default, technical assistance, and termination. (a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the commission; and

(ii) Provide remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(f) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) Dispute resolution. (a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(4) Enforcement. (a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(b) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(c) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE XI - DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

(1) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers necessary to the implementation and administration of the compact.

(2) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the

commission shall have the full force and effect of law on the day the compact becomes law in that state.

(3) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(4) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(5) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII - CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

NEW SECTION. Sec. 836. A new section is added to chapter 18.74 RCW to read as follows:

COMPACT PRIVILEGE—FEES.

(1) The secretary, in consultation with the board, shall establish fees pursuant to RCW 43.70.250 for physical therapists and physical therapist assistants seeking to practice in this state by use of compact privilege as defined in section 1 of this act. At the time of applying for compact privilege in this state, the applicant shall comply with established fee requirements.

(2) The fees established in subsection (1) of this section must be an amount sufficient to cover the state's monetary obligations as a member state to the physical therapy licensure compact.

NEW SECTION. Sec. 837. A new section is added to chapter 18.74 RCW to read as follows:

The board shall not disseminate any criminal history information gained through a federal background check, ordered pursuant to section 1 of this act, the physical therapy licensure compact, to the physical therapy compact commission or another state or state licensure board.

Sec. 838. RCW 18.74.050 and 1996 c 191 s 59 are each amended to read as follows:

(1) The secretary shall furnish a license upon the authority of the board to any person who applies and who has qualified under the provisions of this chapter. At the time of applying, the applicant shall comply with administrative procedures, administrative requirements, and fees established pursuant to RCW 43.70.250 and 43.70.280. No person registered or licensed on July 24, 1983, as a physical therapist shall be required to pay an additional fee for a license under this chapter.

(2) No fees collected pursuant to subsection (1) of this section may be used to meet the state's monetary obligations as a member state to the physical therapy licensure compact.

EIGHTY SEVENTH DAY, APRIL 5, 2017

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Sec. 839. RCW 18.74.090 and 2007 c 98 s 10 are each amended to read as follows:

(1) A person who is not licensed with the secretary of health as a physical therapist under the requirements of this chapter shall not represent him or herself as being so licensed and shall not use in connection with his or her name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he or she is a physical therapist. No person may practice physical therapy without first having a valid license. Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his or her county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

(2) No person assisting in the practice of physical therapy may use the title "physical therapist assistant," the letters "PTA," or any other words, abbreviations, or insignia in connection with his or her name to indicate or imply, directly or indirectly, that he or she is a physical therapist assistant without being licensed in accordance with this chapter as a physical therapist assistant.

(3) Subsections (1) and (2) of this section do not apply to an individual who is authorized to practice as a physical therapist or work as a physical therapist assistant by compact privilege as defined in section 1 of this act.

Sec. 840. RCW 18.74.150 and 2013 c 280 s 1 are each amended to read as follows:

(1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist or physical therapist assistant, unless he or she is licensed in accordance with this chapter or has unencumbered compact privilege as defined in section 1 of this act.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists, physical therapist assistants, or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty days in a calendar year.

(4) The following persons are exempt from licensure as physical therapist assistants under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist assistant in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical

therapist assistant education while under direct supervision of a licensed physical therapist or licensed physical therapist assistant;

(b) A physical therapist assistant while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated physical therapist assistant credentialed in another country, or a physical therapist assistant who is teaching or participating in an educational seminar of no more than sixty days in a calendar year.

Sec. 841. RCW 43.70.320 and 2015 c 70 s 39 are each amended to read as follows:

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, compact privileges, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department and implementing and administering the medical marijuana authorization database established in RCW 69.51A.230 shall be paid from the account as authorized by legislative appropriation, except as provided in subsections (4) and (5) of this section. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

(4) The fees received by the department from applicants for compact privilege under section 1 of this act must be used for the purpose of meeting financial obligations imposed on the state as a result of this state's participation in the physical therapy licensure compact.

(5) The secretary shall, at the request of a board or commission as applicable, spend unappropriated funds in the health professions account that are allocated to the requesting board or commission to meet unanticipated costs of that board or commission when revenues exceed more than fifteen percent over the department's estimated six-year spending projections for the requesting board or commission. Unanticipated costs shall be limited to spending as authorized in subsection (3) of this section for anticipated costs.

NEW SECTION. Sec. 842. Sections 1 and 2 of this act shall be known and cited as the physical therapy licensure compact."

On page 1, line 2 of the title, after "compact," strike the remainder of the title and insert "amending RCW 18.74.050, 18.74.090, 18.74.150, and 43.70.320; adding new sections to chapter 18.74 RCW; and creating a new section."

MOTION

Senator Padden moved that the following floor amendment no. 192 by Senator Padden be adopted:

On page 13, line 16 of the amendment, after "(2)" insert "Notwithstanding subsection (1) of Article IX, the board shall review the rules of the commission. The board may reject or approve and adopt the rules of the commission as rules of the board. The state of Washington is subject to a rule of the

commission only if the rule of the commission is adopted by the board and the rule does not violate any right guaranteed by the state Constitution or the United States Constitution.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Padden and Rivers spoke in favor of adoption of the amendment to the striking amendment.

Senator Cleveland spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 192 by Senator Padden on page 12, line 16 to striking amendment no. 181 to House Bill No. 1278.

The motion by Senator Padden carried and floor amendment no. 192 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 181 by Senator Rivers as amended to House Bill No. 1278.

The motion by Senator Rivers carried and floor striking amendment no. 181 as amended was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1278 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1278 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1278 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Lias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Kuderer, McCoy, Ranker, Takko and Wellman

Excused: Senator Saldaña

HOUSE BILL NO. 1278, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1754, by Representatives Klippert and Hayes

Prioritizing sex offender treatment based on the offender's risk to reoffend.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1754.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1754 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2058, by House Committee on Transportation (originally sponsored by Representative Harmsworth)

Creating procedures for the redemption of certain vehicles that are towed from accident scenes by registered tow truck companies when the vehicle owner is admitted as a patient in a hospital due to the accident.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2058.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

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Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1813, by House Committee on Transportation (originally sponsored by Representatives Kloba and Harmsworth)

Aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1813.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1813 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5838, by Senators Rossi, Kuderer, Palumbo, Braun, Hunt, Fain, O'Ban, Hawkins, Brown, Sheldon, Rivers, Zeiger, Angel, Bailey, Honeyford, Miloscia, Walsh, Wilson, Becker, Warnick, Mullet and Hobbs

Concerning the capital construction of and bonding for addressing the facilities maintenance backlog for the state parks and recreation commission.

MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rossi moved that the following floor striking amendment no. 188 by Senators Fain, Frockt, Mullet and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 843. Park lands and park facilities are a vital component of the future health and prosperity of the state. In order to ensure that the state continues to be able to provide high quality park, recreation, and open space for the public, it is the intent of the legislature through this act to provide funding for capital projects to help overcome the extensive backlog of maintenance needs at state parks. This new source of funding for the critical capital needs of the state's parks furthers the mission of recreation and outdoor education and is intended to enhance the ability of the state parks and recreation commission, over the next eight years, to fulfill its critical role in providing recreational access for the state's youth and public as they enjoy the natural heritage of Washington.

NEW SECTION. Sec. 844. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the state issued under this chapter.

(2) "Commission" means the state parks and recreation commission defined in RCW 79A.05.010.

NEW SECTION. Sec. 845. (1) With the exception of subsection (2) of this section, for the purpose of providing needed capital improvements consisting of the predesign, design, maintenance, construction, modification, renovation, modifying existing structures to meet current and future needs, equipping, and other improvement of state buildings and facilities for the commission, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five hundred million dollars, or as much thereof as may be required, to finance all or a part of the cost of these projects and all costs incidental thereto.

(2) Proceeds from these bonds may not be used for any expenditures to any part of the cross-state trail east of the Columbia river known by the names of the Milwaukie Road corridor, John Wayne trail or iron horse trail, or for the Columbia Plateau trail south of the Turnbull national wildlife refuge where the scablands nature trail and the Columbia Plateau trail meet and north of the Snake river junction trailhead. Proceeds from these bonds may not be used for any expenditures pertaining to any part of trails acquired by the commission after the effective date of this section.

(3) Proceeds from these bonds may not be used to purchase or acquire any new land.

(4) Bonds authorized in this section shall be sold in the manner, at the time or times, in amounts, and at such prices as the state finance committee shall determine.

(5) No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(6) The bonds issued under the authority of this section shall be known as Washington's state parks future bonds.

NEW SECTION. Sec. 846. It is the intent of the legislature that the proceeds of new bonds authorized in this chapter will be appropriated in phases over five biennia, beginning with the 2017-2019 biennium, to provide additional funding for capital projects and facilities of the commission. This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after four biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued.

NEW SECTION. Sec. 847. The commission shall prepare a reporting structure for use in tracking the success and progress of implementing this chapter. Reports must be submitted concurrent with the office of financial management requirements for agency biennial budget requests, including submittal to the appropriate fiscal committees of the legislature, and at a minimum contain the following:

- (1) The total anticipated project list to be funded with this chapter, with updates provided each biennia;
- (2) A list of the subsequent biennia project proposals including those with completed designs and completed permit submittals;
- (3) The accomplishments to date, with projected and actual spending on projects funded by this chapter; and
- (4) The overall facility condition index, reflecting changes in condition as expenditures are made.

NEW SECTION. Sec. 848. (1) The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds provided for in this chapter, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

(2) Bonds issued under this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 849. (1) The proceeds from the sale of the bonds authorized in section 3 of this act shall be deposited in the state building construction account created in RCW 43.83.020.

(2) The treasurer shall transfer bond proceeds deposited in the state building construction account into the Daniel J. and Nancy Evans state parks preservation account created in section 13 of this act at various times and in various amounts necessary to support authorized expenditures from the account.

(3) The proceeds shall be used exclusively for the purposes identified in section 3 of this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds.

NEW SECTION. Sec. 850. (1) The legislature intends to use the proceeds from the sale of bonds issued under this chapter for the projects identified during the 2017-2019, 2019-2021, 2021-2023, 2023-2025, and 2025-2027 biennia and for other projects that maintain access to commission property or facilities.

(2) The legislature intends that the proceeds from the sale of the bonds authorized in section 3 of this act will not be in addition to the proceeds from the sale of bonds authorized by the 2017-2019 bond bill, chapter . . . (Substitute Senate Bill No. 5090), Laws of 2017 and by bills authorizing bond issuance to support future capital budget appropriations.

NEW SECTION. Sec. 851. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in this chapter.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in

the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in this chapter.

(3) On each date on which any interest or principal and interest payment is due on bonds issued under this chapter, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 852. The bonds authorized by this chapter constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 853. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized under this chapter, and section 10 of this act shall not be deemed to provide an exclusive method for payment.

NEW SECTION. Sec. 854. This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter.

NEW SECTION. Sec. 855. The Daniel J. and Nancy Evans state parks preservation account is created in the state treasury. Proceeds from the bonds issued under section 3 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for those purposes identified in section 3 of this act.

NEW SECTION. Sec. 856. This act may be known and cited as the securing the future of Washington's state parks bonding act.

NEW SECTION. Sec. 857. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 858. Sections 1 through 14 of this act constitute a new chapter in Title 79A RCW."

On page 1, line 3 of the title, after "commission;" strike the remainder of the title and insert "and adding a new chapter to Title 79A RCW."

MOTION

Senator Kuderer moved that the following floor amendment no. 189 by Senator Kuderer to floor striking amendment no. 188 be adopted:

On page 1, line 24, strike "With the exception of subsection (2) of this section, for", and insert "For".

One page 2, line 4, strike all of subsection (2).

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Kuderer, Takko and Keiser spoke in favor of adoption of the amendment to the striking amendment.

Senator Rossi spoke against adoption of the amendment to the striking amendment.

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The President declared the question before the Senate to be the adoption of floor amendment no. 189 by Senator Kuderer on page 1, line 24 to floor striking amendment no. 188.

The motion by Senator Kuderer did not carry and floor amendment no. 189 was not adopted by voice vote.

Senator Rossi spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 188 by Senators Fain, Frockt, Mullet and Rossi to Substitute Senate Bill No. 5838.

The motion by Senator Rossi carried and floor striking amendment no. 188 was adopted by voice vote.

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rossi spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Liias: “Mr. President, in section 3 of the bill, it appears to authorize additional indebtedness for the state and I am asking what the number of votes is required for final passage of Engrossed Substitute Senate Bill No. 5838?”

RULING BY THE PRESIDENT

President Habib: “Senator Liias, the measure before the Senate draws upon the state’s bonding authority and would require a super majority of thirty votes.”

Senators Schoesler, Sheldon, Becker, Frockt, Warnick, Angel, Baumgartner, Walsh, Mullet and Pearson spoke in favor of passage of the bill.

Senators Pedersen, Carlyle, Rolfes, Takko, Chase and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5838.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, O’Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Hasegawa, Liias, McCoy, Nelson, Pedersen, Rolfes and Wellman

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, having received the required 3/5ths majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1819, by House Committee on Appropriations (originally sponsored by Representatives Dent, Senn, Kagi, Griffey, Johnson and McBride)

Reducing certain documentation and paperwork requirements in order to improve children's mental health and safety.

The measure was read the second time.

MOTION

Senator O’Ban moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 859. The legislature finds that a prioritized recommendation of the children's mental health work group, as reported in December 2016, is to reduce burdensome and duplicative paperwork requirements for providers of children's mental health services. This recommendation is consistent with the recommendations of the behavioral health workforce assessment of the workforce training and education coordinating board to reduce time-consuming documentation requirements and the behavioral and primary health regulatory alignment task force to streamline regulations and reduce the time spent responding to inefficient and excessive audits.

The legislature further finds that duplicative and overly prescriptive documentation and audit requirements negatively impact the adequacy of the provider network by reducing workforce morale and limiting the time available for patient care. Such requirements create costly barriers to the efficient provision of services for children and their families. The legislature also finds that current state regulations are often duplicative or conflicting with research-based models and other state-mandated treatment models intended to improve the quality of services and ensure positive outcomes. These barriers can be reduced while creating a greater emphasis on quality, outcomes, and safety.

The legislature further finds that social workers serving children are encumbered by burdensome paperwork requirements which can interfere with the effective delivery of services.

Therefore, the legislature intends to require the department of social and health services to take steps to reduce paperwork, documentation, and audit requirements that are inefficient or duplicative for social workers who serve children and for providers of mental health services to children and families, and to encourage the use of effective treatment models to improve the quality of services.

NEW SECTION. Sec. 860. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must immediately perform a review of its rules, policies, and procedures related to the documentation requirements for behavioral health services. Rules adopted by the department relating to the provision of behavioral health services must:

(a) Identify areas in which duplicative or inefficient documentation requirements can be eliminated or streamlined for providers;

(b) Limit prescriptive requirements for individual initial assessments to allow clinicians to exercise professional judgment to conduct age-appropriate, strength-based psychosocial assessments, including current needs and relevant history according to current best practices;

(c) By April 1, 2018, provide a single set of regulations for agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services;

(d) Exempt providers from duplicative state documentation requirements when the provider is following documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety; and

(e) Be clear and not unduly burdensome in order to maximize the time available for the provision of care.

(2) Subject to the availability of amounts appropriated for this specific purpose, audits conducted by the department relating to provision of behavioral health services must:

(a) Rely on a sampling methodology to conduct reviews of personnel files and clinical records based on written guidelines established by the department that are consistent with the standards of other licensing and accrediting bodies;

(b) Treat organizations with multiple locations as a single entity. The department must not require annual visits at all locations operated by a single entity when a sample of records may be reviewed from a centralized location;

(c) Share audit results with behavioral health organizations to assist with their review process and, when appropriate, take steps to coordinate and combine audit activities;

(d) Coordinate audit functions between the department and the department of health to combine audit activities into a single site visit and eliminate redundancies;

(e) Not require information to be provided in particular documents or locations when the same information is included or demonstrated elsewhere in the clinical file, except where required by federal law; and

(f) Ensure that audits involving manualized programs such as wraparound with intensive services or other evidence or research-based programs are conducted to the extent practicable by personnel familiar with the program model and in a manner consistent with the documentation requirements of the program.

NEW SECTION. Sec. 861. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the health care authority must immediately perform a review of its rules, policies, and procedures related to the documentation requirements for behavioral health services. Rules adopted by the health care authority relating to the provision of behavioral health services must:

(a) Identify areas in which duplicative or inefficient documentation requirements can be eliminated or streamlined for providers;

(b) Limit prescriptive requirements for individual initial assessments to allow clinicians to exercise professional judgment to conduct age-appropriate, strength-based psychosocial assessments, including current needs and relevant history according to current best practices;

(c) By April 1, 2018, provide a single set of regulations for agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services;

(d) Exempt providers from duplicative state documentation requirements when the provider is following documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety; and

(e) Be clear and not unduly burdensome in order to maximize the time available for the provision of care.

(2) Subject to the availability of amounts appropriated for this specific purpose, audits conducted by the health care authority relating to provision of behavioral health services must:

(a) Rely on a sampling methodology to conduct reviews of personnel files and clinical records based on written guidelines established by the health care authority that are consistent with the standards of other licensing and accrediting bodies;

(b) Treat organizations with multiple locations as a single entity. The health care authority must not require annual visits at all locations operated by a single entity when a sample of records may be reviewed from a centralized location;

(c) Share audit results with behavioral health organizations to assist with their review process and, when appropriate, take steps to coordinate and combine audit activities;

(d) Coordinate audit functions between the health care authority and the department of health to combine audit activities into a single site visit and eliminate redundancies;

(e) Not require information to be provided in particular documents or locations when the same information is included or demonstrated elsewhere in the clinical file, except where required by federal law; and

(f) Ensure that audits involving manualized programs such as wraparound with intensive services or other evidence or research-based programs are conducted to the extent practicable by personnel familiar with the program model and in a manner consistent with the documentation requirements of the program.

NEW SECTION. Sec. 862. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of social and health services must immediately perform a review of casework documentation and paperwork requirements for social service specialists and other direct service staff with the children's administration who provide services to children. The review must identify areas in which duplicative or inefficient documentation and paperwork requirements can be eliminated or streamlined in order to allow social workers to spend greater amounts of time and attention on direct services to children and their families. The department must complete the review by November 1, 2017. Upon completion of the review, the department must take immediate steps to amend department rules and procedures accordingly.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 863. Section 2 of this act takes effect only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. Sec. 864. Section 3 of this act takes effect only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "adding new sections to chapter 71.24 RCW; creating new sections; providing contingent effective dates; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1819.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute House Bill No. 1819 as amended by

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the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1819 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1819 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1819, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1568, by House Committee on Transportation (originally sponsored by Representatives Pettigrew, Macri, Harris, Bergquist and Farrell)

Creating Fred Hutch special license plates.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1568 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, by House Committee on Environment (originally sponsored by Representatives Short, Taylor, Van Werven, Buys, Haler, Kraft and Hargrove)

Preventing unfunded mandates involving on-site sewage systems from affecting local governments and property owners.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 1503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1503.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1503 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Padden: "Mr. President, I know that you know the history of the legislature but we just witnessed a very unique act in that the sponsor of that bill from the other body also is now representing the Senate as one of our Senators. I mean how often do we have, I mean what power to sponsor a bill in the other body and then be the floor manager here and get the bill passed?! So I just want to pay tribute to the gentelady from the 7th District."

REPLY BY THE PRESIDENT

President Habib: "Senator Padden, I agree that is impressive, but I want to know, it would be interesting to know whether it has ever been the case that someone has voted on the same bill in both chambers. That would have been impressive,

not to take anything away from now Senator Short. But thank you for pointing that out.”

SECOND READING

HOUSE BILL NO. 1107, by Representatives Haler, Wylie, Riccelli, Shea, Stanford, Robinson, Fey, Tarleton and Pollet

Eliminating the term "branch" as an identifying factor for extensions of the public institutions of higher education.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, House Bill No. 1107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, Palumbo and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1107.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1107 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1149, by House Committee on Transportation (originally sponsored by Representatives Chapman, Clibborn, Orcutt and Fey)

Providing an exemption from certain maximum vehicle length limitations. Revised for 1st Substitute: Providing exemptions from certain maximum vehicle length limitations.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1149.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1149 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Liias and Saldaña

SUBSTITUTE HOUSE BILL NO. 1149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1853, by Representatives Doglio, Hudgins, Wilcox and Haler

Removing references to specific nonoperational historical facilities from state statute.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 1853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1853.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1853 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Liias and Saldaña

HOUSE BILL NO. 1853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

EIGHTY SEVENTH DAY, APRIL 5, 2017

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On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Zeiger moved that RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, be confirmed as a member of the State Board of Education.

Senators Zeiger, Fain and King spoke in favor of passage of the motion.

APPOINTMENT OF RICARDO E. SANCHEZ

The President declared the question before the Senate to be the confirmation of RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, as a member of the State Board of Education and the appointment was confirmed by the following vote:Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Liias and Saldaña

RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

Senator O'Ban moved that PATRICK DOWD, Gubernatorial Appointment No. 9061, be confirmed as a Director of the Office of the Family and Children Ombudsman.

Senators O'Ban, Darneille and Walsh spoke in favor of passage of the motion.

APPOINTMENT OF PATRICK DOWD

The President declared the question before the Senate to be the confirmation of PATRICK DOWD, Gubernatorial Appointment No. 9061, as a Director of the Office of the Family and Children Ombudsman.

The Secretary called the roll on the confirmation of PATRICK DOWD, Gubernatorial Appointment No. 9061, as a Director of the Office of the Family and Children Ombudsman and the appointment was confirmed by the following vote:Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger
Excused: Senator Saldaña

PATRICK DOWD, Gubernatorial Appointment No. 9061, having received the constitutional majority was declared confirmed as a Director of the Office of the Family and Children Ombudsman.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5185,
SUBSTITUTE SENATE BILL NO. 5207,
SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5241,
SUBSTITUTE SENATE BILL NO. 5262,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 5, 2017

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 5187,
SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5272,
SUBSTITUTE SENATE BILL NO. 5343,
SUBSTITUTE SENATE BILL NO. 5374,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5472,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 5, 2017

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 5011,
SUBSTITUTE SENATE BILL NO. 5012,
SENATE BILL NO. 5040,
ENGROSSED SENATE BILL NO. 5042,
SENATE BILL NO. 5075,
SUBSTITUTE SENATE BILL NO. 5083,
ENGROSSED SENATE BILL NO. 5097,
SENATE BILL NO. 5118,
SUBSTITUTE SENATE BILL NO. 5142,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 5:00 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Thursday, April 6, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, April 6, 2017

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of representatives from the Naval Hospital of Bremerton: Hospital Corpsman Second Class Garrett Masters; Hospital Corpsman Ryver Kallstrom; Hospital Corpsman Third Class Courtney Depuis; Hospital Corpsman Third Class Daniel Scott; and Personnel Specialist Tyler Hallmark, presented the Colors. Musician First Class Mallory McKendry performed the National Anthem accompanied by the Navy Region Northwest Brass Quartet. The prayer was offered by Captain Scott Dunfee, Deputy Region Chaplain of Navy Region Northwest.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION
8649

By Senators Bailey, Sheldon, Rolfes, Hobbs, Angel, Frockt, Pedersen, Becker, Hawkins, Keiser, Zeiger, Short, Kuderer, Walsh, Nelson, McCoy, Wellman, Takko, Cleveland, Padden, Conway, King, Miloscia, Hunt, Mullet, Schoesler, Ranker, Wilson, Ericksen, Van De Wege, O'Ban, Rossi, Darneille, Fain, Hasegawa, Fortunato, Pearson, Rivers, Warnick, and Brown

WHEREAS, Washington State has both a strong maritime heritage and a contemporary reliance on the sea; and

WHEREAS, The United States Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has been a presence in Puget Sound since before Washington Statehood; and

WHEREAS, United States Navy installations provide careers and economic stability to tens of thousands of Washington State citizens; and

WHEREAS, Washington Navy bases support two aircraft carriers, more than 10 surface ships, 14 submarines, and 120 aircraft; and

WHEREAS, Washington State and the Pacific Northwest are home to 23,300 active duty Navy service members, 21,700 Navy

civilian employees, 3,600 Naval reservists, 42,000 Navy family members, and 99,200 Navy retirees; and

WHEREAS, Washington State based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies; and

WHEREAS, Washington State Navy bases are consistently recognized for their leadership and innovation in environmental stewardship, community engagement, and quality of life; and

WHEREAS, Navy personnel routinely provide homeland security, disaster assistance, and rescue services to the citizens of Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Thursday, April 6, as Navy Appreciation Day and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Senators Bailey, Rolfes, Sheldon, Ranker, Angel, Hobbs, Becker, Braun, Fortunato and Lias spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8649.

The motion by Senator Bailey carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed, introduced and thanked the Honorabel Ralph Munro, former Secretary of State, who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the distinguished members of the Navy who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Rear Admiral Gary A. Mayes, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Admiral Mayes to address the Senate.

Rear Admiral Gary A. Mayes: "Good morning. Mr. President, thank you for the kind introduction. As the Commander, Navy Region northwest, it is my distinct honor and privilege to be here on the floor of the Senate for Washington State Navy Day."

"Navy Region Northwest has over 192,000 Sailors, civilian employees, family members, retirees and contractors across the region. The navy's presence here strengthens communities in many ways, including socioeconomic impact. Washington State's second largest employment sector is defense, with \$12.7 billion infused into the state economy annually. The Navy accounts for approximately sixty percent of this total."

"In the gallery, representing some of our most recent deployed returnees with us today are: Commander Todd Ladwig, Commanding Officer of VAQ-138, who led his team on successful Electronic Attack missions flying the E/A-18

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Growlers; and Commander James Imlah, an Executive Officer, representing the returning men and women of VP-47.”

“Your record of legislative support speaks for itself – you’ve continued to focus on legislation helping military families more easily become part of Washington’s workforce and school system, helping veterans transition into the civilian economy, enabled our Navy Operations and training here to be more compatible in close coordination with the surrounding communities. I appreciate all the work you continue to do to make this state an even better hope port for the Navy.”

“Today, and every day, your Navy is operating around the world, and around the clock to ensure we are ready and capable of fulfilling our mission. Much of the Navy’s success in this Region can be directly attributed to the dedication and patriotism from people of the great State of Washington. On behalf of the Navy, I want to say ‘Thank you’ for you continued support.”

REMARKS BY THE PRESIDENT

President Habib: “Thank you Admiral. Thank you to all our guests who are here today. You do put the Pacific in Pacific Northwest and we are so proud to be able to honor you. Thank you again to Secretary Munro.”

MOTION

At 10:43 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:41 p.m. by President Habib.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR’S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Nelson moved adoption of the following resolution:

SENATE RESOLUTION
8647

By Senators Nelson and Saldaña

WHEREAS, Donna Pierce, overwhelmed by her role as a new mom, began to recognize and understand the hardships and struggles of motherhood; although she did not personally lack the means to provide for her own baby, motherhood still proved to be a demanding endeavor; and as stressed as she was, Donna could not begin to imagine "the level of stress felt by new moms with low incomes, no incomes, no health care, or no home"; and

WHEREAS, In 2001, Donna founded WestSide Baby, and since then, WestSide Baby has admirably sought to help the most vulnerable mothers in King County; and

WHEREAS, WestSide Baby, working together with over 120 social service agencies, provides necessities that are essential to the caring of an infant free of charge; and

WHEREAS, Many of the mothers WestSide Baby serves are forced to make heart-wrenching decisions about which of their necessities they can afford to do without; Donna recognized that being a mother is hard enough on its own, and new mothers having to treat what other families take for granted as luxuries is disheartening and sometimes humiliating; Donna and WestSide Baby have helped mothers provide for the physical needs of their children, granting them some peace of mind and providing a better quality of life to the children they serve; and

WHEREAS, Acting upon its deeply held and outwardly expressed core values of fairness and empowerment, WestSide Baby has made a lasting impact upon the lives of thousands of mothers and their children, helping ensure that they have a more fair and equal start to life; and

WHEREAS, Throughout the years, WestSide Baby has distributed over 16 million dollars worth of diapers, clothes, and safety equipment and helped around 200,000 babies in King County; and

WHEREAS, WestSide Baby's efforts are an invaluable source of empowerment and dignity for thousands of mothers who desperately need the assistance; and

WHEREAS, WestSide Baby continues to provide women with the necessary tools of motherhood, continues to generate awareness about the most vulnerable children in the community, and, most importantly, will continue striving towards its praiseworthy goal: That every baby in the community has his or her physical needs met;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Ms. Donna Pierce and recognize WestSide Baby's numerous and continuing contributions to Washington's mothers and their children.

Senators Nelson and Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8647.

The motion by Senator Nelson carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members from the board and staff of Westside Baby who were seated in the gallery: Ms. Dobry Inocencio; Ms. Sarah Cody Roth; Ms. Nancy Woodland; Ms. Jess Sweetman; Ms. Hannah Lertola; Ms. Kelly Harper; Ms. Tiffany Mathiesen; Ms. Carina Schubert; Ms. Jodi Ryznar; Ms. Phyllis Nomura; Ms. Eleanor Roth; and Ms. Mari Litzenberger.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1983, by Representatives Dye, Riccelli and Dent

Reducing the population requirement in a consortium of counties in order to operate a juvenile correctional facility.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 865.** RCW 13.04.035 and 1996 c 284 s 1 are each amended to read as follows:

Juvenile court shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county this service may be administered by the legislative authority of the county. Juvenile probation counselor and detention services shall be administered by the superior court, except that (1) by local court rule and agreement with the county legislative authority, these services may be administered by the county legislative authority; (2) for the consortium in existence on the effective date of this section, if a consortium of three or more counties, located east of the Cascade mountains and whose combined population exceeds (~~five~~) two hundred (~~thirty~~) thousand, jointly operates a juvenile correctional facility, the county legislative authorities may prescribe for alternative administration of the juvenile correctional facility by ordinance; and (3) in any county with a population of one million or more, probation and detention services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court. If a county participating in a consortium authorized under subsection (2) of this section withdraws from participation, the withdrawing county may rejoin the consortium at a later time so long as a majority of the consortium members agree."

On page 1, line 3 of the title, after "facility;" strike the remainder of the title and insert "and amending RCW 13.04.035."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Mental Health & Housing to House Bill No. 1983.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1983 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1983 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1983 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy,

Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Saldaña

HOUSE BILL NO. 1983, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1838, by House Committee on Transportation (originally sponsored by Representative Schmick)

Concerning the crossing of certain public roadways by wheeled all-terrain vehicles.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1838.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1838 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Liias

SUBSTITUTE HOUSE BILL NO. 1838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1877, by House Committee on Transportation (originally sponsored by Representative Stanford)

Concerning the release of driving record abstract information affecting registered tow truck operators.

The measure was read the second time.

MOTION

EIGHTY EIGHTH DAY, APRIL 6, 2017

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On motion of Senator King, the rules were suspended, Substitute House Bill No. 1877 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1877.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1877 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 1877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1250, by Representatives Griffey, Orwall, Dent, MacEwen, Hayes, Holy, McCaslin and Doglio

Authorizing retail marijuana outlets to give a free lockable drug box to adults age twenty-one years and over and to qualifying patients age eighteen years and over subject to restrictions.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee amendment by the Committee on Commerce, Labor & Sports be adopted:

Beginning on page 1, line 13, strike all of subsection (b) and insert the following:

"(b)(i) Retail outlets may receive lockable boxes, intended for the secure storage of marijuana products and paraphernalia, and related literature as a donation from another person or entity, that is not a marijuana producer, processor, or retailer, for donation to their customers.

(ii) Retail outlets may donate the lockable boxes and provide the related literature to any person eligible to purchase marijuana products under subsection (2) of this section. Retail outlets may not use the donation of lockable boxes or literature as an incentive or as a condition of a recipient's purchase of a marijuana product or paraphernalia.

(iii) Retail outlets may also purchase and sell lockable boxes, provided that the sales price is not less than the cost of acquisition."

Senator Baumgartner spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Commerce, Labor & Sports to House Bill No. 1250.

The motion by Senator Baumgartner carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1250 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1250 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1250 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Ericksen

HOUSE BILL NO. 1250, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Baumgartner: "I just wanted to apologize to the body Mr. President. I have been corrected. I didn't do my homework. It was Daryl Hammond that did lockbox for Al Gore. Very embarrassing. I apologize to the body."

REPLY BY THE PRESIDENT

President Habib: "That is even worse than conflating Jim Carrey and Dana Carvey. Thank you, thank you for that Senator Baumgartner."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1467, by House Committee on Local Government (originally sponsored by Representatives Stokesbary, Peterson, Griffey, Robinson, Muri, McBride, Rodne, Fitzgibbon and Tharinger)

Removing disincentives to the voluntary formation of regional fire protection service authorities by establishing parity, equalizing certain provisions with existing laws governing fire protection districts, and clarifying the formation process.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 866. RCW 52.26.220 and 2006 c 200 s 12 are each amended to read as follows:

(1) ~~((Notwithstanding any other provision in this chapter to the contrary, any))~~ (a) The initial imposition of a benefit charge authorized by this chapter ~~((is not effective unless a proposition to impose the benefit charge is approved by a))~~ must be approved by not less than sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose ~~((held within the authority))~~. ~~((A))~~ Ballot ~~((measure that contains))~~ measures containing an authorization to impose benefit charges ~~((and))~~ that ~~((is))~~ are approved by the voters pursuant to RCW 52.26.060 ~~((meets))~~ satisfy the proposition approval requirement of this subsection and subsection (2) of this section.

(b) An election held ~~((under this section))~~ for the initial imposition of a benefit charge must be held not more than twelve months prior to the date on which the first charge is to be assessed.

(c) A benefit charge approved at an election expires in six ~~((years))~~ or fewer years as authorized by the voters, unless subsequently reapproved by the voters.

(2) ~~((The))~~ Ballot measures calling for the initial imposition of a benefit charge must be submitted so as to enable ~~((the))~~ voters favoring the authorization of a ~~((regional fire protection service authority))~~ benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for . . . (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

(3) ~~((Authorities renewing the benefit charge may elect to use the following alternative ballot:))~~ (a) The continued imposition of a benefit charge authorized by this chapter may be approved for six consecutive years. A ballot measure calling for the continued imposition of a benefit charge for six consecutive years must be approved by a majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose.

(b) Ballot measures calling for the continued imposition of a benefit charge must be submitted so as to enable voters favoring the continued imposition of the benefit charge to vote "Yes" and those opposed to vote "No." The ballot question must be substantially in the following form:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to continue voter-authorized benefit charges each year for ~~((insert number of years not to exceed))~~ six ~~(())~~ consecutive years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

Sec. 867. RCW 52.26.230 and 2004 c 129 s 29 are each amended to read as follows:

(1) Not fewer than ten days nor more than six months before the election at which the proposition to impose the benefit charge is submitted as provided in this chapter, the governing board of the regional fire protection service authority, or the planning committee if the benefit charge is proposed as part of the initial formation of the authority, shall hold a public hearing specifically setting forth its proposal to impose benefit charges for the support of its legally authorized activities that will maintain or improve the services afforded in the authority. A report of the public hearing shall be filed with the county treasurer of each county in which the property is located and be available for public inspection.

(2) Prior to November 15th of each year the governing board of the authority shall hold a public hearing to review and establish the regional fire protection service authority benefit charges for the subsequent year.

(3) All resolutions imposing or changing the benefit charges must be filed with the county treasurer or treasurers of each county in which the property is located, together with the record of each public hearing, before November 30th immediately preceding the year in which the benefit charges are to be collected on behalf of the authority.

(4) After the benefit charges have been established, the owners of the property subject to the charge must be notified of the amount of the charge.

Sec. 868. RCW 84.55.092 and 1998 c 16 s 3 are each amended to read as follows:

(1) The regular property tax levy for each taxing district other than the state may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter including any levy authorized under RCW 52.16.160 or 52.26.140(1)(c) that would have been imposed but for the limitation in RCW 52.18.065 or 52.26.240, applicable upon imposition of the benefit charge under chapter 52.18 or 52.26 RCW.

(2) The purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

Sec. 869. RCW 52.18.050 and 2013 c 49 s 1 are each amended to read as follows:

(1)(a) The initial imposition of a benefit charge authorized by this chapter must be approved by not less than sixty percent of the voters of the district voting at a general election or at a special election called by the district for that purpose.

(b) An election held for the initial imposition of a benefit charge must be held not more than twelve months prior to the date on which the first charge is to be assessed.

(c) A benefit charge approved at an election expires in six or fewer years as authorized by the voters unless subsequently reapproved by the voters.

(2) Ballot measures calling for the initial imposition of a benefit charge must be submitted so as to enable voters favoring the authorization of a benefit charge to vote "Yes" and those opposed to vote "No," and the ballot question must be as follows:

"Shall county fire protection district No. . . . be authorized to impose benefit charges each year for . . . (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.16.160?

YES NO

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(3)(a) The continued imposition of a benefit charge authorized by this chapter ((must be approved by a majority of the voters of the district voting at a general election or at a special election called by the district for that purpose)) may be approved for six consecutive years.

~~((b) Ballot measures calling for the continued imposition of a benefit charge must be submitted so as to enable voters favoring the continued imposition of the benefit charge to vote "Yes" and those opposed to vote "No." The ballot question must be substantially in the following form:))~~ A ballot measure calling for the continued imposition of a benefit charge for six consecutive years must be approved by a majority of the voters of the district voting at a general election or at a special election called by the district for that purpose.

(b) Ballot measures calling for the continued imposition of a benefit charge must be submitted so as to enable voters favoring the continued imposition of the benefit charge to vote "Yes" and those opposed to vote "No." The ballot question must be substantially in the following form:

"Shall county fire protection district No. . . . be authorized to continue voter-authorized benefit charges each year for ~~((. . . (insert number of years not to exceed six)))~~ six consecutive years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.16.160?

YES NO

Sec. 870. RCW 52.18.010 and 1998 c 16 s 1 are each amended to read as follows:

(1) Pursuant to an approved initial or continued benefit charge authorized under RCW 52.18.050, the board of fire commissioners of a fire protection district may by resolution, for fire protection district purposes authorized by law, fix and impose a benefit charge on personal property and improvements to real property which are located within the fire protection district on the date specified and which have or will receive the benefits provided by the fire protection district, to be paid by the owners of the properties((: PROVIDED, That),

(2) A benefit charge ((shall)) does not apply to:

(a) Personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto, but not including personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education; and

(b) Any of the following tax-exempt properties, provided such entity is not required to pay a fire protection charge under subsection (8) of this section:

(i) Property of housing authorities that is exempt from property taxes under RCW 35.82.210;

(ii) Property of nonprofit entities providing rental housing for very low-income households or providing space for the placement of a mobile home for a very low-income household that is exempt from property taxes under RCW 84.36.560;

(iii) Property of nonprofit homes for the aging that is exempt from property taxes under RCW 84.36.041;

(iv) Property of nonprofit organizations, corporations, or associations providing housing for eligible persons with developmental disabilities that is exempt from property taxes under RCW 84.36.042;

(v) Property of nonprofit organizations providing emergency or transitional housing for low-income homeless persons or victims of domestic violence who are homeless for personal safety reasons that is exempt from property taxes under RCW 84.36.043;

(vi) Property of the state housing finance commission that is exempt from property taxes under RCW 84.36.135; and

(vii) Property of nonprofit corporations operating sheltered workshops for persons with disabilities that is exempt from property taxes under RCW 84.36.350.

(3) A benefit charge may apply to a tax-exempt property included in subsection (2)(b) of this section if the tax-exempt property is located in a fire protection district that:

(a) Is less than four square miles in size;

(b) Has approved a benefit charge prior to the effective date of this section; and

(c) Has a population exceeding nineteen thousand people as of the effective date of this section, as determined by the office of financial management.

(4) A limited benefit charge may apply to property or improvements owned by a Christmas tree grower as defined in RCW 15.13.250(4) so long as the property or improvement is located on land that has been approved as farm and agricultural land with standing crops under chapter 84.34 RCW. For such property or improvement, a benefit charge may not exceed the reduction in property tax that results from the imposition of a benefit charge, as required under RCW 52.18.065.

(5) The aggregate amount of such benefit charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority or authorities of the county or counties in which the fire protection district is located to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

(6) A benefit charge imposed shall be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the district. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district. The board of fire commissioners may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the

state insurance commissioner to do business in this state, but such property may be protected by the fire protection district under a contractual agreement.

(7) For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the district, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

(8)(a) At the annual review of the fire benefit charge mandated by RCW 52.18.060(2), if a fire service agency has identified:

(i) A tax-exempt property under subsection (2)(b) of this section as having a substantial increase in requested emergency services over the previous year; or

(ii) A new tax-exempt property that is similar in size, population, and geographic location as another such tax-exempt property as having an increase in requested emergency services; then the tax exempt property and the fire service agency must work together, in good faith, to address the problem by implementing community risk reduction efforts. The community risk reduction plan may include but is not limited to wellness programs and community action plans.

(b) At the subsequent annual review, if the heightened service requirements have not been reasonably addressed by the joint mitigation efforts, and the tax-exempt property owner has not acted in good faith:

(i) The property is subject to assessment of the fire benefit charge in the subsequent year, subject to approval by the board of fire commissioners as outlined in RCW 52.18.060(2); or

(ii) The respective tax exempt property shall pay the fire service agency a fire protection charge payment in lieu of a benefit charge. The fire protection charge shall be an amount equivalent to the benefit rates for similarly situated properties for that year.

(c) All tax exempt properties identified under subsection (2)(b) of this section and all local fire service agencies are encouraged to work collaboratively to develop and implement programs to address proper usage of fire service resources for residents of the housing properties.

Sec. 871. RCW 52.26.180 and 2004 c 129 s 24 are each amended to read as follows:

(1) The governing board of a regional fire protection service authority may by resolution, as authorized in the plan and approved by the voters, for authority purposes authorized by law, fix and impose a benefit charge on personal property and improvements to real property which are located within the authority on the date specified and which have received or will receive the benefits provided by the authority, to be paid by the owners of the properties.

(2) A benefit charge does not apply to:

(a) Personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ministries of the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes or for institutions of higher education and all grounds and buildings related thereto. However, a benefit charge does apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes or for institutions of higher education.

(b) Property of housing authorities that is exempt from property taxes under RCW 35.82.210;

(c) Property of nonprofit entities providing rental housing for very low-income households or providing space for the placement of a mobile home for a very low-income household that is exempt from property taxes under RCW 84.36.560;

(d) Property of nonprofit homes for the aging that is exempt from property taxes under RCW 84.36.041;

(e) Property of nonprofit organizations, corporations, or associations providing housing for eligible persons with developmental disabilities that is exempt from property taxes under RCW 84.36.042;

(f) Property of nonprofit organizations providing emergency or transitional housing for low-income homeless persons or victims of domestic violence who are homeless for personal safety reasons that is exempt from property taxes under RCW 84.36.043;

(g) Property of the state housing finance commission that is exempt from property taxes under RCW 84.36.135; and

(h) Property of nonprofit corporations operating sheltered workshops for persons with disabilities that is exempt from property taxes under RCW 84.36.350.

(3) A limited benefit charge may apply to property or improvements owned by a Christmas tree grower as defined in RCW 15.13.250(4) so long as the property or improvement is located on land that has been approved as farm and agricultural land with standing crops under chapter 84.34 RCW. For such property or improvement, a benefit charge may not exceed the reduction in property tax that results from the imposition of a benefit charge, as required under RCW 52.26.230.

(4) The aggregate amount of these benefit charges in any one year may not exceed an amount equal to sixty percent of the operating budget for the year in which the benefit charge is to be collected. It is the duty of the county legislative authority or authorities of the county or counties in which the regional fire protection service authority is located to make any necessary adjustments to assure compliance with this limitation and to immediately notify the governing board of an authority of any changes thereof.

((2)) (5) A benefit charge imposed must be reasonably proportioned to the measurable benefits to property resulting from the services afforded by the authority. It is acceptable to apportion the benefit charge to the values of the properties as found by the county assessor or assessors modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing the services. Any other method that reasonably apportions the benefit charges to the actual benefits resulting from the degree of protection, which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and is subject to contest on the grounds of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the authority. The governing board of an authority may determine that certain properties or types or classes of properties are not receiving measurable benefits based on criteria they establish by resolution. A benefit charge authorized by this chapter is not applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state, but the property may be protected by the authority under a contractual agreement.

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((3)) (6) For administrative purposes, the benefit charge imposed on any individual property may be compiled into a single charge, provided that the authority, upon request of the property owner, provide an itemized list of charges for each measurable benefit included in the charge.

((4)) (7)(a) At the annual review of the fire benefit charge mandated by RCW 52.26.230(2), if a fire service agency has identified:

(i) A tax-exempt property under subsection (2)(b) of this section as having a substantial increase in requested emergency services over the previous year; or

(ii) A new tax-exempt property that is similar in size, population, and geographic location as another such tax-exempt property as having an increase in requested emergency services; then the tax exempt property and the fire service agency must work together, in good faith, to address the problem by implementing community risk reduction efforts. The community risk reduction plan may include but is not limited to wellness programs and community action plans.

(b) At the subsequent annual review, if the heightened service requirements have not been reasonably addressed by the joint mitigation efforts, and the tax-exempt property owner has not acted in good faith:

(i) The property is subject to assessment of the fire benefit charge in the subsequent year, subject to approval by the governing board of the authority as outlined in RCW 52.26.230(2); or

(ii) The respective tax exempt property shall pay the fire service agency a fire protection charge payment in lieu of a benefit charge. The fire protection charge shall be an amount equivalent to the benefit rates for similarly situated properties for that year.

(c) All tax exempt properties identified under subsection (2)(b) of this section and all local fire service agencies are encouraged to work collaboratively to develop and implement programs to address proper usage of fire service resources for residents of the housing properties.

(8) For the purposes of this section and RCW 52.26.190 through 52.26.270, the following definitions apply:

(a)(i) "Personal property" includes every form of tangible personal property including, but not limited to, all goods, chattels, stock in trade, estates, or crops.

(ii) "Personal property" does not include any personal property used for farming, field crops, farm equipment, or livestock.

(b) "Improvements to real property" does not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

Sec. 872. RCW 52.26.020 and 2011 c 141 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional fire protection service authority.

(2) "Elected official" means an elected official of a participating fire protection jurisdiction or a regional fire protection district commissioner created under RCW 52.26.080.

(3) "Fire protection jurisdiction" means a fire district, regional fire protection service authority, city, town, port district, municipal airport, or Indian tribe.

(4) "Participating fire protection jurisdiction" means a fire protection jurisdiction participating in the formation or operation of a regional fire protection service authority.

(5) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority

within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(6) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a regional fire protection service authority project or projects(§) including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of existing or future facilities.

(7) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection and emergency service projects.

(8) "Regular property taxes" has the same meaning as in RCW 84.04.140.

Sec. 873. RCW 52.26.030 and 2004 c 129 s 3 are each amended to read as follows:

Regional fire protection service authority planning committees are advisory entities that are created, convened, and empowered as follows:

(1) Any two or more adjacent fire protection jurisdictions may create a regional fire protection service authority and convene a regional fire protection service authority planning committee. No fire protection jurisdiction may participate in more than one created authority.

(2) Each governing body of the fire protection jurisdictions participating in planning under this chapter shall appoint three elected officials to the authority planning committee. Members of the planning committee may receive compensation of seventy dollars per day, or portion thereof, not to exceed seven hundred dollars per year, for attendance at planning committee meetings and for performance of other services in behalf of the authority, and may be reimbursed for travel and incidental expenses at the discretion of their respective governing body.

(3) A regional fire protection service authority planning committee may receive state funding, as appropriated by the legislature, or county funding provided by the affected counties for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred. Upon creation of a regional fire protection service authority, the authority shall within one year reimburse the state or county for any sums advanced for these start-up costs from the state or county.

(4) The planning committee shall conduct its affairs and formulate a regional fire protection service authority plan as provided under RCW 52.26.040.

(5) At its first meeting, a regional fire protection service authority planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) The planning committee may dissolve itself at any time by a majority vote of the total membership of the planning committee. Any participating fire protection jurisdiction may withdraw upon thirty calendar days' written notice to the other jurisdictions.

Sec. 874. RCW 84.52.010 and 2015 3rd sp.s. c 44 s 324 and 2015 3rd sp.s. c 24 s 404 are each reenacted and amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, 84.52.140, and the protected portion of the levy under RCW 86.15.160 by flood control zone districts in a county with a population of seven hundred seventy-five thousand or more that are coextensive with a county, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a metropolitan park district that has a population of less than one hundred fifty thousand and is located in a county with a population of one million five hundred thousand or more that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the protected portion of the levy imposed under RCW 86.15.160 by a flood control zone district in a county with a population of seven hundred seventy-five thousand or more that is coextensive with a county must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district with a population of one hundred fifty thousand or more that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.815 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

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(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

Sec. 875. RCW 84.52.010 and 2015 3rd sp.s. c 44 s 325 and 2015 3rd sp.s. c 24 s 405 are each reenacted and amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, and the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a

county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and

regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

Sec. 876. RCW 84.52.043 and 2015 3rd sp.s. c 44 s 322 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levy by the state may not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district may not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town may not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the protected portion of the levies imposed under RCW 86.15.160 by flood control zone districts in a county with a population of seven hundred seventy-five thousand or more that are coextensive with a county; and (l) levies imposed by a regional transit authority under RCW 81.104.175.

Sec. 877. RCW 84.52.043 and 2015 3rd sp.s. c 44 s 323 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real

and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levy by the state may not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district may not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town may not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; and (l) levies imposed by a regional transit authority under RCW 81.104.175.

Sec. 878. RCW 84.52.125 and 2005 c 122 s 1 are each amended to read as follows:

A fire protection district or regional fire protection service authority may protect the district's or authority's tax levy from prorationing under RCW 84.52.010(~~((2))~~) (3)(b) by imposing up to a total of twenty-five cents per thousand dollars of assessed value of the tax levies authorized under RCW 52.16.140 and 52.16.160, or 52.26.140(1) (b) and (c) outside of the five dollars and ninety cents per thousand dollars of assessed valuation limitation established under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(~~((2)(e))~~) (3)(b)(vi).

Sec. 879. RCW 52.26.070 and 2006 c 200 s 5 are each amended to read as follows:

If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes and benefit charges, if any, the authority is formed on the effective date as set forth in the plan or the next January 1st or July 1st, whichever occurs first. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general

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circulation in the authority declaring the authority formed. A party challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

NEW SECTION. Sec. 880. Sections 5 and 6 of this act apply to benefit charges approved after the effective date of this section.

NEW SECTION. Sec. 881. Section 9 of this act expires January 1, 2018.

NEW SECTION. Sec. 882. Section 10 of this act takes effect January 1, 2018.

NEW SECTION. Sec. 883. Sections 3 and 9 through 13 of this act apply to property taxes levied for collection in 2018 and thereafter.

NEW SECTION. Sec. 884. Section 11 of this act expires January 1, 2018.

NEW SECTION. Sec. 885. Section 12 of this act takes effect January 1, 2018.

NEW SECTION. Sec. 886. Except for sections 10 and 12 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 5 of the title, after "process;" strike the remainder of the title and insert "amending RCW 52.26.220, 52.26.230, 84.55.092, 52.18.050, 52.18.010, 52.26.180, 52.26.030, 84.52.043, 84.52.043, 84.52.125, and 52.26.070; reenacting and amending RCW 52.26.020, 84.52.010, and 84.52.010; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

Senator Short moved that the following floor amendment no. 210 by Senator Sheldon be adopted:

On page 10, line 6 of the amendment, after "RCW" strike "52.26.230" and insert "52.26.240"

Senators Short and Palumbo spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 210 by Senator Sheldon on page 10, line 6 to the committee striking amendment.

The motion by Senator Short carried and floor amendment no. 210 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government as amended to Substitute House Bill No. 1467.

The motion by Senator Short carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Substitute House Bill No. 1467 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1467 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1467 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

SUBSTITUTE HOUSE BILL NO. 1467, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by House Committee on Environment (originally sponsored by Representatives Peterson, Young and Fitzgibbon)

Concerning petroleum storage tank systems.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1266.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1266 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1266, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5011,
 SUBSTITUTE SENATE BILL NO. 5012,
 SENATE BILL NO. 5040,
 ENGROSSED SENATE BILL NO. 5042,
 SENATE BILL NO. 5075,
 SUBSTITUTE SENATE BILL NO. 5083,
 ENGROSSED SENATE BILL NO. 5097,
 SENATE BILL NO. 5118,
 SUBSTITUTE SENATE BILL NO. 5142,
 SENATE BILL NO. 5162,
 SUBSTITUTE SENATE BILL NO. 5185,
 SENATE BILL NO. 5187,
 SUBSTITUTE SENATE BILL NO. 5207,
 SENATE BILL NO. 5237,
 SUBSTITUTE SENATE BILL NO. 5241,
 SENATE BILL NO. 5244,
 SUBSTITUTE SENATE BILL NO. 5262,
 SUBSTITUTE SENATE BILL NO. 5272,
 SUBSTITUTE SENATE BILL NO. 5343,
 SUBSTITUTE SENATE BILL NO. 5374,
 SENATE BILL NO. 5413,
 SUBSTITUTE SENATE BILL NO. 5472.

MOTION

At 3:15 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 3:50 p.m. by President Habib.

SECOND READING

HOUSE BILL NO. 1198, by Representatives Harris, Cody and Riccelli

Concerning substance abuse monitoring for podiatric physicians and surgeons.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 1198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1198.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1198 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

HOUSE BILL NO. 1198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1121, by House Committee on Environment (originally sponsored by Representatives Muri, Fitzgibbon, Short, Peterson, Fey, Smith, Kagi, Barkis, McBride, Farrell, Wilcox, Jinkins, Haler, Stanford, Gregerson, Kilduff, Tarleton, Tharinger and Pollet)

Concerning the frequency of Puget Sound action agenda implementation strategy and science work plan updates.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Substitute House Bill No. 1121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1121.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1121 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Padden

SUBSTITUTE HOUSE BILL NO. 1121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1344, by House Committee on Finance (originally sponsored by Representatives Dolan,

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Nealey, Doglio, Springer, Frame, Riccelli, Appleton, Ryu, Ormsby and Goodman)

Extending the period for which a bond levy may be increased.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Substitute House Bill No. 1344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1344.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1344 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 1344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1353, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Buys and Hayes)

Commissioning an elk management pilot project that focuses initially on the Colockum elk herd.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 887. (1) The legislature finds that the Colockum elk herd in central Washington is the fifth largest elk herd in the state and is currently managed for the state by the department of fish and wildlife.

(2) The legislature further finds that the Colockum elk herd has been the subject of a great deal of planning by the department of fish and wildlife. The herd is subject to an existing herd management plan that attempts to ensure a healthy, productive population, manage the herd for a variety of purposes, and allow for a sustainable yield within the population. Proper management of the Colockum elk herd is important, since the herd is a resource

that provides significant recreational, aesthetic, cultural, and economic benefits to recreationalists, local communities, and native Americans.

(3) The legislature further finds that the department of fish and wildlife has studied the Colockum elk herd as recently as 2012. This study led to a greater understanding of the challenges facing the herd and resulted in recommendations as to management approaches to address those challenges.

(4) The legislature further finds that despite the active management and research by the department of fish and wildlife, there are still undesirable consequences of the Colockum elk herd's size, location, and behaviors. These consequences manifest as significant agricultural crop damage within the herd's range and unacceptably threatens to degrade highway safety levels on Interstate 90 and other roadways within the range of the herd due to collisions between herd members and vehicles.

(5) The legislature further finds that the unwanted consequences of the current Colockum elk herd management protocol are not isolated to the range of the Colockum herd. Other elk herds in the state are also the subject of similar management outcomes.

(6) The legislature further finds that the department of fish and wildlife should use the Colockum elk herd as the subject of a pilot project that explores the benefits of more active management. The department must work with the Yakama Nation to obtain input from the tribe on the tribe's recommendations. The pilot project should be limited in time and geography to ensure that overall herd health is not disrupted; however, it should be robust enough to offer scientifically rigorous results.

NEW SECTION. Sec. 888. A new section is added to chapter 77.36 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must conduct an elk management pilot project to explore the viability of various wildlife management actions to reduce elk highway collisions and elk damage to private crop lands. The pilot project must initially focus on achieving a reduction in highway collisions on interstate highways, and crop damage on properties, within the range of the Colockum herd. The department must invite the Yakama Nation to participate in all aspects of the project.

(2) The department must work with the department of transportation to explore the viability of various wildlife management actions to reduce elk highway collisions, initially focusing on reducing traffic collisions along interstate highways within the range of the herd.

(3) Direct wildlife management efforts must be employed in the pilot project implemented under this section, including:

(a) Increased use of special depredation hunts and general hunting opportunity within the Colockum herd. Total hunting depredations under the pilot project must be limited to three hundred elk per calendar year and these efforts must be designed and implemented in a manner that does not conflict with the primary goals of the current elk herd management plan for the Colockum herd;

(b) Feeding elk within the pilot project area by persons other than the department is prohibited, although in no event may this prohibition affect a person who sets out feed with the intent to feed domestic animals or livestock, even though such feed may be inadvertently consumed by elk or other wildlife; and

(c) The use of managed livestock grazing to attract elk away from roads and private property.

(4) Consistent with RCW 43.01.036, the department and the department of transportation must report the results of the pilot project to the appropriate committees of the legislature by October 31, 2020. Along with results, the departments must report

on how the information gleaned from the pilot project will be used to manage the Coloclock elk herd and other similarly situated elk herds in the state.

(5) This section expires July 1, 2021."

On page 1, line 2 of the title, after "herd;" strike the remainder of the title and insert "adding a new section to chapter 77.36 RCW; creating a new section; and providing an expiration date."

Senator Pearson spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1353.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1353 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1353 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1353 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Rolfes

SUBSTITUTE HOUSE BILL NO. 1353, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1100, by House Committee on Appropriations (originally sponsored by Representatives Taylor, Blake, Shea, Harmsworth, Condotta, Short, Volz, Van Werven, Irwin, Hargrove and Buys)

Concerning concealed pistol license renewal notices.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following floor striking amendment no. 186 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 889.** RCW 9.41.070 and 2011 c 294 s 1 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race,

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gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and
- (d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) If the licensee provides an email address at the time of application, the department of licensing must send notice of the license expiration to the licensee's email address within sixty days prior to the expiration of the license. A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

- (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
- (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
- (c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or

deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 1 of the title, after "notices;" strike the remainder of the title and insert "and amending RCW 9.41.070."

Senators Pedersen and Takko spoke in favor of adoption of the striking amendment.

Senators Padden and Becker spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 186 by Senator Pedersen to Substitute House Bill No. 1100.

The motion by Senator Pedersen did not carry and floor striking amendment no. 186 was not adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Sheldon spoke in favor of passage of the bill.

Senator Takko spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1100 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Frockt, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Saldaña, Takko and Wellman

SUBSTITUTE HOUSE BILL NO. 1100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1285, by Representatives Graves, Jinkins, Goodman, Rodne, Shea, Muri, Haler, Kilduff, Klippert, Orwall and Kirby

Modifying oath requirements for interpreters in legal proceedings.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1285.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1285 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1130, by House Committee on Higher Education (originally sponsored by Representatives Haler, Pollet and Ryu)

Making the customized training program permanent. Revised for 1st Substitute: Making the customized employment training program permanent.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 1130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1130.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1130 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

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Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 1130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1444, by House Committee on Education (originally sponsored by Representatives Caldier, Santos, Kilduff, Muri, Senn, Appleton, Fey, Pollet and Slatter)

Facilitating on-time grade level progression and graduation for certain students.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 890.** RCW 28A.320.192 and 2012 c 163 s 7 are each amended to read as follows:

In order to facilitate the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542, dependent pursuant to chapter 13.34 RCW, or at-risk youth or children in need of services pursuant to chapter 13.32A RCW, school districts must incorporate the following procedures:

(1) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

(2) School districts are encouraged to consolidate unresolved or incomplete coursework and provide opportunities for credit accrual through local classroom hours, correspondence courses, or the portable assisted study sequence units designed for migrant high school students.

(3) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

(4) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "and amending RCW 28A.320.192."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1444.

The motion by Senator Zeiger carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1444 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1444 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1444 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1444, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375, by House Committee on Appropriations (originally sponsored by Representatives Van Werven, Tarleton, Orwall, Griffey, Haler, Holy, McCabe, Young, Dent, Riccelli, Bergquist, Buys, Kraft, Kagi, Ryu, Muri, Goodman, Lovick, Frame and Hargrove)

Providing students at community and technical colleges with the costs of required course materials.

The measure was read the second time.

MOTION

On motion of Senator Wilson, the rules were suspended, Engrossed Second Substitute House Bill No. 1375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, Palumbo and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1375.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1375 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1166, by Representatives Griffey and Springer

Concerning fire protection district tax levies.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, House Bill No. 1166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1166.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1166 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1184, by House Committee on Public Safety (originally sponsored by Representatives Orwall, Griffey, Klippert, McCabe, Senn, Gregerson, Pellicciotti, Jinkins, Irwin, Wylie, Kilduff, McBride, Bergquist, Fey, Smith, Stanford and Hudgins)

Modifying patronizing a prostitute provisions.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 891. RCW 9A.88.110 and 1988 c 146 s 4 are each amended to read as follows:

(1) A person is guilty of patronizing a prostitute if:

(a) Pursuant to a prior understanding, he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her; or

(b) He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him or her; or

(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(2) The crime of patronizing a prostitute may be committed in more than one location. The crime is deemed to have been committed in any location in which the defendant commits any act under subsection (1)(a), (b), or (c) of this section that constitutes part of the crime. A person who sends a communication to patronize a prostitute is considered to have committed the crime both at the place from which the contact was made pursuant to subsection (1)(a), (b), or (c) of this section and where the communication is received, provided that this section must be construed to prohibit anyone from being prosecuted twice for substantially the same crime.

(3) For purposes of this section, "sexual conduct" has the meaning given in RCW 9A.88.030.

((3)) (4) Patronizing a prostitute is a misdemeanor."

On page 1, line 1 of the title, after "prostitute;" strike the remainder of the title and insert "amending RCW 9A.88.110; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1184.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1184 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1184 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1184 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1184, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5893, by Senators O'Ban, Rossi, Becker, Rivers, Miloscia, King, Bailey, Braun, Wilson, Walsh, Zeiger, Angel, Warnick, Brown, Honeyford, Fortunato, Pearson, Padden, Fain, Schoesler and Hawkins

Concerning the administration of motor vehicle excise taxes by regional transit authorities.

The measure was read the second time.

MOTION

Senator Lias moved that the following floor striking amendment no. 217 by Senators Lias, Nelson, Mullet, Frockt and Hobbs be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 892. The legislature recognizes the public comments received since the recent Sound Transit motor vehicle excise tax increase took effect, and acknowledges the resolution of the Sound Transit board to address concerns from citizens. The legislature finds that taxpayer accountability would be best served by providing a market value adjustment for the calculation of motor vehicle excise taxes. Further, the legislature finds that traffic congestion in the Puget Sound region results in lost productivity and air pollution. The legislature is committed to ensuring that all voter-approved Sound Transit projects are completed as outlined in the ballot measure to reduce congestion and preserve public health and welfare.

NEW SECTION. Sec. 893. A new section is added to chapter 46.01 RCW to read as follows:

If contracting with any regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), the department shall work with the authority on the administration of a market value adjustment program as identified in section 3 of this act.

NEW SECTION. Sec. 894. A new section is added to chapter 81.112 RCW to read as follows:

A regional transit authority that includes a county with a population of more than one million five hundred thousand may establish a market value adjustment program to be implemented by December 31, 2017. The program must:

(1) Provide a credit against the motor vehicle excise tax imposed by a regional transit authority in an amount equal to the difference between the motor vehicle excise tax due calculated using the vehicle valuation schedule in RCW 82.44.035 and the motor vehicle excise tax due calculated using the vehicle valuation schedule in chapter 82.44 RCW as it existed on January

1, 1996. The credit applies only to the motor vehicle excise tax authorized in RCW 81.104.160(1);

(2) Ensure that the amount of the motor vehicle excise tax credit identified in subsection (1) of this section is supported from any nonbonded regional transit authority revenues;

(3) Not be applied if it would result in an amount that exceeds the amount determined by the vehicle valuation method identified in RCW 81.104.160(1); and

(4) Be retroactive and apply to all motor vehicle excise tax statements that have already been issued or paid that include charges for the motor vehicle excise tax authorized in RCW 81.104.160(1).

Sec. 895. RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as provided otherwise in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for collection of a motor vehicle tax only if a regional transit authority has implemented a market value adjustment program as identified in section 3 of this act.

(3) Any contract entered into under this section must provide that the department will receive amounts sufficient to fully cover the costs applicable to the tax collection process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any unforeseen future administrative costs will be borne by the regional transit authority.

NEW SECTION. Sec. 896. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "amending RCW 82.44.135; adding a new section to chapter 46.01 RCW; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency."

Senators Lias, Mullet, Kuderer, Hobbs, Darneille and Conway spoke in favor of adoption of the striking amendment.

Senators O'Ban, Rossi, Sheldon, Fortunato and Walsh spoke against adoption of the striking amendment.

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the floor striking amendment no. 217 by Senators Lias, Nelson, Mullet, Frockt and Hobbs to Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the adoption of the floor striking amendment no. 217 by Senators Lias, Nelson, Mullet, Frockt and Hobbs and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

Senator O'Ban moved that the following floor striking amendment no. 228 by Senators O'Ban and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 897. A new section is added to chapter 81.112 RCW to read as follows:

A regional transit authority that includes a county with a population of more than one million five hundred thousand shall pay a motor vehicle excise tax impact assessment to be deposited into the motor vehicle fund established in RCW 46.68.070. The rate of the assessment is one dollar per motor vehicle excise tax payment occurring annually within the authority's boundaries. The state revenue generated under this section is to provide funds to mitigate the impact of vehicle loads on the state roads and highways, with an emphasis on roads and highways within the authority's boundaries.

Sec. 898. RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if:

(a) The tax is based solely on the vehicle valuation method identified in RCW 81.104.160(1)(a)(ii); and

(b) The total tax is levied at a rate not exceeding five-tenths of one percent on the value of a vehicle.

(3) Any contract entered into under this section must provide that the department will receive amounts sufficient to fully cover the costs applicable to the tax collection process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any unforeseen future administrative costs will be borne by the regional transit authority.

Sec. 899. RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1)(a) Regional transit authorities that include a county with a population of more than one million five hundred thousand may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2). ((Notwithstanding any other provision of this subsection or chapter 82.44 RCW))

(i) Except as otherwise provided in (a)(ii) of this subsection, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(ii) As an alternative to the vehicle valuation method described in (a)(i) of this subsection, for the purpose of determining a motor vehicle excise tax imposed by a regional transit authority under this subsection (1)(a), the value of a motor vehicle must be based on base model Kelley blue book values or national automobile dealers association values, whichever is lower.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

Sec. 900. RCW 82.44.035 and 2010 c 161 s 910 are each amended to read as follows:

(1) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a truck or trailer (~~shall be~~) is the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year (~~shall be~~) is considered the first year of service.

| YEAR OF SERVICE | PERCENTAGE |
|-----------------|------------|
| 1 | 100 |
| 2 | 81 |
| 3 | 67 |
| 4 | 55 |
| 5 | 45 |
| 6 | 37 |
| 7 | 30 |
| 8 | 25 |
| 9 | 20 |
| 10 | 16 |
| 11 | 13 |

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| | |
|-------------|----|
| 12 | 11 |
| 13 | 9 |
| 14 | 7 |
| 15 | 3 |
| 16 or older | 0 |

(2) The reissuance of a certificate of title and registration certificate for a truck or trailer because of the installation of body or special equipment (~~shall~~) must be treated as a sale, and the value of the truck or trailer at that time, as determined by the department from such information as may be available, (~~shall be~~) is considered the latest purchase price.

(3) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a vehicle other than a truck or trailer shall be eighty-five percent of the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection (3) based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department (~~shall~~) must determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department (~~shall~~) must determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department (~~shall~~) must establish a value that more closely represents the average value of similar vehicles of the same year and model. The value determined in this subsection (3)(a) (~~shall~~) must be divided by the applicable percentage listed in (b) of this subsection (3) to establish a value equivalent to a manufacturer's base suggested retail price and this value (~~shall~~) must be multiplied by eighty-five percent.

(b) The year the vehicle is offered for sale as a new vehicle (~~shall be~~) is considered the first year of service.

| YEAR OF SERVICE | PERCENTAGE |
|-----------------|------------|
| 1 | 100 |
| 2 | 81 |
| 3 | 72 |
| 4 | 63 |
| 5 | 55 |
| 6 | 47 |
| 7 | 41 |
| 8 | 36 |
| 9 | 32 |
| 10 | 27 |
| 11 | 26 |
| 12 | 24 |
| 13 | 23 |
| 14 | 21 |
| 15 | 16 |
| 16 or older | 10 |

(4) For purposes of this chapter, value (~~shall~~) excludes value attributable to modifications of a vehicle and equipment that are designed to facilitate the use or operation of the vehicle by a person with a disability.

(5) This section applies to a motor vehicle excise tax imposed by a regional transit authority only to the extent described in RCW 81.104.160(1)(a)(i). This section does not apply to a motor

vehicle excise tax imposed by a regional transit authority under RCW 81.104.160(1)(a)(ii).

Sec. 901. RCW 81.104.190 and 2009 c 280 s 7 are each amended to read as follows:

Except as otherwise provided in RCW 82.44.135, cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit systems may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

NEW SECTION. **Sec. 902.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 903.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "establishing a vehicle valuation method for a regional transit authority collecting a motor vehicle excise tax that is based on Kelley blue book or national automobile dealers association values; amending RCW 82.44.135, 81.104.160, 82.44.035, and 81.104.190; adding a new section to chapter 81.112 RCW; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 228 by Senators O'Ban and Rossi to Senate Bill No. 5893.

The motion by Senator O'Ban carried and floor striking amendment no. 228 was adopted on a rising vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Fortunato, Baumgartner and Rossi spoke in favor of passage of the bill.

Senators Liias, Mullet, Chase, Pedersen and Kuderer spoke against passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5096, by Senators King and Hobbs

Making transportation appropriations for the 2017-2019 fiscal biennium.

The measure was read the second time.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5096 was not substituted for Senate Bill No. 5096 and the substitute bill was not adopted.

MOTION

Senator King moved that the following floor striking amendment no. 191 by Senators King and Hobbs be adopted:

Strike everything after the enacting clause and insert the following:

"2017-2019 FISCAL BIENNIUM

NEW SECTION. Sec. 1 (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2019.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2018" or "FY 2018" means the fiscal year ending June 30, 2018.

(b) "Fiscal year 2019" or "FY 2019" means the fiscal year ending June 30, 2019.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES— OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation \$496,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation \$1,604,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation \$1,580,000

Puget Sound Ferry Operations Account—State Appropriation \$116,000

TOTAL APPROPRIATION \$1,696,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project.

(2) The office of financial management, in conjunction with the office of the chief information officer, shall provide oversight and review of the department of transportation's competitive procurement process for a new ferry dispatch system.

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account—State Appropriation \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation \$1,254,000

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation \$597,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Motor Vehicle Account—State Appropriation \$250,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the Washington state association of cities to identify city-owned fish passage barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of city-owned barriers that need correction. The study must provide recommendations on: (a) How to prioritize city-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and (b) how future state six-year construction plans should incorporate city-owned barriers. A report must be provided to the office of financial management and the transportation committees of the legislature by July 1, 2018.

NEW SECTION. Sec. 108. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Multimodal Transportation Account—State Appropriation \$600,000

Pilotage Account—State Appropriation \$3,190,000

TOTAL APPROPRIATION \$3,790,000

The appropriations in this section are subject to the following conditions and limitations: \$600,000 of the multimodal transportation account—state appropriation and \$1,455,000 of the pilotage account—state appropriation are provided solely for self-insurance liability premium expenditures. Consistent with the additional revenue provided in chapter . . . (Substitute Senate Bill No. 5819), Laws of 2017, the board of pilotage commissioners shall use revenues from tariff transfers of \$800,000 per fiscal biennium, self-insurance premium surcharges of \$16 per pilotage assignment, \$600,000 from the multimodal transportation account, and the pilotage account fund balance to fund this expenditure.

TRANSPORTATION AGENCIES—OPERATING

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NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

| | | | |
|----------------------------|--------|-----------------------|---------------|
| Highway | Safety | Account—State | Appropriation |
| \$3,166,000 | | | |
| Highway | Safety | Account—Federal | Appropriation |
| \$23,099,000 | | | |
| Highway | Safety | Account—Private/Local | Appropriation |
| \$118,000 | | | |
| School | Zone | Safety | Account—State |
| \$850,000 | | | Appropriation |
| TOTAL APPROPRIATION | | | \$27,233,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the highway safety account—federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2017-2019 fiscal biennium.

(2) \$100,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5402), Laws of 2017 (bicyclist safety advisory council). If chapter . . . (Substitute Senate Bill No. 5402), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(3) \$951,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5037), Laws of 2017 (DUI fourth offense). If chapter . . . (Senate Bill No. 5037), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses. The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the blood alcohol content test fee sufficient to cover the costs of administering the program, as provided in section 703 of this act.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

| | | | | |
|--|----------|-------|---------------|---------------|
| Rural | Arterial | Trust | Account—State | Appropriation |
| \$1,022,000 | | | | |
| Motor | Vehicle | | Account—State | Appropriation |
| \$2,504,000 | | | | |
| County Arterial Preservation Account—State | | | Appropriation | \$1,541,000 |
| TOTAL APPROPRIATION | | | | \$5,067,000 |

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

| | | |
|--|---------------|-------------|
| Transportation Improvement Account—State | Appropriation | \$4,089,000 |
|--|---------------|-------------|

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

| | | | |
|---|---------------|---------------|---------------|
| Multimodal Transportation Account—State | Appropriation | \$500,000 | |
| Motor | Vehicle | Account—State | Appropriation |
| \$1,429,000 | | | |
| TOTAL APPROPRIATION | | | \$1,929,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the motor vehicle account—state appropriation is for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the committee shall work in close collaboration with a stakeholder group that includes, but need not

be limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The committee shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options, which should be examined and quantified, include public/private partnerships, public/public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The committee shall also evaluate ways in which the costs of alternative financing can be debt serviced.

The committee shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by December 1, 2017.

(2)(a) \$500,000 of the multimodal transportation account—state appropriation is for a consultant study of air cargo congestion at Washington airports. The study must:

(i) Evaluate the current and projected future capacity of the air cargo system;

(ii) Identify underutilized capacity; and

(iii) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints; and

(C) Evaluate options to address those constraints.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations; and

(iv) Statutory changes needed to implement the recommendations.

(d) The department of transportation shall provide technical support to the study.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

| | | | |
|---|---------|---------------|---------------|
| Motor | Vehicle | Account—State | Appropriation |
| \$2,074,000 | | | |
| Multimodal Transportation Account—State | | | Appropriation |
| \$462,000 | | | |
| TOTAL APPROPRIATION | | | \$2,536,000 |

The appropriations in this section are subject to the following conditions and limitations: The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more

grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation \$758,000

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation \$480,766,000

State Patrol Highway Account—Federal Appropriation \$14,025,000

State Patrol Highway Account—Private/Local Appropriation \$3,863,000

Highway Safety Account—State Appropriation \$1,067,000

Ignition Interlock Device Revolving Account—State Appropriation \$510,000

Multimodal Transportation Account—State Appropriation \$276,000

State Patrol Nonappropriated Airplane Revolving Account—State Appropriation \$26,000

TOTAL APPROPRIATION \$500,533,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the highway safety account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, and maintenance of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for an independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) \$600,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5274), Laws of 2017 (WSPRS salary definition). If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(5) \$510,000 of the state patrol highway account—state appropriation is provided solely for the operation of the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit.

At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(26) of this act.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation \$34,000

Motorcycle Safety Education Account—State Appropriation \$4,523,000

State Wildlife Account—State Appropriation \$1,030,000

Highway Safety Account—State Appropriation \$204,568,000

Highway Safety Account—Federal Appropriation \$3,215,000

Motor Vehicle Account—State Appropriation \$91,279,000

Motor Vehicle Account—Federal Appropriation \$329,000

Motor Vehicle Account—Private/Local Appropriation \$2,048,000

Ignition Interlock Device Revolving Account—State Appropriation \$5,146,000

Department of Licensing Services Account—State Appropriation \$6,611,000

TOTAL APPROPRIATION \$318,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$23,810,000 of the highway safety account—state appropriation is provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(2) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(3) \$4,471,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2016. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait

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times and volume data for enhanced drivers' licenses and enhanced identicards.

(4) \$61,324 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 (REAL ID compliance). If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(7) \$30,400 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5382), Laws of 2017 (reduced-cost identicards). If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(8) \$43,500 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5536), Laws of 2017 (hunter education training). If chapter . . . (Senate Bill No. 5536), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(9) \$482,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5620), Laws of 2017 (transportation network companies). If chapter . . . (Engrossed Substitute Senate Bill No. 5620), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(10) \$111,900 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 (registration enforcement). If chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(11) \$190,900 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 (distracted driving). If chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(12) \$209,400 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5508), Laws of 2017 (vehicle registration periods). If chapter . . . (Substitute Senate Bill No.

5508), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(13) \$30,400 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 (tow truck notices). If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

| | |
|--|----------------------|
| High Occupancy Toll Lanes Operations Account—State Appropriation | \$4,027,000 |
| Motor Vehicle Account—State Appropriation | \$513,000 |
| State Route Number 520 Corridor Account—State Appropriation | \$52,563,000 |
| State Route Number 520 Civil Penalties Account—State Appropriation | \$4,328,000 |
| Tacoma Narrows Toll Bridge Account—State Appropriation | \$32,069,000 |
| Interstate 405 Express Toll Lanes Operations Account—State Appropriation | \$22,135,000 |
| Alaskan Way Viaduct Replacement Project Account—State Appropriation | \$6,506,000 |
| TOTAL APPROPRIATION | \$122,141,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(3) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent

available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(4) \$666,000 of the high occupancy toll lanes operations account—state appropriation, \$11,527,000 of the state route number 520 corridor account—state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account—state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account—state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account—state appropriation are provided through a transfer from the motor vehicle account—state in section 408(23) of this act. These funds are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(5) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract,

timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

(6) \$4,328,000 of the state route number 520 civil penalties account—state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for expenditures related to the toll adjudication process.

(7) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(8) \$11,011,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility, including the customer service center vendor, transponders, credit card fees, printing and postage, rent, office supplies, telephone and communications equipment, computers, and vehicle operations. Expenditures for the toll adjudication process are not included in this subsection. Within the amount provided in this subsection, the department must, to the greatest extent possible, without adding additional tolling gantries, continue to expand the length of the access and exit points to the express toll lanes, clarify signage and striping to eliminate confusion, and make other operational and customer service improvements to enhance the public's use of the toll facility.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State Appropriation \$1,460,000

Motor Vehicle Account—State Appropriation \$83,572,000

Puget Sound Ferry Operations Account—State Appropriation \$263,000

Multimodal Transportation Account—State Appropriation \$2,876,000

Transportation 2003 Account (Nickel Account)—State Appropriation \$1,460,000

TOTAL APPROPRIATION \$89,631,000

The appropriations in this section are subject to the following conditions and limitations:

EIGHTY EIGHTH DAY, APRIL 6, 2017

2017 REGULAR SESSION

(1) \$9,588,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since the funds from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account—state appropriation is provided solely for the development of ferries network systems support.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

| | |
|---|---------------------|
| Motor Vehicle Account—State | Appropriation |
| \$28,146,000 | |
| State Route Number 520 Corridor Account—State | Appropriation |
| | \$34,000 |
| TOTAL APPROPRIATION | \$28,180,000 |

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION — AVIATION—PROGRAM F

| | |
|-----------------------------------|---------------------|
| Aeronautics Account—State | Appropriation |
| \$6,749,000 | |
| Aeronautics Account—Federal | Appropriation |
| \$4,900,000 | |
| Aeronautics Account—Private/Local | Appropriation |
| \$171,000 | |
| TOTAL APPROPRIATION | \$11,820,000 |

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION — PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

| | |
|---|---------------------|
| Motor Vehicle Account—State | Appropriation |
| \$54,216,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| | \$500,000 |
| Multimodal Transportation Account—State | Appropriation |
| | \$252,000 |
| TOTAL APPROPRIATION | \$54,968,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that

transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION — PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

| | |
|--|--------------------|
| Multimodal Transportation Account—State | Appropriation |
| \$535,000 | |
| Motor Vehicle Account—State | Appropriation |
| | \$622,000 |
| Electric Vehicle Charging Infrastructure Account—State | Appropriation |
| | \$1,000,000 |
| TOTAL APPROPRIATION | \$2,157,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(2) \$500,000 of the multimodal transportation account—state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must evaluate the efficacy of contracting with a private entity to construct the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped; and

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(3) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess

interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION — HIGHWAY MAINTENANCE—PROGRAM M

| | |
|---|----------------------|
| Motor Vehicle Account—State | Appropriation |
| \$438,746,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$7,000,000 | |
| State Route Number 520 Corridor Account—State | |
| Appropriation | \$4,447,000 |
| Tacoma Narrows Toll Bridge Account—State | |
| Appropriation | \$1,233,000 |
| TOTAL APPROPRIATION | \$451,426,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,092,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION — TRAFFIC OPERATIONS—PROGRAM Q — OPERATING

| | |
|-------------------------------------|---------------------|
| Motor Vehicle Account—State | Appropriation |
| \$62,578,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$2,050,000 | |
| Motor Vehicle Account—Private/Local | Appropriation |
| \$250,000 | |
| TOTAL APPROPRIATION | \$64,878,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a

report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(3) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION — TRANSPORTATION MANAGEMENT AND SUPPORT — PROGRAM S

| | |
|---|---------------------|
| Motor Vehicle Account—State | Appropriation |
| \$32,794,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$1,655,000 | |
| Multimodal Transportation Account—State | |
| Appropriation | \$1,128,000 |
| TOTAL APPROPRIATION | \$35,577,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonproject agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by June 30, 2019.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION — TRANSPORTATION PLANNING, DATA, AND RESEARCH — PROGRAM T

| | |
|---|---------------|
| Motor Vehicle Account—State | Appropriation |
| \$23,017,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$32,869,000 | |
| Multimodal Transportation Account—State | Appropriation |
| \$711,000 | |

Multimodal Transportation Account—Federal
 Appropriation \$2,809,000
 Multimodal Transportation Account—Private/Local
 Appropriation \$100,000
TOTAL APPROPRIATION \$59,506,000

The appropriations in this section are subject to the following conditions and limitations: The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature by December 1, 2017.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION — CHARGES FROM OTHER AGENCIES — PROGRAM U

Motor Vehicle Account—State Appropriation
 \$69,997,000
 Multimodal Transportation Account—State
 Appropriation \$1,285,000
TOTAL APPROPRIATION \$71,282,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION — PUBLIC TRANSPORTATION — PROGRAM V

State Vehicle Parking Account—State Appropriation
 \$754,000
 Regional Mobility Grant Program Account—State
 Appropriation \$94,347,000
 Rural Mobility Grant Program Account—State
 Appropriation \$32,223,000
 Multimodal Transportation Account—State
 Appropriation \$90,370,000
 Multimodal Transportation Account—Federal
 Appropriation \$3,574,000
TOTAL APPROPRIATION \$221,268,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account—state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$10,290,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) \$16,668,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in the LEAP transportation document identified in subsection (4) of this section. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document identified in subsection (4) of this section. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,920,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount, \$250,000 of the multimodal transportation account—state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(8) \$15,523,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in the LEAP transportation document identified in subsection (4) of this section.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(11)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Spokane Transit - Spokane Central City Line (G2000034);

(iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or

(v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(12) \$250,000 of the multimodal transportation account—state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION — MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State

| | |
|--|----------------------|
| Appropriation | \$496,307,000 |
| Puget Sound Ferry Operations Account—Federal | |
| Appropriation | \$8,743,000 |
| Puget Sound Ferry Operations Account—Private/Local | |
| Appropriation | \$121,000 |
| TOTAL APPROPRIATION | \$505,171,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(2) \$68,049,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 702 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(3) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION — RAIL — PROGRAM Y — OPERATING

| | |
|---|---------------------|
| Multimodal Transportation Account—State | |
| Appropriation | \$79,846,000 |
| Multimodal Transportation Account—Private/Local | |
| Appropriation | \$46,000 |
| TOTAL APPROPRIATION | \$79,892,000 |

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION — LOCAL PROGRAMS—PROGRAM Z — OPERATING

| | |
|--------------------------------------|---------------------|
| Motor Vehicle Account—State | Appropriation |
| \$10,644,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$2,567,000 | |
| Multise Roadway Safety Account—State | Appropriation |
| \$132,000 | |
| TOTAL APPROPRIATION | \$13,343,000 |

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and

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reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State
 Appropriation \$23,323,000
 Highway Safety Account—State Appropriation
 \$1,000,000
 Motor Vehicle Account—Federal Appropriation
 \$3,250,000
 Freight Mobility Multimodal Account—State
 Appropriation \$20,163,000
 Freight Mobility Multimodal Account—Private/Local
 Appropriation \$1,000,000
TOTAL APPROPRIATION \$48,736,000

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation
 \$3,103,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) \$728,000 for roof replacements;
- (3) \$2,000,000 for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system; and
- (4) \$125,000 for the Whiskey Ridge generator shelter.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation
 \$58,186,000
 Motor Vehicle Account—State Appropriation \$706,000
 County Arterial Preservation Account—State
 Appropriation \$35,434,000
TOTAL APPROPRIATION \$94,326,000

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State
 Appropriation \$5,780,000
 Transportation Improvement Account—State
 Appropriation \$240,300,000
 Multimodal Transportation Account—State
 Appropriation \$14,670,000
TOTAL APPROPRIATION \$260,750,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$9,687,000 of the transportation improvement account—state appropriation is provided solely for:
 - (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;
 - (b) The small city pavement program to help cities meet urgent preservation needs; and
 - (c) The small city low-energy street light retrofit program.
- (2) \$14,670,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation
 \$6,087,000
 Connecting Washington Account—State Appropriation
 \$24,257,000
TOTAL APPROPRIATION \$30,344,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$16,170,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue.
- (2) \$8,087,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION — IMPROVEMENTS — PROGRAM I

Transportation Partnership Account—State
 Appropriation \$570,992,000
 Motor Vehicle Account—State Appropriation
 \$46,866,000
 Motor Vehicle Account—Federal Appropriation
 \$216,647,000
 Motor Vehicle Account—Private/Local Appropriation
 \$24,209,000
 Connecting Washington Account—State
 Appropriation \$1,165,822,000
 Special Category C Account—State Appropriation
 \$146,000
 Multimodal Transportation Account—State
 Appropriation \$12,662,000
 Alaskan Way Viaduct Replacement Project Account—State
 Appropriation \$122,046,000
 Transportation 2003 Account (Nickel Account)—State
 Appropriation \$51,115,000
 Interstate 405 Express Toll Lanes Operations Account—State
 Appropriation \$12,000,000
TOTAL APPROPRIATION \$2,222,505,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2017-1 as developed April 5, 2017, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.
- (2) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2017-1 as developed April 5, 2017, Program – Highway Improvements Program (I).
- (3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017, Program -

Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year 2017 funds transferred using this subsection as part of the department's 2018 budget submittal.

(5) The connecting Washington account—state appropriation includes up to \$250,993,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to \$51,115,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account—state appropriation includes up to \$321,864,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. Of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.

(8) \$159,407,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, \$8,000,000 of the motor vehicle account—private/local appropriation, \$29,100,000 of the transportation 2003 account (nickel account)—state appropriation, \$122,046,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$2,662,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(9) \$10,000,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

(10) \$5,804,000 of the transportation partnership account—state appropriation, \$5,162,000 of the transportation 2003 account (nickel account)—state appropriation, and \$146,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

(11) \$26,601,000 of the transportation partnership account—state appropriation and \$10,956,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

(12) \$1,500,000 of the transportation partnership account—state appropriation is provided solely for preliminary engineering for adding capacity on Interstate 405 between state route number 522 and Interstate 5. The funding is a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

(13)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee

bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) \$44,311,000 of the transportation partnership account—state appropriation is provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(14) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(15) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2018 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(16) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

(17) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(18) Of the amounts allocated to the Puget Sound Gateway project (M00600R) in LEAP Transportation Document 2017-1 as developed April 5, 2017, \$4,000,000 must be used to complete the bridge connection at 28th/24th Street over state route number 509 in the city of SeaTac. The bridge connection must be completed prior to other construction on the state route number 509 segment of the project.

(19) In working with affected jurisdictions on the local contribution funding for the SR 167/SR 509 Puget Sound Gateway project (M00600R) in LEAP Transportation Document 2017-1 as developed April 5, 2017, the department shall complete a full single-point urban interchange at the intersection of state route number 161 (Meridian Avenue) and state route number 167.

(20) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(21) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

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(22) \$600,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (L1000158), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(23) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be impeded by the I-90/Two Way Transit and HOV Improvements project. The department must continue to work with the city of Mercer Island to address potential access solutions as the project nears completion.

(24) \$2,000,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

(25) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(26) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

(27)(a) For projects funded by the connecting Washington account—state on LEAP Transportation Document 2017-1 as developed April 5, 2017, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one of the following projects:

- (i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);
- (ii) I-5/Marvin Road/SR 510 Interchange (L1100110);
- (iii) I-5/Northbound On-ramp at Bakerview (L2000119);
- (iv) US 395/Ridgeline Intersection (L2000127);
- (v) I-90/Eastside Restripe Shoulders (L2000201);
- (vi) SR 240/Richland Corridor Improvements (L2000202);
- (vii) SR 14/Bingen Overpass (L2220062);
- (viii) US Hwy 2 Safety (N00200R);
- (ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);

(x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);

(xi) I-5/Rebuild Chambers Way Interchange Improvements (L2000223);

(xii) SR 28 East Wenatchee Corridor Improvements (T10300R);

(xiii) SR 3/Belfair Bypass – New Alignment (T30400R); or

(xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(28) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION — PRESERVATION — PROGRAM P

| | | |
|--|---------------|----------------------|
| Recreational Vehicle Account—State | Appropriation | \$2,480,000 |
| Transportation Partnership Account—State | Appropriation | \$204,000 |
| Motor Vehicle Account—State | Appropriation | \$49,192,000 |
| Motor Vehicle Account—Federal | Appropriation | \$515,368,000 |
| Motor Vehicle Account—Private/Local | Appropriation | \$10,400,000 |
| State Route Number 520 Corridor Account—State | Appropriation | \$498,000 |
| Connecting Washington Account—State | Appropriation | \$185,030,000 |
| Tacoma Narrows Toll Bridge Account—State | Appropriation | \$384,000 |
| Transportation 2003 Account (Nickel Account)—State | Appropriation | \$58,894,000 |
| TOTAL APPROPRIATION | | \$822,450,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2017-1 as developed April 5, 2017, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2017-1 as developed April 5, 2017, Program – Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017, Program - Highway Preservation Program (P). Any federal funds gained

through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year 2017 funds transferred using this subsection as part of the department's 2018 budget submittal.

(5) The transportation 2003 account (nickel account)—state appropriation includes up to \$13,084,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) \$7,200,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055). The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(7) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

(8) \$22,620,000 of the motor vehicle account—federal appropriation and \$663,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its 2018 agency budget request.

(9) The department must consult with the Washington state patrol during the design phase of a department-led improvement or preservation project that could impact weigh station operations. The department must ensure that the designs of the projects do not prevent or interfere with weigh station operations.

(10) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

(11) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(12) For projects funded by the connecting Washington account—state on LEAP Transportation Document 2017-1 as developed April 5, 2017, if the department expects to have

substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

| | |
|-------------------------------------|---------------------|
| Motor Vehicle Account—State | Appropriation |
| \$5,903,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$5,106,000 | |
| Motor Vehicle Account—Private/Local | Appropriation |
| \$500,000 | |
| TOTAL APPROPRIATION | \$11,509,000 |

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION — WASHINGTON STATE FERRIES CONSTRUCTION — PROGRAM W

| | | |
|--|----------------------|---------------|
| Puget Sound Capital Construction Account—State | Appropriation | \$58,724,000 |
| Puget Sound Capital Construction Account—Federal | Appropriation | \$152,838,000 |
| Puget Sound Capital Construction Account—Private/Local | Appropriation | \$15,654,000 |
| Transportation Partnership Account—State | Appropriation | \$2,923,000 |
| Connecting Washington Account—State | Appropriation | \$142,837,000 |
| TOTAL APPROPRIATION | \$372,976,000 | |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) \$26,252,000 of the Puget Sound capital construction account—federal appropriation and \$63,804,000 of the connecting Washington account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) \$61,729,000 of the Puget Sound capital construction account—federal appropriation, \$36,529,000 of the connecting Washington account—state appropriation, and \$15,554,000 of

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the Puget Sound capital construction account—private/local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$4,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$575,000 of the Puget Sound capital construction account—state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (project 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by June 30, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

- (i) Identify changes in the demographics of users of the system;
- (ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;
- (iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;
- (iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:
 - (A) Anticipated crewing requirements;
 - (B) Fuel type;
 - (C) Other operating and maintenance costs;
- (v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;
- (vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;
- (vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;
- (viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and
- (ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION — RAIL — PROGRAM Y— CAPITAL

| | | |
|---|---------------|---------------------|
| Essential Rail Assistance Account—State | Appropriation | \$424,000 |
| Transportation Infrastructure Account—State | Appropriation | \$5,367,000 |
| Multimodal Transportation Account—State | Appropriation | \$51,665,000 |
| Multimodal Transportation Account—Federal | Appropriation | \$1,487,000 |
| TOTAL APPROPRIATION | | \$58,943,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. If any funds remain in the FRIB program, the department may reopen the loan program and shall evaluate new applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) \$400,000 of the essential rail assistance account—state appropriation and \$305,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

- (i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and
- (ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP

transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION — LOCAL PROGRAMS — PROGRAM Z—CAPITAL

| | | |
|--|---------------|----------------------|
| Highway Infrastructure Account—State | Appropriation | \$293,000 |
| Highway Infrastructure Account—Federal | Appropriation | \$218,000 |
| Transportation Partnership Account—State | Appropriation | \$1,143,000 |
| Highway Safety Account—State | Appropriation | \$2,388,000 |
| Motor Vehicle Account—State | Appropriation | \$13,300,000 |
| Motor Vehicle Account—Federal | Appropriation | \$65,187,000 |
| Motor Vehicle Account—Private/Local | Appropriation | \$18,000,000 |
| Connecting Washington Account—State | Appropriation | \$118,293,000 |
| Multimodal Transportation Account—State | Appropriation | \$49,268,000 |
| TOTAL APPROPRIATION | | \$268,090,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017, Program - Local Programs Program (Z).

(2) \$24,812,000 of the multimodal transportation account—state appropriation and \$1,143,000 of the transportation partnership account—state appropriation are provided solely for pedestrian and bicycle safety program projects (project L2000188).

(3) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. \$6,372,000 of the motor vehicle account—federal appropriation, \$923,000 of the multimodal transportation account—state appropriation, and \$2,388,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (project L2000189).

(4) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(5) \$11,930,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$43,800,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only projects that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(8)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);
- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(9) \$8,000,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

EIGHTY EIGHTH DAY, APRIL 6, 2017

2017 REGULAR SESSION

(1) As part of its budget submittal for the 2018 supplemental budget, the department of transportation shall provide an update to the report provided to the legislature in 2017 that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 tax package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its budget submittal for the 2018 supplemental budget, the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report of the projects funded using federal national highway freight program funds.

NEW SECTION. Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

- (1) For active projects, the report must include:
 - (a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;
 - (b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;
 - (c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;
 - (d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;
 - (e) Highway projects that may be reduced in scope and still achieve a functional benefit;
 - (f) Highway projects that have experienced scope increases and that can be reduced in scope;
 - (g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and
 - (h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

- (2) For completed projects, the report must:
 - (a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and
 - (b) Provide a list of nickel and TPA projects charging to the nickel/TPA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

- (3) For prospective projects, the report must:
 - (a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

NEW SECTION. Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State
 Appropriation \$2,212,000
 Connecting Washington Account—State
 Appropriation \$1,255,000
 Highway Bond Retirement Account—State
 Appropriation \$1,235,669,000
 Ferry Bond Retirement Account—State
 Appropriation \$28,873,000
 Transportation Improvement Board Bond Retirement
 Account—State Appropriation \$13,254,000
 Nondebt-Limit Reimbursable Bond Retirement
 Account—State Appropriation \$26,609,000
 Toll Facility Bond Retirement Account—State
 Appropriation \$86,493,000
 Transportation 2003 Account (Nickel Account)—State
 Appropriation \$321,000
TOTAL APPROPRIATION \$1,394,686,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State
 Appropriation \$442,000
 Connecting Washington Account—State
 Appropriation \$251,000
 Transportation 2003 Account (Nickel Account)—State
 Appropriation \$64,000
TOTAL APPROPRIATION \$757,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal
 Appropriation \$199,901,000
 Toll Facility Bond Retirement Account—State
 Appropriation \$25,372,000
TOTAL APPROPRIATION \$225,273,000

NEW SECTION. Sec. 404. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:
 For motor vehicle fuel tax distributions to
 cities and counties \$514,648,000

**NEW SECTION. Sec. 405. FOR THE STATE
TREASURER—STATE REVENUES FOR DISTRIBUTION**

Multimodal Transportation Account—State
Appropriation: For distribution to
cities and counties \$26,786,000
Motor Vehicle Account—State
Appropriation: For distribution to
cities and counties \$23,438,000
TOTAL APPROPRIATION \$50,224,000

**NEW SECTION. Sec. 406. FOR THE STATE
TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:
For motor vehicle fuel tax refunds and
statutory transfers \$2,196,693,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT
OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation:
For motor vehicle fuel tax refunds and
transfers \$200,747,000

**NEW SECTION. Sec. 408. FOR THE STATE
TREASURER—ADMINISTRATIVE TRANSFERS**

(1) License Plate Technology Account—State
Appropriation: For transfer to the Highway
Safety Account—State, the lesser of this amount
or the balance of the account \$3,500,000
(2) State Patrol Highway Account—State
Appropriation: For transfer to the Connecting
Washington Account—State \$21,221,000
(3) Transportation Partnership Account—State
Appropriation: For transfer to the Connecting
Washington Account—State \$10,946,000
(4) Highway Safety Account—State
Appropriation: For transfer to the Multimodal
Transportation Account—State \$19,000,000
(5) Highway Safety Account—State
Appropriation: For transfer to the State Patrol
Highway Account—State \$35,000,000
(6) Motor Vehicle Account—State Appropriation:
For transfer to the Connecting Washington
Account—State \$56,464,000
(7) Motor Vehicle Account—State Appropriation:
For transfer to the Freight Mobility Investment
Account—State \$8,511,000
(8) Motor Vehicle Account—State Appropriation:
For transfer to the Puget Sound Capital
Construction Account—State \$50,000,000
(9) Motor Vehicle Account—State Appropriation:
For transfer to the Rural Arterial Trust
Account—State \$4,844,000
(10) Motor Vehicle Account—State Appropriation:
For transfer to the Transportation Improvement
Account—State \$9,688,000
(11) Puget Sound Ferry Operations Account—State
Appropriation: For transfer to the Connecting
Washington Account—State \$1,305,000
(12) Rural Mobility Grant Program Account—State
Appropriation: For transfer to the Multimodal
Transportation Account—State \$3,000,000
(13) State Route Number 520 Civil Penalties
Account—State Appropriation: For transfer to
the State Route Number 520 Corridor
Account—State \$1,240,000
(14) Capital Vessel Replacement Account—State
Appropriation: For transfer to the Connecting
Washington Account—State, the lesser of this
amount or the balance of the account \$36,500,000

(15) Multimodal Transportation Account—State
Appropriation: For transfer to the Freight
Mobility Multimodal Account—State \$8,511,000
(16) Multimodal Transportation Account—State
Appropriation: For transfer to the Puget Sound
Ferry Operations Account—State \$15,000,000
(17) Multimodal Transportation Account—State
Appropriation: For transfer to the Regional
Mobility Grant Program Account—State \$27,679,000
(18) Multimodal Transportation Account—State
Appropriation: For transfer to the Rural
Mobility Grant Program Account—State \$15,223,000
(19) Tacoma Narrows Toll Bridge Account—State
Appropriation: For transfer to the Motor
Vehicle Account—State \$950,000
(20) Transportation 2003 Account (Nickel Account)—
State Appropriation: For transfer to the
Connecting Washington Account—State \$22,970,000
(21)(a) Interstate 405 Express Toll Lanes
Operations Account—State Appropriation: For transfer
to the Motor Vehicle Account—State \$2,019,000
(b) The transfer identified in this subsection is provided solely
to repay in full the motor vehicle account—state appropriation
loan from section 407(19), chapter 222, Laws of 2014.
(22)(a) Transportation Partnership Account—State
Appropriation: For transfer to the Alaskan Way
Viaduct Replacement Project Account—State
\$122,046,000
(b) The amount transferred in this subsection represents that
portion of the up to \$200,000,000 in proceeds from the sale of
bonds authorized in RCW 47.10.873, intended to be sold through
the 2021-2023 fiscal biennium, used only for construction of the
SR 99/Alaskan Way Viaduct Replacement project (809936Z),
and that must be repaid from the Alaskan Way viaduct
replacement project account consistent with RCW 47.56.864.
(23)(a) Motor Vehicle Account—State Appropriation:
For transfer to the Alaskan Way Viaduct Replacement
Project Account—State \$6,506,000
(b) The funds provided in (a) of this subsection are a loan to
the Alaskan Way viaduct replacement project account—state, and
the legislature assumes that these funds will be reimbursed to the
motor vehicle account—state at a later date when the portion of
state route number 99 that is a deep bore tunnel is operational.
(24) Multimodal Transportation Account—State
Appropriation: For transfer to the Connecting Washington
Account—State \$28,000,000
(25) Motor Vehicle Account—State
Appropriation: For transfer to the County Arterial
Preservation Account—State \$4,844,000
(26)(a) General Fund Account—State Appropriation:
For transfer to the State Patrol Highway
Account—State \$625,000
(b) The state treasurer must hold the funding provided under
this subsection in unallotted status. The state treasurer shall
transfer the funds only after receiving notification from the
Washington state patrol under section 207(5) of this act.

NEW SECTION. Sec. 409. The department of
transportation may undertake federal advance construction
projects under the provisions of 23 U.S.C. Sec. 115 to maintain
progress in meeting approved highway construction and
preservation objectives. The legislature recognizes that the use of
state funds may be required to temporarily fund expenditures of
the federal appropriations for the highway construction and
preservation programs for federal advance construction projects
before conversion to federal funding.

COMPENSATION

EIGHTY EIGHTH DAY, APRIL 6, 2017

2017 REGULAR SESSION

NEW SECTION. Sec. 501. GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS

Except as otherwise provided in sections 502 through 516 of this act, state employee compensation adjustments will be provided in accordance with funding adjustments provided in the 2017-2019 omnibus appropriations act.

NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 503. COLLECTIVE BARGAINING AGREEMENTS

Sections 504 through 516 of this act represent the results of the 2017-2019 collective bargaining process required under chapters 47.64 and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 504 through 516 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 504 through 516 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 504. COLLECTIVE BARGAINING AGREEMENT — WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association pursuant to chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is provided for a sixteen percent general wage increase for troopers effective July 1, 2017, and a three percent general wage increase for troopers effective July 1, 2018. Funding is also provided for a twenty percent general wage increase for sergeants effective July 1, 2017, and a three percent general wage increase for sergeants effective July 1, 2018. The agreement also includes and funding is provided for increases to longevity pay, changes to specialty pay, and an increase to vacation accruals.

NEW SECTION. Sec. 505. COLLECTIVE BARGAINING AGREEMENT — WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association pursuant to chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is provided for a twenty percent general wage increase effective July 1, 2017, and a three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases to longevity pay.

NEW SECTION. Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—OPEIU

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded six and one-half percent general wage increase effective July 1, 2017, and six and one-half percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and restructuring of the pay schedule.

NEW SECTION. Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—FASPAA

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—SEIU LOCAL 6

An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a six percent general wage increase effective July 1, 2017, and a four percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—CARPENTERS

An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded four percent general wage increase effective July 1, 2017, and three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications.

NEW SECTION. Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—METAL TRADES

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded three percent general wage increase effective July 1, 2017, and three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications.

NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—IBU

An agreement has been reached between the governor and the inlandboatmen's union pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a four percent general wage increase effective July 1, 2017, and a one percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications and for employees hired on or after June 30, 2011, an increase in leave earned.

NEW SECTION. Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P MATES

An agreement has been reached between the governor and the master, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P MASTERS

An agreement has been reached between the governor and the master, mates, and pilots - masters through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a five and one-half percent general wage increase effective July 1, 2017, and a two and one-half percent general wage increase effective July 1, 2018. The

award also includes and funding is provided for an additional pay increase to address inversion among certain job classifications.

NEW SECTION. Sec. 514. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P WATCH CENTER SUPERVISORS

An agreement has been reached between the governor and the master, mates, and pilots – watch center supervisors pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a one percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for an increase for the fleet safety and training administrators equal to the same hourly rate of pay as the watch center supervisors.

NEW SECTION. Sec. 515. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MEBA-UL

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 516. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MEBA-L

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for an additional pay increase to address inversion among certain job classifications.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2017-1 as developed April 5, 2017, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this section. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed five hundred thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

NEW SECTION. Sec. 602. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 603. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 604. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CENTRAL SERVICE ITEMS—RATE ADJUSTMENT

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| | |
|---|--------------------|
| Highway Safety Account—State Appropriation | \$776,000 |
| Highway Safety Account—Federal Appropriation | \$21,000 |
| Motorcycle Safety Education Account—State Appropriation | \$13,000 |
| State Wildlife Account—State Appropriation | \$3,000 |
| Pilotage Account—State Appropriation | \$58,000 |
| Ignition Interlock Device Revolving Account—State Appropriation | \$3,000 |
| Motor Vehicle Account—State Appropriation | \$2,445,000 |
| Multimodal Transportation Account—State Appropriation | \$470,000 |
| State Patrol Highway Account—State Appropriation | \$678,000 |
| Transportation Improvement Account—State Appropriation | \$39,000 |
| Department of Licensing Services Account—State Appropriation | \$75,000 |
| TOTAL APPROPRIATION | \$4,580,000 |

The appropriations in this section are subject to the following conditions and limitations: The office of financial management shall adjust allotments and appropriation schedules in the amounts specified, for the state agencies and central service items identified in LEAP Transportation Document CS - 2017, dated April 5, 2017.

NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION

(1) As part of its 2018 supplemental budget submittal, the department shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2015-2017 fiscal biennium into the 2017-2019 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2015 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2017-2019 fiscal biennium into budgeting systems.

NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION—WEB SITE REPORTING REQUIREMENTS

(1) The department of transportation shall post on its web site every report that is due from the department to the legislature during the 2017-2019 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

NEW SECTION. Sec. 607. (1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 5, 2017. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. Sec. 608. The department of transportation may provide up to three million dollars in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

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NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY PROJECTS

(1) All appropriations for designated information technology projects in this act must be placed in unallotted status and must not be expended before the office of the chief information officer certifies that the project complies with state information technology and security policy and strategies. At a minimum, the office of the chief information officer must certify, if the chief information officer deems appropriate, that the project meets critical project success factors, aligns with statewide technology strategy and architecture, reuses existing technology services and solutions, minimizes custom development, complies with security and other policy requirements, and uses modularized, component-based architectures. The office of the chief information officer must evaluate the project at the appropriate stages. The office of the chief information officer must notify the office of financial management and the legislative fiscal committees each time it certifies a project is ready to proceed with the next stage. Appropriations may then be allotted for that certified phase only.

(2) The chief information officer may suspend or terminate a project at any time if the chief information officer determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the chief information officer.

The following projects are subject to the conditions, limitations, and review provided in this section:

- Department of Transportation – Labor System Replacement,
- Department of Transportation – New CSC System & Operator, and
- Department of Transportation - New Ferry Division Dispatch System.

(3) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section other than those listed in subsection (2) of this section, including projects that are not separately identified within an agency budget.

Sec. 702. RCW 43.19.642 and 2016 c 197 s 2 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the

operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2011-2013, 2013-2015, and))~~ 2015-2017 and 2017-2019 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 703. RCW 46.61.5054 and 2017 c ... (SB 5037) s 5 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055 thereafter, a two hundred fifty dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and, subject to subsection (5) of this section, one hundred seventy-five dollars of the fee must be distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) The remainder of the fee shall be forwarded to the state treasurer who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and fifty percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(3) Twenty-five dollars of the fee assessed under subsection (1) of this section must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to reduce statewide collisions caused by persons driving under the influence of alcohol or drugs. Grants awarded under this subsection may be for projects that encourage collaboration with other community, governmental, and private organizations, and that utilize innovative approaches based on best practices or

proven strategies supported by research or rigorous evaluation. Grants recipients may include, for example:

(a) DUI courts; and

(b) Jurisdictions implementing the victim impact panel registries under RCW 46.61.5152 and 10.01.230.

(4) Fifty dollars of the fee assessed under subsection (1) of this section must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to organizations within counties targeted for programs to reduce driving under the influence of alcohol or drugs. For the 2017-2019 fiscal biennium, the fee may also be used to support the cost of administration of the grant program by the Washington traffic safety commission.

(5) If the court has suspended payment of part of the fee pursuant to subsection (1)(b) of this section, amounts collected shall be distributed proportionately.

(6) This section applies to any offense committed on or after July 1, 1993, and only to adult offenders.

Sec. 704. RCW 46.68.030 and 2016 c 28 s 2 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$23.60 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the state patrol highway account to the connecting Washington account such amounts as reflect the excess fund balance of the state patrol highway account.

(4) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the state patrol highway account to the connecting Washington account.

Sec. 705. RCW 46.68.060 and 2015 3rd s.p.s. c 43 s 602 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account.

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Sec. 706. RCW 46.68.280 and 2015 3rd sp.s. c 43 s 603 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the connecting Washington account.

(4) The "nickel account" means the transportation 2003 account.

Sec. 707. RCW 46.68.290 and 2015 3rd sp.s. c 43 s 604 are each amended to read as follows:

(1) The transportation partnership account is hereby created in ~~((the state treasury))~~ the motor vehicle fund. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its

successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final

performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account.

Sec. 708. RCW 46.68.325 and 2015 1st sp.s. c 10 s 703 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

(4) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant program account to the multimodal transportation account.

Sec. 709. RCW 46.68.370 and 2013 c 306 s 713 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must

support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. ~~((During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety account such amounts as reflect the excess fund balance of the license plate technology account.))~~ During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the license plate technology account to the highway safety fund.

Sec. 710. RCW 47.29.170 and 2015 1st sp.s. c 10 s 704 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2017))~~ 2018.

Sec. 711. RCW 47.56.403 and 2015 1st sp.s. c 10 s 705 are each amended to read as follows:

(1) The department may provide for the establishment, construction, and operation of a pilot project of high occupancy toll lanes on state route 167 high occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high occupancy toll lane pilot project.

(2) Tolls for high occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

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(b) Toll charges shall not be assessed on transit buses and vanpool vehicles owned or operated by any public agency.

(c) The department shall establish performance standards for the state route 167 high occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles per hour at least ninety percent of the time during peak hours. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(d) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

- (a) Freeway efficiency and safety;
- (b) Effectiveness for transit;
- (c) Person and vehicle movements by mode;
- (d) Ability to finance improvements and transportation services through tolls; and

(e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high occupancy vehicle lane users.

(5) Authorization to impose high occupancy vehicle tolls for the state route 167 high occupancy toll pilot project expires if either of the following two conditions apply:

- (a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of July 24, 2005; or
- (b) If high occupancy vehicle tolls are being collected on June 30, ~~((2017))~~ 2019.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high occupancy vehicle lane to a high occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high occupancy toll lanes established under this section is a traffic infraction.

(9) Procurement activity associated with this pilot project shall be open and competitive in accordance with chapter 39.29 RCW.

Sec. 712. RCW 47.56.876 and 2015 1st sp.s. c 10 s 706 are each amended to read as follows:

A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil

penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account.

Sec. 713. RCW 47.60.530 and 2015 3rd sp.s. c 43 s 605 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

- (a) All moneys directed by law;
- (b) All revenues generated from ferry fares; and
- (c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.

Sec. 714. RCW 81.53.281 and 2016 c 14 s 701 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund" to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295; for grants and/or subsidies to public, private, and nonprofit entities for rail safety projects authorized or ordered by the commission; and for personnel and associated costs related to supervising and administering rail safety grants and/or subsidies. During the 2013-2015 fiscal biennium, funds in this account may also be used to conduct the study required under section 102, chapter 222, Laws of 2014. The commission shall transfer from the public service revolving fund's miscellaneous fees and penalties accounts moneys appropriated for these purposes as needed. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work.

The commission may adopt rules for the allocation of money from the grade crossing protective fund. During the 2015-2017 and 2017-2019 fiscal (~~biennium~~) biennia, the commission may waive rules regarding local matching fund requirements, maximum awards for individual projects, and other application requirements as necessary to expedite the allocation of money from the grade crossing protective fund to address underprotected grade crossings as identified by the commission.

**2015-2017 FISCAL BIENNIUM
GENERAL GOVERNMENT AGENCIES—
OPERATING**

Sec. 801. 2016 c 14 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State
Appropriation ~~((\$1,604,000))~~
\$504,000

Sec. 802. 2016 c 14 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation
~~((\$2,296,000))~~
\$2,196,000

Puget Sound Ferry Operations Account—State
Appropriation \$115,000

State Patrol Highway Account—State Appropriation
\$150,000

TOTAL APPROPRIATION \$2,561,000
\$2,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$835,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to develop, implement, and report on transportation metrics associated with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Evaluate and implement opportunities to streamline reporting of county transportation financial data; expand reporting and collection of short-span bridge and culvert data; evaluate and report on the impact of increased freight and rail traffic on county roads; and to evaluate, implement, and report on the opportunities for improved capital project management and delivery.

(2) \$100,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to work with the department of fish and wildlife to develop voluntary programmatic agreements for the maintenance, preservation, rehabilitation, and replacement of water crossing structures. A report must be presented to the legislature by December 31, 2016, on the implementation of developed voluntary programmatic agreements.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for an organizational assessment of the Washington state patrol.

(4) The office of financial management, in conjunction with the office of the chief information officer, shall provide oversight and review of the department of transportation's development of the request for proposal for a new tolling customer service toll

collection system and development of a project management plan as required in section 209(8) (~~of this act~~), chapter 14, Laws of 2016.

Sec. 803. 2016 c 14 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation
~~((\$1,240,000))~~
\$1,239,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 901. 2016 c 14 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation
~~((\$3,183,000))~~
\$3,182,000

Highway Safety Account—Federal Appropriation
~~((\$21,644,000))~~
\$22,042,000

Highway Safety Account—Private/Local Appropriation
\$118,000

School Zone Safety Account—State Appropriation \$850,000

TOTAL APPROPRIATION \$25,795,000

\$26,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may continue to oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population of more than one hundred ninety-five thousand and that are located in a county with a population of fewer than one million five hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) By January 1, 2017, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

(2) \$99,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 243, Laws of 2015 (pedestrian safety reviews).

(3) ~~((\$6,500,000))~~ \$1,030,000 of the highway safety account—federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2015-2017 fiscal biennium.

(4) Within current resources, the commission must examine the declining revenue going to the school zone safety account with the goal of identifying factors contributing to the decline. By December 31, 2015, the commission must provide a report to the transportation committees of the legislature that summarizes its findings and provides recommendations designed to ensure that the account is receiving all amounts that should be deposited into the account.

Sec. 902. 2016 c 14 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation
\$1,000,000

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| | |
|--|---------------|
| Motor Vehicle Account—State | Appropriation |
| (\$2,459,000) | |
| <u>\$2,416,000</u> | |
| County Arterial Preservation Account—State | |
| Appropriation \$1,518,000 | |
| TOTAL APPROPRIATION | \$4,977,000 |
| <u>\$4,934,000</u> | |

Sec. 903. 2016 c 14 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

| | |
|--|---------------|
| Transportation Improvement Account—State | Appropriation |
| (\$4,063,000) | |
| <u>\$4,046,000</u> | |

Sec. 904. 2016 c 14 s 204 (uncodified) is amended to read as follows:

| | |
|-----------------------------|---------------|
| Motor Vehicle Account—State | Appropriation |
| (\$2,222,000) | |
| <u>\$2,272,000</u> | |

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for a consultant study of Washington state patrol recruitment and retention of troopers. The study must identify barriers to effective candidate recruitment, candidates' successful completion of training, and retention of trained troopers of various tenure. The study must provide:

- (i) An overview of current attrition rates;
- (ii) Options and strategies on reducing the average number of trooper positions that are vacant;
- (iii) Identification of best practices for recruitment and retention of law enforcement officers;
- (iv) Recommendations to improve existing recruitment and selection programs;
- (v) Recommendations for where salary and benefit adjustments should be targeted to most effectively address recruitment and retention challenges;
- (vi) Recommendations regarding changes to the training and education program; and
- (vii) Other recommendations for cost-effective personnel strategies.

(b) The joint transportation committee shall issue a report of its findings to the house and senate transportation committees by December 14, 2015. The Washington state patrol shall work with the consultant to identify costs for each recommendation.

(2)(a) \$125,000 of the motor vehicle account—state appropriation is for a study of Washington state weigh station planning, placement, and operations by the Washington state patrol and department of transportation as they relate to roadway safety and preservation. The study must:

- (i) Provide a high-level overview of commercial vehicle enforcement programs, with a focus on weigh stations, including both state and federal funding programs. This overview must include a description of how the Washington state patrol and department of transportation allocate these state and federal funds.
- (ii) Review Washington state patrol and department of transportation planning related to weigh station location and operation, and the extent to which their efforts complement, coordinate with, or overlap each other;
- (iii) Identify best practices in the funding, placement, and operation of weigh stations;

(iv) Review plans by the department of transportation and Washington state patrol to reopen a Federal Way area southbound weigh station;

(v) Recommend changes in state statutes, policy, or agency practices and rules to improve the efficiency and effectiveness of weigh station funding, placement, and operation, including potential savings to be achieved by adopting the changes; and

(vi) Review whether it is cost-effective or more efficient to place future weigh stations in the median of a highway instead of placing two individual weigh stations on either side of a highway.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2015.

(3) \$250,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for a study to be conducted in 2016 to identify prominent road-rail conflicts, recommend a corridor-based prioritization process for addressing the impacts of projected increases in rail traffic, and identify areas of state public policy interest, such as the critical role of freight movement to the Washington economy and the state's competitiveness in world trade. The study must consider the results of the updated marine cargo forecast due to be delivered to the joint transportation committee on December 1, 2015. In conducting the study, the joint transportation committee must consult with the department of transportation, the freight mobility strategic investment board, the utilities and transportation commission, local governments, and other relevant stakeholders. The joint transportation committee must issue a report of its recommendations and findings by January 9, 2017.

(4) The legislature intends for the joint transportation committee to undertake a study during the 2017-2019 fiscal biennium of consolidating rail employee safety and regulatory functions in the utilities and transportation commission. The joint transportation committee should review the information provided by the utilities and transportation commission and should provide recommendations to the transportation committees of the legislature regarding such a consolidation of rail employee safety and regulatory functions.

(5) Within existing resources, during the interim periods between regular sessions of the legislature, the joint transportation committee shall include on its agendas work sessions on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders. The joint transportation committee shall have at least two such work sessions before December 31, 2015.

(6) \$450,000 of the motor vehicle account—state appropriation is for the design-build contracting review study established in chapter 18, Laws of 2015 3rd sp. sess. The department of transportation must provide technical assistance, as necessary.

(7) The joint transportation committee must study the issues surrounding minority and women-owned business contracting related to the transportation sector. The study should identify any best practices adopted in other states that encourage participation by minority and women-owned businesses. The joint transportation committee, with direction from the executive committee, may form a legislative task force at the conclusion of the study to help to inform the legislature of any best practices

identified from other states that encourage minority and women-owned businesses' participation in the transportation sector.

Sec. 905. 2016 c 14 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation
 ((~~\$2,667,000~~))
\$2,516,000

Motor Vehicle Account—Federal Appropriation \$500,000
 Multimodal Transportation Account—State
 Appropriation \$112,000

TOTAL APPROPRIATION \$3,279,000
\$3,128,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely to continue evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund investments in transportation. The evaluation must include monitoring and reviewing work that is underway in other states and nationally. The commission may coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available and eligible for road usage charge pilot projects. The commission must reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, and report to the governor's office and the transportation committees of the house of representatives and the senate by December 15, 2015.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for the commission to use an outside survey firm to conduct three transportation surveys during the 2015-2017 fiscal biennium. The commission must consult with the joint transportation committee when deciding on the survey topics and design to ensure the survey results will deliver the data, information, and analysis for future transportation policy and strategic planning decisions in a manner useful to the legislature.

(3)(a) The legislature finds that, while some travel times have improved through Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end, especially for transit trips, the implementation of the express toll lane system has made travel more difficult for a number of other drivers and trips. To provide some relief to drivers, the legislature encourages the commission to expedite consideration of the elimination of tolls during evening nonpeak hours, weekends, and holidays, to the extent that such a change will improve commuters' experience on this portion of Interstate 405. The legislature further finds that the commission, as the tolling authority of the state, should act swiftly, working in conjunction with the department of transportation's comprehensive effort to tackle obstacles adversely affecting commutes on this portion of Interstate 405, to drive improved results for the users of this critical corridor as soon as is practicable.

(b) In accordance with the rule-making authority provided under RCW 34.05.350(1)(a), the legislature deems it necessary, for preservation of the general welfare, that operational changes be made to improve the express toll lane program on Interstate 405 and that the tolling authority use its emergency rule-making authority to effect such changes in accordance with RCW 47.56.850 and 47.56.880. The legislature finds that the need for improvements to the commuter experience on the portion of Interstate 405 identified in (a) of this subsection necessitates that such action be taken in an expedited fashion. The tolling authority, with input from the department of transportation, shall evaluate the hours and days of operation for the express toll lanes and the minimum high occupancy vehicle passenger requirements

for using the express toll lanes, taking into consideration the goals of: Reducing travel time on this portion of Interstate 405, including in the general purpose lanes; reducing the cost of traveling within the express toll lanes on this portion of Interstate 405; and maintaining sufficient revenue to pay for this portion of Interstate 405's express toll lane operating costs. This subsection (3) does not create a private right of action.

(4)(a) \$500,000 of the motor vehicle account—federal appropriation is provided solely to advance the work completed since 2011 in evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund future investments in transportation by completing the work necessary to launch a road usage charge pilot project, with all implementation details for a pilot project identified and incorporated into a pilot project implementation plan.

(i) Pilot project implementation preparation must include identification of all essential agency roles and responsibilities for the pilot project, a selection of the technologies and methodologies to be included, a target number of participants and participant characteristics, rigorous specific evaluation criteria by which the pilot project will be assessed, a communication plan for the pilot project that consists of a participant recruitment plan and a plan for communicating information about the launch and ongoing progress of the pilot project, and pilot project expenditure and revenue estimates.

(ii) In developing the road usage charge pilot project implementation plan, the commission shall consult and coordinate with the department of transportation, the department of licensing, the department of revenue, and the office of the state treasurer to establish participation and coordination parameters for the project.

(b) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(c) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and may obtain guidance from the steering committee when it reaches key pilot project implementation plan development milestones. The commission must provide a report on the road usage charge pilot project implementation plan that includes all implementation details for a road usage charge pilot project to the governor's office and the transportation committees of the house of representatives and the senate by November 1, 2016.

~~((5) \$150,000 of the motor vehicle account—state appropriation is provided solely for supporting the disadvantaged business enterprise advisory committee established in chapter . . . (Senate Bill No. 6180), Laws of 2016. If chapter . . . (Senate Bill No. 6180), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.))~~

Sec. 906. 2016 c 14 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation
 ((~~\$1,024,000~~))

\$1,015,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely to conduct a study of freight infrastructure needs, including an update of the long-term marine cargo forecast. The board must work with the Washington public ports association to evaluate: (1) Forecasted cargo movement by commodity, type, and mode of land transport; and (2) current and projected freight infrastructure capacity needs. A report on the study must be delivered to the joint transportation committee by December 1, 2015.

Sec. 907. 2016 c 14 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State

Appropriation (~~(\$415,364,000)~~)

\$407,880,000

State Patrol Highway Account—Federal

Appropriation \$13,291,000

State Patrol Highway Account—Private/Local

Appropriation \$3,823,000

Highway Safety Account—State Appropriation \$1,494,000

Multimodal Transportation Account—State

Appropriation \$276,000

TOTAL APPROPRIATION \$434,248,000

\$426,764,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the highway safety account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$23,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 3, Laws of 2015 2nd sp. sess. (impaired driving).

(4) \$5,000,000 of the state patrol highway account—state appropriation is provided solely for compensation increases for Washington state patrol troopers, sergeants, lieutenants, and captains. This increase is not subject to interest arbitration and is for salary and benefits that are in addition to the current interest arbitration award. It is the intent of the legislature that chapter . . . (Engrossed Second Substitute House Bill No. 2872), Laws of 2016 provide the revenue to support the ongoing costs associated with the compensation increases identified in this subsection in order to provide the means necessary to recruit and retain state patrol officers in subsequent biennia.

(5)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(6) \$115,000 of the state patrol highway account—state appropriation is provided solely for the operation of the license investigation unit to enforce vehicle registration laws in southwestern Washington.

Sec. 908. 2016 c 14 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State

Appropriation \$34,000

License Plate Technology Account—State

Appropriation \$3,200,000

Motorcycle Safety Education Account—State

Appropriation \$4,488,000

State Wildlife Account—State Appropriation \$1,001,000

Highway Safety Account—State Appropriation (~~(\$201,666,000)~~)

\$198,735,000

Highway Safety Account—Federal Appropriation \$3,573,000

Motor Vehicle Account—State Appropriation (~~(\$92,044,000)~~)

\$92,662,000

Motor Vehicle Account—Federal Appropriation \$362,000

Motor Vehicle Account—Private/Local Appropriation (~~(\$1,544,000)~~)

\$1,859,000

Ignition Interlock Device Revolving Account—State

Appropriation \$5,142,000

Department of Licensing Services Account—State

Appropriation (~~(\$6,672,000)~~)

\$6,671,000

TOTAL APPROPRIATION \$319,726,000

\$317,727,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$30,954,000)~~) \$28,570,000 of the highway safety account—state appropriation and \$3,200,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(2) \$5,059,000 of the motor vehicle account—state appropriation is provided solely for replacing prorated and fuel tax computer systems used to administer interstate licensing and the collection of fuel tax revenues.

(3) \$3,714,000 of the highway safety account—state appropriation is provided solely for the implementation of an updated central issuance system.

(4) \$3,082,000 of the highway safety account—state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

(5) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. A person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(6) Within existing resources and in consultation with the traffic safety commission, the Washington state patrol, and a representative of the insurance industry and the professional driving school association, the department must review options and make recommendations on strategies for addressing young and high-risk drivers. The recommendations must consider the findings of Washington state's strategic highway safety plan, Target Zero, and must include an analysis of expanding traffic safety education to eighteen to twenty-four year olds that have not taken a traffic safety course and drivers that have been convicted of high-risk behavior, such as driving under the influence of drugs and alcohol and reckless driving. An overview of the work conducted and the recommendations are due to the transportation committees of the legislature and the governor by December 31, 2015.

(7) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 1, Laws of 2015 2nd sp. sess. (quick title service fees).

(8) \$283,000 of the highway safety account—state appropriation and \$33,000 of the ignition interlock device revolving account—state appropriation are provided solely for the implementation of chapter 3, Laws of 2015 2nd sp. sess. (impaired driving).

(9) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).

~~(10) ((\$335,000 of the highway safety account state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2942), Laws of 2016 or chapter . . . (Senate Bill No. 6591), Laws of 2016 (nondomiciled commercial drivers' licenses). If both chapter . . . (Substitute House Bill No. 2942), Laws of 2016 and chapter . . . (Senate Bill No. 6591), Laws of 2016 are not enacted by June 30, 2016, the amount provided in this subsection lapses.~~

~~(11) (\$2,421,000) \$1,421,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2015. The~~

department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

~~((12)) (11) \$43,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 6200), Laws of 2016 (Washington's fish collection license plate). If chapter . . . (Senate Bill No. 6200), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.~~

~~((13)) (12) \$388,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 (impaired driving). If chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.~~

~~((14)) (13) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 (Purple Heart license plate). If chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.~~

~~((15)) (14) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 (alternative fuel vehicles). If chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.~~

Sec. 909. 2016 c 14 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

High Occupancy Toll Lanes Operations Account—State
Appropriation ((\$3,185,000))

\$3,175,000

Motor Vehicle Account—State Appropriation \$510,000

State Route Number 520 Corridor Account—State

Appropriation \$39,029,000

State Route Number 520 Civil Penalties Account—State

Appropriation \$6,008,000

Tacoma Narrows Toll Bridge Account—State

Appropriation \$26,636,000

Interstate 405 Express Toll Lanes Operations

Account—State Appropriation \$15,552,000

TOTAL APPROPRIATION \$90,920,000

\$90,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$8,157,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$4,778,000 of the state route number 520 civil penalties account—state appropriation and \$2,065,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the

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office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(4) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems. Due to underruns, the office of financial management shall place \$1,000,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$360,000 of the state route number 520 corridor account—state appropriation, and \$1,000,000 of the high occupancy toll lanes operations account—state appropriation in unallotted status. The office of financial management may release portions of the funds if it determines operation and maintenance costs of the roadside toll collection systems exceed the allotted amounts.

(5) \$12,202,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility, including the customer service center vendor, transponders, credit card fees, printing and postage, rent, office supplies, telephone and communications equipment, computers, and vehicle operations. Within the amount provided in this subsection, the department must, to the greatest extent possible, without adding additional tolling gantries, continue to expand the length of the access and exit points to the express toll lanes, clarify signage and striping to eliminate confusion, and make other operational and customer service improvements to enhance the public's use of the toll facility. The office of financial management shall place \$5,371,000 of the amount provided in this subsection in unallotted status. The office of financial management may release funds to the department on a monthly basis beginning July 1, 2016; however, the amount to be released monthly must be calculated to address the department's projected expenditure need based on the previous month's actual expenditures, financial statement, actual toll transaction experience, and actual revenue collections for the Interstate 405 express toll lanes facility. Prior to releasing any funding from unallotted status, the office of financial management shall notify the joint transportation committee of the amount to be released and provide the documentation used in determining the amount.

(6) \$250,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the identification and prioritization of projects that will help reduce congestion and provide added capacity on the Interstate 405 tolling corridor between state route number 522 and Interstate 5.

(7) The department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(8) \$56,000 of the high occupancy toll lanes operations account—state appropriation, \$1,124,000 of the state route number 520 corridor account—state appropriation, and \$596,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the department to develop a request for proposal for a new tolling customer service center.

(a) The department must address the replacement of the Wave2Go ferry ticketing system that is reaching the end of its useful life by developing functional and technical requirements that integrate Washington state ferries ticketing into the new tolling division customer service center toll collection system. The department shall continue to report quarterly to the governor, legislature, and state auditor on: (i) The department's effort to mitigate risk to the state, (ii) the development of a request for proposal, and (iii) the overall progress towards procuring a new tolling customer service center.

(b) The department shall release a request for proposal for a new tolling customer service toll collection system by December 1, 2016.

(i) During the request for proposal development process and prior to its release, the office of financial management shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

- (A) Provides for the business needs of the state; and
- (B) Mitigates risk to the state.

(ii) During development of the request for proposal and prior to its release, the office of the chief information officer shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

- (A) Contains requirements that meet the security standards and policies of the office of the chief information officer; and
- (B) Is flexible and adaptable to advances in technology.

(c)(i) Prior to commencement of the new tolling customer service toll collection system implementation, the department shall submit a draft project management plan to the office of financial management and the office of the chief information

officer that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation;

(ii) The office of financial management and the office of the chief information officer shall review the draft project management plan to ensure that it contains adequate contract management and quality assurance measures.

(iii) The department shall submit the project management plan to the transportation committees of the legislature prior to the commencement of system implementation.

(9) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(10) \$5,000 of the motor vehicle account—state appropriation is provided solely for membership dues for the alliance for toll interoperability.

(11) \$1,230,000 of the state route number 520 civil penalties account—state appropriation and \$695,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely to implement chapter 292, Laws of 2015 (tolling customer service reform) to improve integration between the Good to Go! electronic tolling system with the pay-by-mail system through increased communication with customers and improvements to the Good to Go! web site allowing customers to manage all of their toll accounts regardless of method of payment. Within the amounts provided, the department must include in the request for proposals for a new customer service center the requirement that the new tolling customer service center link to the vehicle records system of the department of licensing to enable vehicle record updates that relate to tolling customer accounts to occur between the two systems seamlessly. The department must work with the department of licensing to develop the appropriate specifications to include in the request for proposals to allow the new tolling customer service center to link to the vehicle records system without cost to the department of licensing and report to the transportation committees of the legislature when the appropriate specifications have been completed. By June 30, 2017, the department shall report how many people with Good to Go! accounts were issued civil penalties for each toll facility and whether the number was reduced each fiscal year in the biennium. The department shall also report on the number of customer contacts that occur, number of civil penalties reduced or waived, the amount of the total civil penalties that are waived, and the number of customers that are referred to the administrative law judge process during the biennium.

Sec. 910. 2016 c 14 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

| | | |
|--|---------------|---------------------|
| Transportation Partnership Account—State | Appropriation | \$1,460,000 |
| Motor Vehicle Account—State | Appropriation | (((\$69,291,000)) |
| | | <u>\$69,281,000</u> |
| Multimodal Transportation Account—State | Appropriation | \$2,883,000 |
| Transportation 2003 Account (Nickel Account)—State | Appropriation | \$1,460,000 |
| Puget Sound Ferry Operations Account—State | Appropriation | \$263,000 |
| TOTAL APPROPRIATION | | \$75,357,000 |
| | | <u>\$75,347,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,460,000 of the transportation partnership account—state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for maintaining the department's project management reporting system.

(2) \$250,000 of the motor vehicle account—state appropriation is provided solely for the development of a timeline and funding plan for the labor system replacement project. As part of its 2017-2019 biennial budget submittal, and in coordination with the office of financial management and the office of the chief information officer, the department shall submit a timeline and funding plan for the labor system replacement project. The plan must identify a timeline and all one-time and ongoing costs for the integration of all headquarters, regional, and marine employees into the new labor system.

Sec. 911. 2016 c 14 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

| | | |
|---|---------------|---------------------|
| Motor Vehicle Account—State | Appropriation | (((\$27,609,000)) |
| | | <u>\$27,592,000</u> |
| State Route Number 520 Corridor Account—State | Appropriation | \$34,000 |
| TOTAL APPROPRIATION | | \$27,643,000 |
| | | <u>\$27,626,000</u> |

Sec. 912. 2016 c 14 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

| | | |
|-----------------------------------|---------------|---------------------|
| Aeronautics Account—State | Appropriation | (((\$8,628,000)) |
| | | <u>\$8,632,000</u> |
| Aeronautics Account—Federal | Appropriation | (((\$4,100,000)) |
| | | <u>\$1,600,000</u> |
| Aeronautics Account—Private/Local | Appropriation | \$60,000 |
| TOTAL APPROPRIATION | | \$12,788,000 |
| | | <u>\$10,292,000</u> |

The appropriations in this section are subject to the following conditions and limitations: \$4,557,000 of the aeronautics account—state appropriation is provided solely for airport investment studies and the airport aid grant program, which provides competitive grants to public airports for pavement, safety, maintenance, planning, and security.

Sec. 913. 2016 c 14 s 213 (uncodified) is amended to read as follows:

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**FOR THE DEPARTMENT OF TRANSPORTATION—
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT—PROGRAM H**

| | |
|---|-------------------------|
| Motor Vehicle Account—State | Appropriation |
| (\$53,911,000) | |
| <u>\$53,892,000</u> | |
| Motor Vehicle Account—Federal | Appropriation \$500,000 |
| Multimodal Transportation Account—State | Appropriation \$250,000 |
| TOTAL APPROPRIATION | \$54,661,000 |
| <u>\$54,642,000</u> | |

The appropriations in this section are subject to the following conditions and limitations:

(1) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) \$250,000 of the motor vehicle account—state appropriation is provided solely for training intended to retain a knowledgeable and competent core technical staff in the changing environment of highway project design and construction and to provide for the efficient and effective delivery and oversight of projects. The training must focus on the following areas:

(a) Training appropriate staff in regard to coordinating and administering projects with private sector designers and builders for projects delivered by the design-build construction process;

(b) Training on community engagement to provide project managers with the skills necessary to develop personal relations with the leaders of the affected community to blend project needs with the needs of the community, while providing fair treatment and involvement of community groups and individuals regarding elements of a project subject to environmental regulations, laws, and policies;

(c) Training for partnering and team building skills to avoid conflict and reduce construction claims that arise in contract administration; and

(d) Technical design training required in the fields of hydraulics, hydrology, and storm water abatement, and other fields in support of projects dealing with the fish passage program and highway runoff treatment.

Sec. 914. 2016 c 14 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
ECONOMIC PARTNERSHIPS—PROGRAM K**

| | |
|--|---------------|
| Motor Vehicle Account—State | Appropriation |
| (\$600,000) | |
| <u>\$604,000</u> | |
| (Electric Vehicle Charging Infrastructure Account—State Appropriation \$1,000,000 | |
| TOTAL APPROPRIATION—\$1,600,000 | |

The appropriation(s) in this section ~~(are)~~ is subject to the following conditions and limitations:

~~((4))~~ The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

~~((3) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).))~~

Sec. 915. 2016 c 14 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
HIGHWAY MAINTENANCE—PROGRAM M**

| | |
|---|---------------------------|
| Motor Vehicle Account—State | Appropriation |
| (\$418,524,000) | |
| <u>\$424,755,000</u> | |
| Motor Vehicle Account—Federal | Appropriation |
| (\$7,000,000) | |
| <u>\$12,000,000</u> | |
| Tacoma Narrows Toll Bridge Account—State | Appropriation \$1,235,000 |
| State Route Number 520 Corridor Account—State | Appropriation \$4,448,000 |
| TOTAL APPROPRIATION | \$431,207,000 |
| <u>\$442,438,000</u> | |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$6,091,000)~~ \$7,122,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

(2) \$4,448,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,235,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(5) The department must make signage for low-height bridges a high priority.

(6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the Northwest avalanche center for an

additional forecaster. However, the amount in this subsection is contingent on the state parks and recreation commission receiving funding for its portion of the Northwest avalanche center forecaster in the omnibus appropriations act. If this funding is not provided by June 30, 2016, the appropriation provided in this subsection lapses.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for safety improvements and operations relating to homeless encampments along Interstate 5 between milepost 162 and milepost 165. The department shall coordinate the timing of the safety improvements with the city of Seattle and King county to ensure that a collaborative and comprehensive approach is taken to address emergency conditions in support of the city's transitional services.

(8) \$5,000,000 of the motor vehicle account—federal appropriation is provided solely for costs necessary to respond to federally reimbursable disasters. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that a federally reimbursable disaster has occurred that requires maintenance funds.

(9) \$161,000 of the motor vehicle account—state appropriation is provided solely for electrical repairs on the Hood Canal bridge due to power surges that caused an electrical fire. The department shall continue to investigate the cause of the fire and pursue cost recovery from the company providing power at the time of the incident if it is determined the incident was the fault of the power company.

(10) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary snow and ice removal expenses and related road repair expenses incurred during the winter of 2016-17.

Sec. 916. 2016 c 14 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

| | | |
|-------------------------------------|---------------------|--|
| Connecting Washington Account—State | Appropriation | \$30,000 |
| Motor Vehicle Account—State | Appropriation | (\$57,622,000) <u>\$57,504,000</u> |
| Motor Vehicle Account—Federal | Appropriation | \$2,050,000 |
| Motor Vehicle Account—Private/Local | Appropriation | \$250,000 |
| TOTAL APPROPRIATION | \$59,952,000 | <u>\$59,834,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) During the 2015-2017 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the

highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(3) The legislature recognizes that congestion is increasing on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station, and that allowing transit buses to operate on the shoulder would provide congestion relief and more reliable travel times. Therefore, the department shall, within existing resources, implement a transit bus shoulder operations pilot project on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station. The department shall make all necessary changes to handle the increased traffic and provide a ten-foot shoulder for the transit bypass.

(4) \$30,000 of the connecting Washington account—state appropriation is provided solely for the department to create and install motorist information sign panels for the Jerry Taylor Veterans Plaza in Sunnyside along the state-owned right-of-way near exits 63, 67, and 69 on Interstate 182 and on state route number 241 near the junction with Yakima Valley highway and to install supplemental directional signs as permitted by the affected local government and in accordance with the "Manual on Uniform Traffic Control Devices" and chapter 47.36 RCW.

(5) The department shall implement Senate Joint Memorial No. 8019 within existing resources if Senate Joint Memorial No. 8019 is enacted by the legislature by June 30, 2016, and the Washington state transportation commission takes action to name the facility per Senate Joint Memorial No. 8019 by June 30, 2017.

Sec. 917. 2016 c 14 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

| | | |
|---|---------------------|--|
| Motor Vehicle Account—State | Appropriation | (\$29,625,000) <u>\$29,622,000</u> |
| Motor Vehicle Account—Federal | Appropriation | (\$1,205,000) <u>\$1,323,000</u> |
| Multimodal Transportation Account—State | Appropriation | \$1,131,000 |
| TOTAL APPROPRIATION | \$31,961,000 | <u>\$32,076,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 of the motor vehicle account—state appropriation is provided solely for enhanced disadvantaged business enterprise outreach to increase the pool of disadvantaged businesses available for department contracts and to collaborate with the department of labor and industries to recruit women and persons of color to participate in existing transportation apprenticeship programs. The department must submit a status report on disadvantaged business enterprise outreach and apprenticeship

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recruitment to the transportation committees of the legislature by November 15, 2015.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for the headquarters communications office. Within the amount provided in this subsection, the department shall complete the web content management system and upgrade the department's web site.

(3) \$750,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonproject agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2016, and annually thereafter.

(4)(a) During the 2015-2017 fiscal biennium, the department may proceed with the pilot project selling commercial advertising, including product placement, on department web sites and social media. In addition, the department may sell a version of its mobile application(s) to users who desire to have access to application(s) without advertising.

(b) The department shall deposit all moneys received from the sale of advertisements on web site and mobile applications into the motor vehicle fund created in RCW 46.68.070.

(c) The department shall adopt standards for advertising, product placement, and other forms of commercial recognition that require the department to define and prohibit, at a minimum, the content containing any of the following characteristics, which is not permitted: (i) Obscene, indecent, or discriminatory content; (ii) political or public issue advocacy content; (iii) products, services, or other materials that are offensive, insulting, disparaging, or degrading; or (iv) products, services, or messages that are contrary to the public interest, including any advertisements that encourage or depict unsafe behaviors or encourage unsafe or prohibited driving activities. Alcohol, tobacco, and cannabis are included among the products prohibited.

Sec. 918. 2016 c 14 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

| | |
|---|---------------------------|
| Motor Vehicle Account—State | Appropriation |
| (\$22,717,000) | |
| <u>\$22,707,000</u> | |
| Motor Vehicle Account—Federal | Appropriation |
| (\$26,342,000) | |
| <u>\$30,529,000</u> | |
| Multimodal Transportation Account—State | Appropriation \$662,000 |
| Multimodal Transportation Account—Federal | Appropriation \$2,809,000 |
| Multimodal Transportation Account—Private/Local | Appropriation \$100,000 |
| TOTAL APPROPRIATION | \$52,630,000 |
| <u>\$56,807,000</u> | |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$368,000 of the motor vehicle account—state appropriation is provided solely for the purchase of an economic impact model. The department shall work with appropriate local jurisdictions to improve consistency between existing and planned transportation demand models. The department shall report back to the

transportation committees of the legislature and the office of financial management by December 31, 2015, with any recommendations requiring legislative action.

(2) \$1,000,000 of the motor vehicle account—federal appropriation is provided solely for the corridor sketch program. Priority must be given to the state route number 522 corridor between Maltby and the Snohomish river bridge. Initial corridors must also include state route number 195, Interstate 5 between Bellingham and the vicinity of Mount Vernon, state route number 160 in the vicinity of Port Orchard, and state route number 28 in the vicinity of East Wenatchee.

(3) Within existing resources, the department shall conduct a traffic and access study of the intersection of the Interurban trail and state route number 104. Options to improve safety at this location must include consideration of a pedestrian and bike overcrossing.

(4)(a) The department must update the state freight mobility plan to comply with the requirements in section 70202 of the federal fixing America's surface transportation act. In updating the state freight mobility plan, the department must involve key freight stakeholders, such as representatives of public ports, the trucking industry, railroads, the marine industry, local governments and planning organizations, the Washington state freight advisory committee, and other freight stakeholders. The updated plan must delete any obsolete project references from the prioritized freight project list.

(b) The department, in conjunction with the stakeholder group, must provide a list of prioritized projects for consideration for funding in the 2017-2019 fiscal biennium. The prioritized list must have approval from all impacted stakeholders. The prioritized list must be submitted to the office of financial management and the transportation committees of the legislature by November 1, 2016.

(5) Within existing resources, the department must evaluate how light pollution from state highways and facilities can be minimized while still meeting appropriate safety standards. Additionally, the department must evaluate how budget savings can be achieved through different types of lighting. To the extent practicable, the department must conduct this work in conjunction with other ongoing study and corridor planning efforts.

~~((7))~~ (6) \$150,000 of the motor vehicle account—state appropriation is provided solely for a safety study of state route number 169 from Jones Road to Cedar Grove. The department must consider collision data and work with local stakeholders to make recommendations for safety improvements in the corridor. A report on the study is due to the transportation committees of the legislature by December 31, 2016.

Sec. 919. 2016 c 14 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
CHARGES FROM OTHER AGENCIES—PROGRAM U**

| | |
|---|--|
| Motor Vehicle Account—State | Appropriation |
| (\$74,666,000) | |
| <u>\$77,036,000</u> | |
| Motor Vehicle Account—Federal | Appropriation \$500,000 |
| Multimodal Transportation Account—State | Appropriation (\$3,115,000) |
| <u>\$3,213,000</u> | |
| TOTAL APPROPRIATION | \$78,281,000 |
| <u>\$80,749,000</u> | |

Sec. 920. 2016 c 14 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation \$754,000
 Regional Mobility Grant Program Account—State Appropriation (~~(\$74,976,000)~~) \$57,060,000
 Rural Mobility Grant Program Account—State Appropriation \$20,438,000
 Multimodal Transportation Account—State Appropriation (~~(\$72,930,000)~~) \$71,604,000
 Multimodal Transportation Account—Federal Appropriation \$3,588,000
 TOTAL APPROPRIATION \$172,686,000
\$153,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,250,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$8,750,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$32,500,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$20,438,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$6,969,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$400,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving or traveling through the Joint Base Lewis-McChord I-5 corridor between mile post 116 and 127.

(4) (~~(\$18,726,000)~~) \$13,010,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2016-2)~~) 2017-2 ALL PROJECTS as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Public Transportation Program (V).

(5)(a) (~~(\$56,250,000)~~) \$44,050,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2016-2)~~) 2017-2 ALL PROJECTS as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2015, and December 15, 2016, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2015-2017 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,670,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities.

(8) \$200,000 of the multimodal transportation account—state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(9)(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the Everett connector service for Island and Skagit transit agencies. The amount provided in this subsection is contingent on Island Transit charging fares that achieve a farebox recovery ratio similar to comparable transit systems.

(b) The amount provided in (a) of this subsection must be held in unallotted status until the office of financial management determines that fares have been both adopted and implemented by Island Transit that achieve a farebox recovery ratio similar to comparable transit systems. Island Transit must notify the office of financial management when it has met the requirements of this subsection.

(10)(a) (~~(\$13,890,000)~~) \$12,565,000 of the multimodal transportation account—state appropriation is provided solely for

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~~connecting Washington transit projects identified in the LEAP transportation document ((2016 3 as developed March 7, 2016. Except as provided otherwise in this subsection, funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects. If a higher priority project is bypassed, it must be funded when the project is ready. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed transit projects that have been funded and projects that have been bypassed, including an estimated time frame for when the bypassed project will be funded)) referenced in subsection (4) of this section.~~

(b) \$831,000 of the amount provided in (a) of this subsection is provided solely for Skagit transit system enhancements for expenditure in 2015-2017.

(c) \$2,300,000 of the amount provided in (a) of this subsection is provided solely for Island transit's tri-county connector service for expenditure in 2015-2017.

(d) It is the intent of the legislature to provide \$6,000,000 in the 2017-2019 fiscal biennium and \$6,000,000 in the 2019-2021 fiscal biennium for the Spokane Central city line, in addition to the 2015-2017 fiscal biennium funding provided in the LEAP transportation document identified in ~~((a) of this)~~ subsection (4) of this section. It is further the intent of the legislature to provide a total of \$10,000,000 over the 2017-2019 and 2019-2021 fiscal biennia for the Northgate transit center pedestrian bridge.

~~((e) Within existing resources, the public transportation program must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating the delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016.))~~

(11) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(12) Within the amounts provided in this section, the public transportation program must conduct a study of public transportation agencies in Washington that provide regional public transportation service outside the boundaries of the agency. The study must consider: (a) The cost to provide these existing regional services, the current source of funds for these services, and the applicable ridership data from these existing regional services; (b) the number of trips removed from the state highway system as a result of these regional services; (c) areas of the state highway system that do not have such regional service available; and (d) potential funding sources at the state level to support a portion of current and potential regional services. The public transportation program must provide a report on its findings and recommendations to the transportation committees of the legislature by November 15, 2016.

Sec. 921. 2016 c 14 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State
Appropriation ~~(((\$478,319,000))~~
\$478,985,000

Puget Sound Ferry Operations Account—Federal
Appropriation ~~(((\$5,908,000))~~
\$5,156,000

Puget Sound Ferry Operations Account—Private/Local
Appropriation \$121,000
TOTAL APPROPRIATION \$484,348,000
\$484,262,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2015-2017 supplemental and 2017-2019 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2015-2017 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) ~~(((\$78,306,000))~~ \$77,091,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2015-2017 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 701, c 10, Laws of 2015 1st sp. sess. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(5) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(6) During the 2015-2017 fiscal biennium, the department shall not operate a winter sailing schedule for a time period longer than twelve weeks.

(7) \$496,000 of the Puget Sound ferry operations account—state appropriation is provided solely for ferry terminal traffic control at the Fauntleroy ferry terminal. The department shall utilize existing contracts to provide a uniformed officer to assist with ferry terminal traffic control at the Fauntleroy ferry terminal.

(8) \$1,551,000 of the Puget Sound ferry operations account—state appropriation is provided solely for improvements to the reservation system. The department shall actively encourage ferry reservation customers to use the online option for making and changing reservations and shall not use these funds for call center staff.

(9) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2015, and annually thereafter, and that the report include the establishment of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(10) ~~(((\$5,908,000))~~ \$5,156,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for vessel maintenance.

(11) \$48,000 of the Puget Sound ferry operations account—state appropriation is provided solely for staff sufficient to allow passenger accessibility aboard the M/V Tokitae to the sun deck during daylight hours on Saturdays and Sundays of the summer sailing season.

Sec. 922. 2016 c 14 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State
Appropriation (~~(\$59,473,000)~~)
\$59,476,000

Multimodal Transportation Account—Private/Local
Appropriation \$45,000

TOTAL APPROPRIATION \$59,518,000
\$59,521,000

Sec. 923. 2016 c 14 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation
(~~(\$9,324,000)~~)
\$9,321,000

Motor Vehicle Account—Federal Appropriation
\$2,567,000

Multiuse Roadway Safety Account—State Appropriation
\$131,000

TOTAL APPROPRIATION \$12,022,000
\$12,019,000

TRANSPORTATION AGENCIES—CAPITAL

Sec. 1001. 2016 c 14 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State
Appropriation (~~(\$13,217,000)~~)
\$5,281,000

Freight Mobility Multimodal Account—State
Appropriation (~~(\$11,859,000)~~)
\$3,315,000

Freight Mobility Multimodal Account—Private/Local
Appropriation \$1,320,000

Highway Safety Account—State Appropriation
(~~(\$2,765,000)~~)
\$1,765,000

Motor Vehicle Account—State Appropriation \$83,000
(~~(Motor Vehicle Account Federal Appropriation—\$3,250,000)~~)

TOTAL APPROPRIATION \$32,494,000
\$11,764,000

Sec. 1002. 2016 c 14 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation
(~~(\$5,895,000)~~)
\$5,815,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the state patrol highway account—state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$560,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the roofs of the Shelton academy multipurpose building, Tacoma district

office building, Kennewick detachment building, and Ridgefield and Plymouth weigh station buildings.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for upgrades to scales at Goldendale required to meet current certification requirements.

(4) \$2,350,000 of the state patrol highway account—state appropriation is provided solely for funding to repair and replace the academy asphalt emergency vehicle operation course.

(5) \$500,000 of the state patrol highway account—state appropriation is provided solely for replacement of generators at Marysville, Baw Faw, Gardner, Pilot Rock, and Ridpath.

(6) \$150,000 of the state patrol highway account—state appropriation is provided solely for painting and caulking in several locations.

(7) \$350,000 of the state patrol highway account—state appropriation is provided solely for pavement preservation at the Wenatchee district office and the Spokane district office.

(8) \$700,000 of the state patrol highway account—state appropriation is provided solely for energy upgrades at two district offices and two detachments.

(9) \$300,000 of the state patrol highway account—state appropriation is provided solely for repair of the academy training tank.

(10) \$130,000 of the state patrol highway account—state appropriation is provided solely for communication site roof repair to reroof equipment shelters at radio communication sites statewide.

(11) \$275,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the broadcast tower at the Steptoe Butte radio communications site.

(12) \$100,000 of the state patrol highway account—state appropriation is provided solely for the dry-pipe fire suppression system rebuild at the Marysville district office.

Sec. 1003. 2016 c 14 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State
Appropriation (~~(\$56,094,000)~~)
\$45,055,000

Motor Vehicle Account—State Appropriation
\$10,706,000

County Arterial Preservation Account—State
Appropriation \$32,344,000

TOTAL APPROPRIATION \$99,144,000
\$88,105,000

Sec. 1004. 2016 c 14 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State
Appropriation (~~(\$4,301,000)~~)
\$2,551,000

Highway Safety Account—State Appropriation
\$10,000,000

Transportation Improvement Account—State
Appropriation (~~(\$249,988,000)~~)
\$218,488,000

Multimodal Transportation Account—State
Appropriation \$3,313,000

TOTAL APPROPRIATION \$267,602,000
\$234,352,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The highway safety account—state appropriation is provided solely for:

(a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(b) The small city pavement program to help cities meet urgent preservation needs; and

(c) The small city low-energy street light retrofit demonstration program.

(2) \$3,313,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

Sec. 1005. 2016 c 14 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Transportation Partnership Account—State
Appropriation (~~(\$1,043,000)~~)
\$1,044,000

| | | |
|---------------|---------------|------------------------------|
| Motor Vehicle | Account—State | Appropriation |
| | | ((\$7,276,000)) |
| | | <u>\$7,387,000</u> |

| | | |
|-----------------------|---------------|-------------------------------|
| Connecting Washington | Account—State | Appropriation |
| | | ((\$14,000,000)) |
| | | <u>\$4,847,000</u> |

TOTAL APPROPRIATION \$22,319,000
\$13,278,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,043,000)~~) \$1,044,000 of the transportation partnership account—state appropriation is provided solely for completion of a new traffic management center in Shoreline, Washington. By September 30, 2015, the department shall report to the transportation committees of the legislature and the office of financial management on the resulting vacancy rate of the existing regional headquarters building in Shoreline, plans to consolidate department staff into the building, and the schedule for terminating the current lease of the Goldsmith building in Seattle, and provide an update on future plans to consolidate agency staff within the region.

(2) (~~(\$4,000,000)~~) \$934,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue. The property purchase was approved by the 2005 legislature for the site of the new Olympic region and the land was acquired by the department in August 2005. The department must work with the office of financial management's facilities oversight program to develop a revised predesign for a new Olympic region facility, with an estimated total cost of no more than forty million dollars. Priority must be given to accommodating the maintenance and operations functions of the Olympic region. The department must provide a copy of the revised predesign to the transportation committees of the legislature by December 2015.

(3) (~~(\$10,000,000)~~) \$3,913,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

Sec. 1006. 2016 c 14 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Multimodal Transportation Account—State
Appropriation (~~(\$19,181,000)~~)
\$19,176,000

Transportation Partnership Account—State
Appropriation (~~(\$1,065,758,000)~~)

\$994,147,000

| | | |
|---------------|---------------|-------------------------------|
| Motor Vehicle | Account—State | Appropriation |
| | | ((\$71,841,000)) |
| | | <u>\$72,890,000</u> |

| | | |
|---------------|-----------------|--------------------------------|
| Motor Vehicle | Account—Federal | Appropriation |
| | | ((\$315,447,000)) |
| | | <u>\$293,164,000</u> |

| | | |
|---------------|-----------------------|--------------------------------|
| Motor Vehicle | Account—Private/Local | Appropriation |
| | | ((\$177,022,000)) |
| | | <u>\$186,360,000</u> |

Transportation 2003 Account (Nickel Account)—State
Appropriation (~~(\$79,064,000)~~)
\$77,992,000

State Route Number 520 Corridor Account—State
Appropriation (~~(\$368,121,000)~~)
\$135,041,000

State Route Number 520 Corridor Account—Federal
Appropriation \$104,801,000

State Route Number 520 Civil Penalties Account—
State Appropriation \$14,000,000

| | | |
|--------------------|---------------|------------------------------|
| Special Category C | Account—State | Appropriation |
| | | ((\$6,000,000)) |
| | | <u>\$5,855,000</u> |

Interstate 405 Express Toll Lanes Operations
Account—State Appropriation \$9,500,000

| | | |
|-----------------------|---------------|--------------------------------|
| Connecting Washington | Account—State | Appropriation |
| | | ((\$229,425,000)) |
| | | <u>\$181,837,000</u> |

TOTAL APPROPRIATION \$2,450,660,000
\$2,094,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2016-4)~~) 2017-1 as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 (~~(of this act)~~), chapter . . . (Senate Bill No. 5096), Laws of 2017.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2016-2 ALL PROJECTS)~~) 2017-2 ALL PROJECTS as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to (~~(\$79,064,000)~~) \$77,992,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account—state appropriation includes up to \$546,857,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) ~~(\$4,359,000)~~ \$4,360,000 of the motor vehicle account—state appropriation is provided solely for the I-5/JBLM Early Corridor Design project (300596S) to complete an environmental impact statement for a project that creates additional general purpose lanes on Interstate 5 in the Joint Base Lewis-McChord corridor. The design of this project must be high occupancy vehicle lane ready for a future connection to the Interstate 5 high occupancy vehicle lane system that currently terminates in Tacoma.

(7) ~~(\$267,071,000)~~ \$266,277,000 of the transportation partnership account—state appropriation, ~~(\$55,389,000)~~ \$55,390,000 of the motor vehicle account—federal appropriation, ~~(\$156,423,000)~~ \$166,423,000 of the motor vehicle account—private/local appropriation, ~~(\$45,400,000)~~ \$45,401,000 of the transportation 2003 account (nickel account)—state appropriation, and \$2,139,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(8) \$17,000,000 of the multimodal transportation account—state appropriation and \$1,676,000 of the transportation partnership account—state appropriation are provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B). The transportation partnership account—state appropriation must be placed in unallotted status and may only be released by the office of financial management for unpaid invoices from the 2013-2015 fiscal biennium.

(9) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

(10) ~~(\$22,191,000)~~ \$21,463,000 of the transportation partnership account—state appropriation, ~~(\$5,576,000)~~ \$6,342,000 of the transportation 2003 account (nickel account)—state appropriation, ~~(\$42,000)~~ \$37,000 of the multimodal transportation account—state appropriation, ~~(\$6,000,000)~~ \$5,855,000 of the special category C account—state appropriation, \$368,000 of the motor vehicle account—state appropriation, ~~(\$13,000)~~ \$14,000 of the motor vehicle account—private/local appropriation, and ~~(\$12,976,000)~~ \$12,696,000 of the motor vehicle account—federal appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2015-2017.

(11) ~~(\$34,732,000)~~ (a) \$31,225,000 of the transportation partnership account—state appropriation, ~~(\$7,329,000)~~ \$6,274,000 of the transportation 2003 account (nickel account)—state appropriation, and \$56,000 of the motor vehicle account—private/local appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8B11002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to ~~(either)~~ the I-405/SR 167 Interchange - Direct Connector project (140504C) ~~((or))~~, the I-405 Renton to

Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2015-2017 fiscal biennium.

(b) \$3,500,000 of the transportation partnership account—state appropriation is provided solely for preliminary engineering for adding capacity on Interstate 405 between state route number 522 and Interstate 5. The funding is a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

(12)(a) The SR 520 Bridge Replacement and HOV project (8B11003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$923,000,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account—state appropriation includes up to ~~(\$343,834,000)~~ \$110,910,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account—federal appropriation includes up to \$104,801,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) ~~(\$126,937,000)~~ \$45,680,000 of the transportation partnership account—state appropriation, \$104,801,000 of the state route number 520 corridor account—federal appropriation, and ~~(\$368,121,000)~~ \$24,131,000 of the state route number 520 corridor account—state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8B11003). ~~((Of the amounts appropriated in this subsection (12)(d), \$233,085,000 of the state route number 520 corridor account—state appropriation must be put into unallotted status and is subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.))~~

(e) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(13) \$14,000,000 of the state route number 520 civil penalties account—state appropriation is provided solely for the department to continue to work with the Seattle department of transportation in their joint planning, design, right-of-way acquisition, outreach, and operation of the remaining west side elements including, but not limited to, the Montlake lid, the bicycle/pedestrian path, the effective network of transit connections, and the Portage Bay bridge of the SR 520 Bridge Replacement and HOV project.

(14) \$1,056,000 of the motor vehicle account—federal appropriation and \$38,000 of the motor vehicle account—state appropriation are provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2017, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(16) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the

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department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2016 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(18) (~~(\$52,869,000)~~) \$44,742,000 of the motor vehicle account—federal appropriation, (~~(\$4,439,000)~~) \$4,381,000 of the motor vehicle account—state appropriation, and (~~(\$1,085,000)~~) \$529,000 of the motor vehicle account—private/local appropriation are provided solely for fish passage barrier and chronic deficiency improvements (0B14001).

(19) Any new advisory group that the department convenes during the 2015-2017 fiscal biennium must consider the interests of the entire state of Washington.

(20) Except as provided otherwise in this section, the entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2016-1)~~) 2017-1 as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Highway Improvements Program (I).

(21) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(22) Of the amounts allocated to the Puget Sound Gateway project (M00600R) in LEAP Transportation Document (~~(2016-1)~~) 2017-1 as developed (~~(March 7, 2016)~~) April 5, 2017, \$4,000,000 must be used to complete the bridge connection at 28th/24th Street over state route number 509 in the city of SeaTac. The bridge connection must be completed prior to other construction on the state route number 509 segment of the project.

(23) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(24) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(25) (~~(\$1,500,000)~~) \$901,000 of the motor vehicle account—state appropriation is provided solely for the department to (~~(complete)~~) continue to work on an interchange justification report (IJR) for the U.S. 2 trestle, covering the state route number

204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(26)(a) The department must conduct outreach to local transit agencies during the planning process for highway construction projects led by the department.

(b) The department must develop process recommendations for best practices in minimizing impacts to transit and freight during project construction. A report on best practices must be submitted to the transportation committees of the legislature by December 1, 2016.

(27) The legislature finds that project efficiencies and savings may be gained by combining the I-5 Marine Drive project (I5OTC1A1) and the SR 529/I-5 Interchange project (N52900R). The department must deliver them as one project, the I-5 Peak Hour Use Lanes and Interchange Improvements project (L2000229), using a design-build approach.

(28) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be impeded by the I-90/Two Way Transit and HOV Improvements project. The department must continue to work with the city of Mercer Island to address potential access solutions as the project nears completion.

(29) \$9,500,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

Sec. 1007. 2016 c 14 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

| | | | |
|--|-----------------------|---------------|--|
| Transportation Partnership Account—State | | | |
| Appropriation ((\$6,489,000)) | | | |
| <u>\$6,434,000</u> | | | |
| Motor Vehicle | Account—State | Appropriation | |
| (\$70,908,000) | | | |
| <u>\$68,694,000</u> | | | |
| Motor Vehicle | Account—Federal | Appropriation | |
| (\$475,025,000) | | | |
| <u>\$525,688,000</u> | | | |
| Motor Vehicle | Account—Private/Local | Appropriation | |
| (\$8,647,000) | | | |
| <u>\$8,092,000</u> | | | |
| Transportation 2003 Account (Nickel Account)—State | | | |
| Appropriation ((\$28,032,000)) | | | |
| <u>\$26,654,000</u> | | | |
| Tacoma Narrows Toll Bridge Account—State | | | |
| Appropriation ((\$4,564,000)) | | | |
| <u>\$1,038,000</u> | | | |
| Recreational Vehicle | Account—State | Appropriation | |
| (\$2,194,000) | | | |
| <u>\$2,197,000</u> | | | |
| High Occupancy Toll Lanes Operations Account—State | | | |
| Appropriation \$1,000,000 | | | |
| State Route Number 520 Corridor Account—State | | | |

Appropriation (~~(\$1,730,000)~~)
\$1,460,000
 Connecting Washington Account—State Appropriation
 (~~(\$79,963,000)~~)
\$77,134,000
 TOTAL APPROPRIATION \$678,552,000
\$718,391,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2016-4)~~) 2017-1 as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 (~~(of this act)~~), chapter . . . (Senate Bill No. 5096), Laws of 2017.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2016-2 ALL PROJECTS)~~) 2017-2 ALL PROJECTS as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to (~~(\$28,032,000)~~) \$26,654,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature by December 1, 2015, on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

(6) (~~(\$38,142,000)~~) \$6,545,000 of the motor vehicle account—federal appropriation and (~~(\$858,000)~~) \$188,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. The department shall provide a report that identifies the scope, cost, and benefit of each project funded in this subsection as part of its 2016 agency budget request.

(7) Except as provided otherwise in this section, the entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document (~~(2016-4)~~) 2017-1 as developed (~~(March 7, 2016)~~) April 5, 2017, Program - Highway Preservation Program (P).

(8) It is the intent of the legislature that, with respect to the amounts provided for highway preservation from the connecting Washington account, the department consider the preservation and rehabilitation of concrete roadway on Interstate 5 from the

Canadian border to the Oregon border to be a priority within the preservation program.

(9) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

(10)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(11) The department must consult with the Washington state patrol during the design phase of a department-led improvement or preservation project that could impact weigh station operations. The department must ensure that the designs of the projects do not prevent or interfere with weigh station operations.

Sec. 1008. 2016 c 14 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

| | |
|-------------------------------------|---------------|
| Motor Vehicle Account—State | Appropriation |
| (\$7,190,000) | |
| <u>\$6,794,000</u> | |
| Motor Vehicle Account—Federal | Appropriation |
| (\$7,567,000) | |
| <u>\$6,716,000</u> | |
| Motor Vehicle Account—Private/Local | Appropriation |
| (\$200,000) | |
| <u>\$201,000</u> | |
| TOTAL APPROPRIATION | \$14,957,000 |
| <u>\$13,711,000</u> | |

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 1009. 2016 c 14 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

| | |
|--|---------------|
| Puget Sound Capital Construction Account—State | Appropriation |
| (\$57,764,000) | |
| <u>\$57,037,000</u> | |
| Puget Sound Capital Construction Account—Federal | Appropriation |
| (\$153,647,000) | |
| <u>\$136,346,000</u> | |
| Puget Sound Capital Construction Account—Private/Local | Appropriation |
| \$3,730,000 | |
| Transportation 2003 Account (Nickel Account)—State | Appropriation |
| \$122,089,000 | |

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Connecting Washington Account—State Appropriation
 ((~~\$68,805,000~~))
\$72,689,000
 TOTAL APPROPRIATION \$406,035,000
\$391,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2016-2)) 2017-2 ALL PROJECTS as developed ((~~March 7, 2016~~)) April 5, 2017, Program - Washington State Ferries Capital Program (W).

(2) \$90,545,000 of the transportation 2003 account (nickel account)—state appropriation is provided solely for the acquisition of a 144-car vessel (L1000063). The department shall use as much already procured equipment as practicable on the 144-car vessels.

(3) ((~~\$46,989,000~~)) \$26,742,000 of the Puget Sound capital construction account—federal appropriation, ((~~\$2,000,000~~)) \$5,884,000 of the connecting Washington account—state appropriation, \$562,000 of the transportation 2003 account (nickel account)—state appropriation, and ((~~\$490,000~~)) \$491,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). It is the intent of the legislature, over the sixteen-year investment program, to provide ((~~\$155,000,000~~)) \$159,061,000 to complete the Mukilteo Terminal Replacement project (952515P). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section. To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal.

(4) \$7,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future terminal modifications.

(6) If the department pursues a conversion of the existing diesel powered Issaquah class fleet to a different fuel source or engine technology or the construction of a new vessel powered by a fuel source or engine technology that is not diesel powered, the department must use a design-build procurement process.

(7) Funding is included in the future biennia of the LEAP transportation document referenced in subsection (1) of this section for future vessel purchases. Given that the recent purchase of new vessels varies from the current long range plan, the department shall include in its updated long range plan revised estimates for new vessel costs, size, and purchase time frames. Additionally, the long range plan must include a vessel retirement schedule and associated reserve vessel policy recommendations.

(8) \$325,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ferry system to participate in the development of one account-based system for customers of both the ferry system and tolling system. The current Wave2Go ferry ticketing system is reaching the end of its useful life and the department is expected to develop a

replacement account-based system as part of the new tolling division customer service center toll collection system.

(9) Within existing resources, the department must evaluate the feasibility of utilizing the federal EB-5 immigrant investor program for financing the construction of a safety of life at sea (SOLAS) certificated vessel for the Anacortes-Sidney ferry route. The department must establish a group that includes, but is not limited to, the department of commerce and entities or individuals experienced with vessel engineering and EB-5 financing for assistance in evaluating the applicability of the EB-5 immigrant investor program. The department must deliver a report containing the results of the evaluation to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(10) It is the intent of the legislature, over the sixteen-year investment program, to provide ((~~\$316,000,000~~)) \$320,000,000 to complete the Seattle Terminal Replacement project (900010L), including: (a) Design work and selection of a preferred plan, (b) replacing timber pilings with pilings sufficient to support a selected terminal design, (c) replacing the timber portion of the dock with a new and reconfigured steel and concrete dock, and (d) other staging and construction work as the amount allows. These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(11) It is the intent of the legislature, over the sixteen-year new investment program, to provide \$122,000,000 in state funds to complete the acquisition of a fourth 144-car vessel (L2000109). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(12) \$300,000 of the Puget Sound capital construction account—state appropriation is provided solely to issue a request for proposals and purchase pilot program customer counting equipment. By June 30, 2017, the department must report to the governor and the transportation committees of the legislature on the most effective way to count ferry passengers.

(13) ((~~\$1,430,000~~)) \$1,255,000 of the Puget Sound capital construction account—federal appropriation and ((~~\$1,366,000~~)) \$889,000 of the Puget Sound capital construction—state appropriation are provided solely for installation of security access control and video monitoring systems, and for enhancing wireless network capacity to handle higher security usage, increase connectivity between vessels and land-based facilities, and isolate the security portion of the network from regular business (project 998925A).

(14) The transportation 2003 account (nickel account)—state appropriation includes up to ((~~\$4,131,000~~)) \$41,131,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

Sec. 1010. 2016 c 14 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State
 Appropriation \$1,459,000
 Transportation Infrastructure Account—State
 Appropriation \$7,154,000
 Multimodal Transportation Account—State
 Appropriation ((~~\$37,205,000~~))
\$31,320,000
 Multimodal Transportation Account—Federal
 Appropriation ((~~\$492,217,000~~))
\$491,591,000
 TOTAL APPROPRIATION \$538,035,000
\$531,524,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2016-2~~) 2017-2 ALL PROJECTS as developed ((~~March 7, 2016~~) April 5, 2017, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. For the 2015-2017 fiscal biennium, the department shall first award loans to 2015-2017 FRIB loan applicants in priority order, and then offer loans to 2015-2017 unsuccessful freight rail assistance program grant applicants, if eligible. If any funds remain in the FRIB program, the department may reopen the loan program and shall evaluate new applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3)(a) (~~(\$5,484,000)~~) \$5,354,000 of the multimodal transportation account—state appropriation, (~~(\$270,000)~~) \$345,000 of the essential rail assistance account—state appropriation, and (~~(\$455,000)~~) \$506,000 of the transportation infrastructure account—state appropriation are provided solely for (~~new~~) statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(b) Of the amounts provided in this subsection, \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(4) (~~(\$487,297,000)~~) \$487,163,000 of the multimodal transportation account—federal appropriation and (~~(\$13,679,000)~~) \$10,991,000 of the multimodal transportation account—state appropriation are provided solely for expenditures related to passenger high-speed rail grants. Except for the Mount Vernon project (P01101A), the multimodal transportation account—state funds reflect no more than one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement.

(5)(a) \$1,114,000 of the essential rail assistance account—state appropriation, \$766,000 of the multimodal transportation account—state appropriation, and \$68,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2016, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

Sec. 1011. 2016 c 14 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation
\$790,000

Highway Infrastructure Account—Federal
Appropriation \$503,000

Transportation Partnership Account—State
Appropriation (~~(\$4,054,000)~~)
\$2,911,000

Highway Safety Account—State Appropriation
(~~(\$11,647,000)~~)

\$9,259,000

Motor Vehicle Account—State Appropriation
(~~(\$1,271,000)~~)

\$1,171,000

Motor Vehicle Account—Federal Appropriation
(~~(\$28,043,000)~~)

\$17,571,000

Multimodal Transportation Account—State
Appropriation (~~(\$34,031,000)~~)

\$26,119,000

Connecting Washington Account—State Appropriation
(~~(\$47,669,000)~~)

\$27,069,000

TOTAL APPROPRIATION \$128,008,000

\$85,393,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2016-2~~) 2017-2 ALL PROJECTS as developed ((~~March 7, 2016~~) April 5, 2017, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (~~(\$20,653,000)~~) \$14,221,000 of the multimodal transportation account—state appropriation and (~~(\$3,579,000)~~) \$2,436,000 of the transportation partnership account—state appropriation are provided solely for pedestrian and bicycle safety program projects (project L2000188).

(b) (~~(\$11,400,000)~~) \$6,303,000 of the motor vehicle account—federal appropriation, (~~(\$1,750,000)~~) \$925,000 of the multimodal transportation account—state appropriation, and (~~(\$6,750,000)~~) \$4,690,000 of the highway safety account—state appropriation are provided solely for newly selected safe routes to school projects. (~~(\$8,782,000)~~) \$7,507,000 of the motor vehicle account—federal appropriation, (~~(\$124,000)~~) \$26,000 of the multimodal transportation account—state appropriation, and (~~(\$4,897,000)~~) \$4,569,000 of the highway safety account—state

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appropriation are reappropriated for safe routes to school projects selected in the previous biennia (project L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2015, and December 1, 2016, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the Edmonds waterfront at-grade train crossings alternatives analysis project (L2000135). The department shall work with the city of Edmonds and provide a preliminary report of key findings to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(5)(a) ~~(\$9,900,000)~~ \$9,343,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document ~~((2016-4 as developed March 7, 2016. Funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects and then to priority three projects. If a higher priority project is bypassed, it must be funded in the first round after the project is ready. If funds become available as a result of projects being removed from this list or completed under budget, the department may submit additional bicycle and pedestrian safety projects for consideration by the legislature. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed bicycle and pedestrian projects that have been funded and projects that have been bypassed, including an estimated time frame for when the project will be funded.~~

(b) ~~Within existing resources, the local programs division must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016) referenced in subsection (1) of this section.~~

TRANSFERS AND DISTRIBUTIONS

Sec. 1101. 2016 c 14 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State
Appropriation \$3,610,000
Highway Bond Retirement Account—State

Appropriation ~~(((\$1,176,906,000))~~
\$1,173,441,000
Ferry Bond Retirement Account—State Appropriation
~~(((\$29,230,000))~~
\$29,231,000
Transportation Improvement Board Bond Retirement
Account—State Appropriation ~~(((\$16,129,000))~~
\$16,080,000
State Route Number 520 Corridor Account—State
Appropriation \$559,000
Nondebt-Limit Reimbursable Bond Retirement Account—
State Appropriation ~~(((\$25,837,000))~~
\$25,332,000
Toll Facility Bond Retirement Account—State
Appropriation ~~(((\$72,880,000))~~
\$67,850,000
Motor Vehicle Account—State Appropriation
\$2,500,000
Transportation 2003 Account (Nickel Account)—State
Appropriation \$477,000
TOTAL APPROPRIATION \$1,328,128,000
\$1,319,080,000

The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the motor vehicle account—state appropriation is provided solely for debt service payment and withholding for the Tacoma Narrows bridge, with the intent of forestalling the need for the Washington state transportation commission to raise toll rates for the Tacoma Narrows bridge for fiscal year 2017.

Sec. 1102. 2016 c 14 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State
Appropriation \$697,000
Transportation 2003 Account (Nickel Account)—State
Appropriation \$87,000
State Route Number 520 Corridor Account—State
Appropriation \$134,000
TOTAL APPROPRIATION \$784,000
\$918,000

Sec. 1103. 2016 c 14 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal
Appropriation ~~(((\$200,215,000))~~
\$200,216,000
~~((Toll Facility Bond Retirement Account—State—
Appropriation \$12,009,000~~
~~TOTAL APPROPRIATION—\$212,224,000~~

Sec. 1104. 2016 c 14 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation: For
motor vehicle fuel tax distributions to cities
and counties ~~(((\$497,071,000))~~
\$496,685,000

Sec. 1105. 2016 c 14 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers ~~(((\$1,831,879,000))~~
\$1,856,065,000

Sec. 1106. 2016 c 14 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers ~~(((\$182,730,000))~~
\$184,758,000

Sec. 1107. 2016 c 14 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

- (1) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000
- (2) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$12,000,000
- (3) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State ~~(((\$1,631,000))~~
\$1,630,000
- (4) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$20,000,000
- (5) Highway Safety Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000
- (6) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000
- (7) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$18,000,000
- (8) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000,
- (9) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000
- (10) State Patrol Highway Account—State Appropriation: For transfer to the Connecting Washington Account—State \$9,690,000
- (11) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State \$4,998,000
- (12) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State \$25,781,000
- (13) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Connecting Washington Account—State \$596,000
- (14) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Connecting Washington Account—State \$2,270,000
- (15) Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$5,000,000

- (16) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State \$1,922,000
- (17) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State \$2,188,000
- (18) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State \$1,094,000
- (19) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$1,094,000
- (20) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$1,922,000
- (21) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$6,250,000
- (22) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$3,438,000
- (23) Multimodal Transportation Account—State Appropriation: For transfer to the Electric Vehicle Charging Infrastructure Account—State \$1,000,000
- (24) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$59,000,000
- (25) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State \$8,000,000
- (26) Multimodal Transportation Account—State Appropriation: For transfer to the Aeronautics Account—State ~~(((\$250,000))~~
\$550,000

MISCELLANEOUS 2015-2017 FISCAL BIENNIUM

NEW SECTION. Sec. 1201. A new section is added to 2016 c 14 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 14, Laws of 2016 and this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2017, unless specifically prohibited, the department may transfer state appropriations for the 2015-2017 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature before approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

MISCELLANEOUS

NEW SECTION. Sec. 1301. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1302. Except for sections 703 and 704 of this act, this act is necessary for the immediate preservation

EIGHTY EIGHTH DAY, APRIL 6, 2017

2017 REGULAR SESSION

of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1303. Section 703 of this act takes effect if chapter . . . (Senate Bill No. 5307), Laws of 2017 is enacted by June 30, 2017.

NEW SECTION. Sec. 1304. Section 704 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.642, 46.61.5054, 46.68.030, 46.68.060, 46.68.280, 46.68.290, 46.68.325, 46.68.370, 47.29.170, 47.56.403, 47.56.876, 47.60.530, and 81.53.281; amending 2016 c 14 ss 102-104, 201-223, 301-311, 401-404, and 406-408 (uncodified); adding a new section to 2016 c 14 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; providing an effective date; providing a contingent effective date; and declaring an emergency."

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, the following floor amendment no. 207 by Senators O'Ban and Rossi on page 11, line 32 to floor striking amendment no. 191 was withdrawn.

On page 11, after line 32 of the amendment, insert the following:

"(14) \$91,279,000 of the motor vehicle account—state appropriation and \$2,048,000 of the motor vehicle account—private/local appropriation are provided solely for motor vehicle-related activities, including the collection of motor vehicle excise taxes for a regional transit authority, and related call center support staff. Important reforms related to the collection of motor vehicle excise taxes for a regional transit authority are included in chapter . . . (Senate Bill No. 5893), Laws of 2017 (regional transit authority motor vehicle excise tax administration) affecting the department's workload and interaction with millions of vehicle owners. Therefore, if chapter . . . (Senate Bill No. 5893), Laws of 2017 is not enacted by June 30, 2017, the department may not contract with a regional transit authority to collect any motor vehicle excise taxes."

MOTION

Senator Liias moved that the following floor amendment no. 197 by Senator Liias be adopted:

On page 28, line 17 of the amendment, strike "\$79,846,000" and insert "\$80,346,000"

On page 28, line 20 of the amendment, strike "\$79,892,000" and insert "\$80,392,000"

On page 28, after line 20 of the amendment, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the multimodal transportation account—state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. The department may use the unanticipated receipt process to accept local contributions for this study. For purposes of this section, "ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-

speed ground transportation along a north-south alignment in Washington state. The study must provide:

(1) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

(2) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California; and

(3) An analysis of the following key elements:

(a) Economic feasibility;

(b) Forecasted demand;

(c) Corridor identification;

(d) Land use and economic development and environmental implications;

(e) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

(f) Technological options for ultra high-speed ground transportation, both foreign and domestic;

(g) Required specifications for speed, safety, access, and frequency;

(h) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

(i) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

(j) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017."

Senator Liias spoke in favor of adoption of the amendment to the striking amendment.

Senator King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 197 by Senator Liias on page 28, line 17 to floor striking amendment no. 191.

The motion by Senator Liias did not carry and floor amendment no. 197 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 227 by Senator O'Ban be adopted:

On page 31, line 4 of the amendment, strike "\$570,992,000" and insert "\$510,992,000"

On page 31, line 19 of the amendment, strike "\$2,222,505,000" and insert "\$2,162,505,000"

On page 32, line 23 of the amendment, after "(8)" strike "\$159,407,000" and insert "\$99,407,000"

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban and without objection, the following floor amendment no. 227 by Senator O'Ban on page 31, line 4 to floor striking amendment no. 191 was withdrawn.

On page 31, line 4 of the amendment, strike "\$570,992,000" and insert "\$510,992,000"

On page 31, line 19 of the amendment, strike "\$2,222,505,000" and insert "\$2,162,505,000"

On page 32, line 23 of the amendment, after "(8)" strike "\$159,407,000" and insert "\$99,407,000"

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser and without objection, the following floor amendment no. 219 by Senator Keiser on page 34, line 28 to floor striking amendment no. 191 was withdrawn.

On page 34, line 28 of the amendment, after "(20)" insert "(a)"
On page 34, after line 37 of the amendment, insert the following:

"(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. Negotiations must also include consideration of lost local property tax value from land no longer needed but held over time by the department for extensions of these roadways as counting toward local matching funds. The memorandum of understanding must be finalized by January 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of local match funding."

WITHDRAWAL OF AMENDMENT

On motion of Senator McCoy and without objection, the following floor amendment no. 194 by Senator McCoy on page 37, line 3 to floor striking amendment no. 191 was withdrawn.

On page 37, after line 3 of the amendment, insert the following:
"(29) It is the intent of the legislature that \$2,000,000 of connecting Washington account—state funds in the 2023-2025 fiscal biennium, \$8,900,000 of connecting Washington account—state funds in the 2025-2027 fiscal biennium, and \$10,200,000 of connecting Washington account—state funds in the 2027-2029 fiscal biennium for the I-5/Slater Road Interchange - Improvements project (L1000099) be moved to the 2019-2021, 2021-2023, and 2023-2025 fiscal biennia, respectively, as originally scheduled in the connecting Washington package of 2015 (chapter 43, Laws of 2015 3rd sp. sess.)."

MOTION

Senator Ericksen moved that the following floor amendment no. 198 by Senator Ericksen be adopted:

On page 37, after line 3 of the amendment, insert the following:
"(29) It is the intent of the legislature that the funding for the I-5/Slater Road Interchange - Improvements project (L1000099) be moved to a new I-5/Exit 274 Interchange project in Blaine, and changed accordingly on the list referenced in subsection (1) of this section. This new project would create a new southbound off-ramp on Interstate 5 at exit 274 onto Peace Portal Drive and a direct northbound connection to Blaine's industrial area from the existing northbound off-ramp by reconfiguring it to tie into Odell Street. It is further the intent of the legislature that \$2,000,000 of connecting Washington account—state funds in the 2023-2025

fiscal biennium, \$8,900,000 of connecting Washington account—state funds in the 2025-2027 fiscal biennium, and \$10,200,000 of connecting Washington account—state funds in the 2027-2029 fiscal biennium for the new I-5/Exit 274 Interchange project be moved to the 2019-2021, 2021-2023, and 2023-2025 fiscal biennia, respectively, as originally scheduled in the connecting Washington package of 2015 (chapter 43, Laws of 2015 3rd sp. sess.), for the I-5/Slater Road Interchange - Improvements project which it is replacing."

Senators Ericksen and King spoke in favor of adoption of the amendment to the striking amendment.

Senator Hobbs spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 198 by Senator Ericksen on page 37, line 3 to floor striking amendment no. 191.

The motion by Senator Ericksen carried and floor amendment no. 198 was adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 206 by Senator Fortunato be adopted:

On page 37, after line 3 of the amendment, insert the following:
"(29) Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle."

Senators Fortunato, King and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 206 by Senator Fortunato on page 37, line 3 to floor striking amendment no. 191.

The motion by Senator Fortunato carried and floor amendment no. 206 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 208 by Senators Padden and Baumgartner be adopted:

On page 45, line 3 of the amendment, strike "\$13,300,000" and insert "\$14,800,000"

On page 45, line 9 of the amendment, strike "\$268,090,000" and insert "\$269,590,000"

On page 47, after line 21 of the amendment, insert the following:

"(10) It is the intent of the legislature that \$1,500,000 of the motor vehicle account—state appropriation be provided solely for the Spokane Valley Barker/Trent Grade Separation project and that this project be added to the list identified in subsection (1) of this section."

Senators Padden and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 208 by Senators Padden and Baumgartner on page 45, line 3 to floor striking amendment no. 191.

The motion by Senator Padden carried and floor amendment no. 208 was adopted by voice vote.

Senator McCoy moved that the following floor amendment no. 218 by Senator McCoy be adopted:

On page 49, after line 21 of the amendment, insert the following:

"NEW SECTION. Sec. 315. PROJECT ADJUSTMENTS

Any adjustments to LEAP Transportation Document 2017-1 as developed April 5, 2017, shall not occur until after the adjournment of the next regular legislative session."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator McCoy spoke in favor of adoption of the amendment to the striking amendment.

Senator King spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 218 by Senator McCoy on page 49, line 21 to floor striking amendment no. 191.

The motion by Senator McCoy did not carry and floor amendment no. 218 was not adopted by voice vote.

MOTION

Senator Hobbs moved that the following floor amendment no. 215 by Senators Hobbs and King be adopted:

On page 133, after line 6 of the amendment, insert the following:

"(15) The department shall submit a cost estimate to procure a fifth 144-car vessel to the governor and the transportation committees of the legislature by June 30, 2017. The estimate must include, but is not limited to, construction costs, estimated operating costs, and any potential savings from replacing a currently operating vessel with a fifth 144-car vessel."

Senators Hobbs and King spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 215 by Senators Hobbs and King on page 133, line 6 to floor striking amendment no. 191.

The motion by Senator Hobbs carried and floor amendment no. 215 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 191 by Senators King and Hobbs as amended to Senate Bill No. 5096.

The motion by Senator King carried and floor striking amendment no. 191 as amended was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Hobbs, Erickson and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5096.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5096 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: "Well I would be remiss if I didn't thank all those involved with this budget. No one does this by themselves to say the least. And a great thank you to Senator Hobbs and Senator Sheldon and also to Senator Liias. We worked very hard and we worked very diligently and I would say all of us listened and all of us tried to find good honest solutions that kept moving this state forward. And that was our goal and I think this budget did it. I thank the body for their unanimous vote. And then I need to thank the staff who were out there, I don't know if they still are or not. Knowing them they probably wouldn't come out even if I went over there and begged them to do it. They are an amazing group of people. Hannah McCarty from the partisan staff, and Jackson Maynard. And then the nonpartisan staff, I can't thank them all enough for the job that they do and how they do it. They put up with a lot of questions. I know how many questions they got from me and I can imagine what it was like dealing with everyone else as we put this budget together. But they are an amazing group of people and I can't thank them enough for all their efforts. So thank you Mr. President and thank you to this body."

REMARKS BY THE PRESIDENT

President Habib: "And whether they are in the wings or watching on TVW or hopefully not and watching tomorrow, why don't we give a round of applause to the hard-working staff that put this budget together."

The Senate rose and recognized the work the staff of the Committee on Transportation and caucuses.

SECOND READING

SENATE BILL NO. 5819, by Senators King and Hobbs

Concerning the board of pilotage commissioners.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5819 was substituted for Senate Bill No. 5819 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following floor amendment no. 131 by Senator King be adopted:

On page 2, line 37, after "(ii)" insert "Until July 1, 2023, impose on vessels requiring pilotage a sixteen dollar per pilotage assignment self-insurance premium surcharge, to be deposited into the pilotage account created in RCW 88.16.061 solely for the expenditure of self-insurance premiums;

(iii)"

On page 2, line 37, after "first" strike "one million" and insert "four hundred thousand"

The President declared the question before the Senate to be the adoption of floor amendment no. 131 by Senator King on page 2, line 37 to Substitute Senate Bill No. 5819.

The motion by Senator King carried and floor amendment no. 131 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

Senators Van De Wege, Chase and Conway spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5819.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Bailey, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:
The Speaker has signed:

HOUSE BILL NO. 1001,
SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1027,
SUBSTITUTE HOUSE BILL NO. 1036,

SUBSTITUTE HOUSE BILL NO. 1176,
SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1199,
SUBSTITUTE HOUSE BILL NO. 1235,
ENGROSSED HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1257,
HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1320,
HOUSE BILL NO. 1329,
SUBSTITUTE HOUSE BILL NO. 1369,
HOUSE BILL NO. 1400,
HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1420,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489,
SUBSTITUTE HOUSE BILL NO. 1515,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1531,
HOUSE BILL NO. 1593,
HOUSE BILL NO. 1615,
HOUSE BILL NO. 1616,
HOUSE BILL NO. 1629,
ENGROSSED HOUSE BILL NO. 1654,
HOUSE BILL NO. 1722,
HOUSE BILL NO. 1732,
HOUSE BILL NO. 1734,
SUBSTITUTE HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 1765,
HOUSE BILL NO. 1832,
SUBSTITUTE HOUSE BILL NO. 1905,
ENGROSSED HOUSE BILL NO. 2073,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 6, 2017

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 5382,
SUBSTITUTE SENATE BILL NO. 5481,
SENATE BILL NO. 5543,
SUBSTITUTE SENATE BILL NO. 5573,
SENATE BILL NO. 5649,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5751,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 6, 2017

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 5122,
SENATE BILL NO. 5125,
SENATE BILL NO. 5129,
SENATE BILL NO. 5144,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,
SENATE BILL NO. 5270,
SUBSTITUTE SENATE BILL NO. 5277,
SENATE BILL NO. 5306,
SUBSTITUTE SENATE BILL NO. 5356,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SENATE BILL NO. 5595,
SENATE BILL NO. 5631,
SUBSTITUTE SENATE BILL NO. 5675,
ENGROSSED SENATE BILL NO. 5761,
SENATE BILL NO. 5813,

EIGHTY EIGHTH DAY, APRIL 6, 2017
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- HOUSE BILL NO. 1001,
- SUBSTITUTE HOUSE BILL NO. 1010,
- SUBSTITUTE HOUSE BILL NO. 1027,
- SUBSTITUTE HOUSE BILL NO. 1036,
- SUBSTITUTE HOUSE BILL NO. 1176,
- SUBSTITUTE HOUSE BILL NO. 1189,
- SUBSTITUTE HOUSE BILL NO. 1199,
- SUBSTITUTE HOUSE BILL NO. 1235,
- ENGROSSED HOUSE BILL NO. 1248,
- SUBSTITUTE HOUSE BILL NO. 1257,
- HOUSE BILL NO. 1283,
- SUBSTITUTE HOUSE BILL NO. 1320,
- HOUSE BILL NO. 1329,
- SUBSTITUTE HOUSE BILL NO. 1369,
- HOUSE BILL NO. 1400,
- HOUSE BILL NO. 1401,
- SUBSTITUTE HOUSE BILL NO. 1411,
- SUBSTITUTE HOUSE BILL NO. 1420,

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1489,
- SUBSTITUTE HOUSE BILL NO. 1515,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1531,
- HOUSE BILL NO. 1593,
- HOUSE BILL NO. 1615,
- HOUSE BILL NO. 1616,
- HOUSE BILL NO. 1629,
- ENGROSSED HOUSE BILL NO. 1654,
- HOUSE BILL NO. 1722,
- HOUSE BILL NO. 1732,
- HOUSE BILL NO. 1734,
- SUBSTITUTE HOUSE BILL NO. 1755,
- SUBSTITUTE HOUSE BILL NO. 1765,
- HOUSE BILL NO. 1832,
- SUBSTITUTE HOUSE BILL NO. 1905,
- ENGROSSED HOUSE BILL NO. 2073.

MOTION

At 6:26 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, April 7, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, April 7, 2017

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

At 10:03 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:23 a.m. by President Habib.

The Washington National Guard Color Guard, presented the Colors. The 133rd Army National Guard Band performed the National Anthem. The prayer was offered by Captain Carle Steele of the Washington National Guard.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 6, 2017
SGA 9075 LORI M RAMSDELL, appointed on March 17, 2015, for the term ending April 15, 2020, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

April 6, 2017
SGA 9093 JEFF A PATNODE, appointed on November 16, 2015, for the term ending April 15, 2019, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

April 6, 2017
SGA 9181 TANA WOOD, appointed on June 27, 2016, for the term ending April 15, 2021, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

April 6, 2017
SGA 9259 KECIA L RONGEN, reappointed on March 30, 2017, for the term ending April 15, 2022, as Member of the Indeterminate Sentence Review Board. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Pedersen, Ranking Minority Member; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2017
MR. PRESIDENT:
The House has passed:
ENGROSSED HOUSE BILL NO. 1032,
and the same is herewith transmitted.
NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5921 by Senators O'Ban and Zeiger
AN ACT Relating to clarifying that a city or town is prohibited from using electric rates to subsidize telecommunication services; amending RCW 35.92.050; and making an appropriation.

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Referred to Committee on Energy, Environment & Telecommunications.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION
8650

By Senators Hobbs, Rivers, Hawkins, Hasegawa, Hunt, Darneille, Bailey, Walsh, Palumbo, Conway, Rossi, Zeiger, O'Ban, Baumgartner, Warnick, Ranker, Nelson, Keiser, Honeyford, Ericksen, Sheldon, King, Miloscia, Saldaña, Chase, Carlyle, Padden, McCoy, Angel, Billig, Lias, Fain, Pedersen, Schoesler, Brown, Short, Mullet, Frockt, Becker, Rolfes, Fortunato, Kuderer, Wilson, Van De Wege, Takko, Cleveland, Wellman, and Pearson

WHEREAS, More than eight thousand men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, voluntarily serve and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts to protect lives and property, and recently mobilized more than 40 soldiers and airmen to respond to flooding in eastern Washington; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security, including cyber threats; and

WHEREAS, The Guard continues to improve the lives of Washington's young adults, many on the brink of dropping out of school, through its Washington Youth Academy; and

WHEREAS, The Guard adds value to communities by opening its Readiness Centers for community and youth activities, and uses these facilities to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Washington National Guard soldiers and airmen continue to provide critical support to federal missions around the world and are willing to make the ultimate sacrifice to protect our freedoms and enhance our safety, including Sergeant First Class Matthew McClintock, First Lieutenant David Bauders, and Lieutenant Colonel Flando Jackson who made the ultimate sacrifice for our country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the Readiness Centers and Armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senators Hobbs, Zeiger and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8650.

The motion by Senator Hobbs carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington National Guard who were seated in the gallery.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Maycumber, Dent, Blake, Kretz, Dye and Manweller)

Addressing homelessness in wildfire areas.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1305.** A new section is added to chapter 43.30 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, in order to prevent homelessness in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or less, the department shall, to strengthen the local capacity for controlling risk to life and property that may result from wildfires, administer to these counties, funding for radio communication equipment; and fire protection service providers within these counties to provide residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation and other residential risk reduction measures. For the purposes of this section, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service

authorities. The department must prioritize funding to counties authorized in this section serving a disproportionately higher percentage of low-income residents, as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources.

Sec. 1306. RCW 76.04.135 and 2012 c 38 s 2 are each amended to read as follows:

(1) For the purpose of promoting and facilitating cooperation among fire protection agencies, including the department, and between the department and other agencies that manage lands owned by the state, and to more adequately protect life, property, and the natural resources of the state, the department may enter into a contract or agreement with a municipality, county, state, or federal agency to provide fire detection, prevention, presuppression, or suppression services on property which they are responsible to protect or manage.

(2) Contracts or agreements under subsection (1) of this section may contain provisions for the exchange of services on a cooperative basis or services in return for cash payment or other compensation.

(3) No charges may be made when the department determines that under a cooperative contract or agreement the assistance received from a municipality, county, or federal agency on state protected lands equals that provided by the state on municipal, county, or federal lands.

(4) The department may transfer ownership of depreciated firefighting vehicles and related equipment upon terms subject to mutual agreement to local fire districts in wildfire prone areas in all areas of the state, as determined by the department, and where the median household income is below the state average. These vehicle and equipment transfers are exempt from the requirements in RCW 43.19.191(1). The department must notify the chairs and ranking members of the legislative committees with jurisdiction regarding these transfers at least ten days prior to transfer of the equipment.

NEW SECTION. **Sec. 1307.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 76.04.135; adding a new section to chapter 43.30 RCW; and declaring an emergency."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2010.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 2010 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2010 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2010 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Saldaña, Senator Ranker was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1944, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Condotta and Hayes)

Exempting certain law enforcement officers from the hunter education training program.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1308.** RCW 77.32.155 and 2013 c 23 s 243 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sporting/hunting behavior. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.

(b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sporting/hunting behavior and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt ~~((members of the United States military))~~ the following individuals from the firearms skills portion of any instruction course completed over the internet:

(A) Members of the United States military;

(B) Current or retired general authority Washington peace officers as defined in RCW 10.93.020;

(C) Current or retired limited authority Washington peace officers as defined in RCW 10.93.020, if the officer is or was duly authorized by his or her employer to carry a concealed pistol;

(D) Current or retired specially commissioned Washington peace officers as defined in RCW 10.93.020, if the officer is or

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was duly authorized by his or her commissioning agency to carry a concealed pistol; and

(E) Current or retired Washington peace officers as defined in RCW 43.101.010 who have met the requirements of RCW 43.101.095 or 43.101.157 and whose certification is in good standing or has not been revoked.

(ii) The director may cooperate with the national rifle association, organized sports/outdoor enthusiasts' groups, or other public or private organizations when establishing the training program.

(c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

(2)(a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior three years and is over eighteen years of age. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

(3) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 77.32.155."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Substitute House Bill No. 1944.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1944 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1944 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1944 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1944, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1794, by Representatives Klippert and Jinkins

Concerning the death investigations account.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1794.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1794 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600, by House Committee on Appropriations (originally sponsored by Representatives Santos, Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton)

Increasing the career and college readiness of public school students.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1309. A new section is added to chapter 28C.18 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the board shall convene a work-integrated learning advisory committee.

(2) The purpose of the advisory committee is to provide advice to the legislature and the education and workforce sectors on creating opportunities for students to:

(a) Explore and understand a wide range of career-related opportunities through applied learning;

(b) Engage with industry mentors; and

(c) Plan for career and college success.

(3) The committee shall:

(a) Review and evaluate existing opportunities for students to:

(i) Engage in work-based academic programs with public and private sector employers, such as internships, externships, and apprenticeships; and

(ii) Participate in school district or school programs developed in collaboration with students and parents or guardians, local employers, community members, apprenticeship programs, and the office of the superintendent of public instruction, that reflect local circumstances, including local industries, employers, and labor markets;

(b) Review and evaluate existing instructional programs of schools that implement work-integrated learning, including the following:

(i) The academic curricula used in work-integrated and career-contextualized experiences;

(ii) The use of external mentors for participating students in a work-integrated program;

(iii) How the work-integrated learning program complies with the twenty-four credit graduation requirements established by the state board of education;

(iv) The numeric and other data summarizing the impacts of the work-integrated learning programs on in-school progress, high school graduation rates, state test scores, and other indicators of career and college readiness, both overall and in reducing opportunity gaps; and the effects on community partnerships, including partnerships with local employers and industries;

(c) Analyze barriers to statewide adoption of work-integrated and career-related learning opportunities and instructional programs;

(d) Advise the superintendent of public instruction and the board on the development and implementation of work-integrated instructional programs;

(e) Recommend policies to implement work-integrated and career-related strategies that increase college and career readiness of students statewide. Policies recommended under this subsection (3)(e) may include, but are not limited to, policies related to aligning career and technical education programs with statewide and local industry projections and career cluster needs evidenced through economic development data and appropriate longitudinal data;

(f) Consult with individuals from the public and private sectors with expertise in career and technical education and work-

integrated training, including representatives of labor unions, professional technical organizations, and business and industry;

(g) Create a framework for the development and replication of successful work-integrated learning programs throughout the state;

(h) Recommend best practices for partnering with industry and the local communities to create opportunities for applied learning through internships, externships, apprenticeships, and mentorships; and

(i) Recommend best practices for linking high school and beyond plans with work-integrated and career-related learning opportunities, and increasing college readiness.

(4) The committee must, at a minimum, be composed of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the majority and minority leaders of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The superintendent of public instruction or the superintendent's designee;

(d) One educator representing the K-12 career and technical education sector, appointed by the superintendent of public instruction, as determined from recommendations of the association for career and technical education;

(e) One school counselor appointed by the superintendent of public instruction, as determined from recommendations of the school counselor association;

(f) One educator representing the community and technical colleges, appointed by the state board for community and technical colleges;

(g) One member of the governor's office specializing in career and technical education and workforce needs, appointed by the governor;

(h) One member of the workforce training and education coordinating board;

(i) One or more members from employers representing manufacturing and industry, as determined by the committee; and

(j) Other members with specialized expertise, as determined by the committee.

(5) The chair or cochair of the committee must be selected by the members of the committee.

(6) Staff support for the committee must be provided by the board.

(7) The committee shall report its findings and recommendations to the superintendent of public instruction, the state board for community and technical colleges, the state board of education, and, in accordance with RCW 43.01.036, the education committees and economic development committees of the house of representatives and the senate by July 1, 2021.

(8) Schools and school districts shall provide data and information as requested by the board and the office of the superintendent of public instruction for the purposes of this section.

(9) This section expires September 1, 2021.

NEW SECTION. Sec. 1310. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "adding a new section to chapter 28C.18 RCW; creating a new section; and providing an expiration date."

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1600.

The motion by Senator Zeiger carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1600 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1600 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1600 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1120, by House Committee on Appropriations (originally sponsored by Representatives Smith, Morris, Short, Hayes, Stanford, Koster, Van Werven, McDonald, MacEwen, Muri, Haler, Ryu, Condotta and Buys)

Concerning the regulatory fairness act.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Second Substitute House Bill No. 1120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1120.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1120 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 1120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2052, by Representative Buys

Concerning recertification of public bodies using alternative contracting methods.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 2052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2052.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2052 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 2052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1018, by Representatives Dent, Gregerson, Hargrove, Tarleton, Pike and Klippert

Modifying the maximum amount for grants provided to airports and air navigation facilities.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1018.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1018 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:19 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

 AFTERNOON SESSION

The Senate was called to order at 2:15 p.m. by President Habib.

SECOND READING

HOUSE BILL NO. 1071, by Representatives Kirby and Vick

Repealing an expiration date for legislation enacted in 2015 regarding pawnbroker fees and interest rates.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, House Bill No. 1071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1071.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1071 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Frockt

HOUSE BILL NO. 1071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481, by House Committee on Transportation (originally sponsored by Representatives Hayes and Bergquist)

Creating uniformity in driver training education provided by school districts and commercial driver training schools.

The measure was read the second time.

MOTION

On motion of Senator Saldaña, Senators Frockt and Ranker were excused.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1311. The legislature finds that there is a need to establish consistency in the quality of driver training education in this state to reduce the number of young driver accidents that are prematurely killing our youth. The traffic safety commission reports that out of two hundred forty-five fatalities in the first half of 2016, thirty-one involved young drivers aged sixteen to twenty-five. The intent of this act is to require driver training education curriculum to be developed and maintained jointly by the office of the superintendent of public instruction and the department of licensing. The legislature also finds that there is a need to audit driver training education courses; therefore, the intent of this act is also to provide the department of licensing with resources and authority to audit all driver training education courses, in consultation with the superintendent of public instruction for driver training education courses offered by school districts.

Sec. 1312. RCW 28A.220.020 and 1990 c 33 s 218 are each amended to read as follows:

((The following words and phrases whenever used in chapter 28A.220 RCW shall have the following meaning*)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Superintendent" or "state superintendent" ~~((shall))~~ means the superintendent of public instruction.

(2) ~~"((Traffic safety)) Driver training education course" ((shall)) means ((an accredited)) a course of instruction in traffic safety education ((which shall consist of two phases, classroom instruction, and laboratory experience. "Laboratory experience" shall include on street, driving range, or simulator experience or~~

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~~some combination thereof. Each phase shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be) (a) offered as part of a traffic safety education program authorized by the superintendent of public instruction and certified by the department of licensing and (b) taught by a qualified teacher of ((traffic safety)) driver training education that consists of classroom and behind-the-wheel instruction using curriculum that meets joint superintendent of public instruction and department of licensing standards and the course requirements established by the superintendent of public instruction under RCW 28A.220.030. Behind-the-wheel instruction is characterized by driving experience. ((Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.))~~

(3) "Qualified teacher of ~~((traffic safety)) driver training education~~" ~~((shall))~~ means an instructor ~~((certificated under the provisions of chapter 28A.410 RCW and certified by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent. PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of licensing)) who:~~

~~(a) Is certificated under chapter 28A.410 RCW and has obtained a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction or is certificated by the superintendent of public instruction to teach a driver training education course; or~~

~~(b) Is an instructor provided by a driver training school that has contracted with a school district's or districts' board of directors under RCW 28A.220.030(3) to teach driver education for the school district.~~

~~(4) (("Realistic level of effort")) "Appropriate course delivery standards" means the classroom and ~~((laboratory)) behind-the-wheel~~ student learning experiences considered acceptable to the superintendent of public instruction under RCW 28A.220.030 that must be satisfactorily accomplished by the student in order to successfully complete the ~~((traffic safety)) driver training education course.~~~~

~~(5) "Approved private school" means a private school approved by the board of education under chapter 28A.195 RCW.~~

~~(6) "Director" means the director of the department of licensing.~~

~~(7) "Traffic safety education program" means the administration and provision of driver training education courses offered by secondary schools of a school district or vocational-technical schools that are conducted by such schools in a like manner to their other regular courses.~~

Sec. 1313. RCW 28A.220.030 and 2011 c 370 s 2 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define ~~((a "realistic level of effort"))~~ appropriate course delivery standards required to provide an effective ~~((traffic safety))~~ driver training education course, establish a level of driving competency required of each student to successfully

complete the course, and ensure that an effective statewide program is implemented and sustained~~((s));~~ administer, supervise, and develop the traffic safety education program; and ~~((shall))~~ assist local school districts and approved private schools in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules ~~((and regulations))~~ governing the operation and scope of the traffic safety education program; and each school district and approved private school shall submit a report to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2)(a) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, or any approved private school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education ~~((course))~~ program.

(b) Any school district or approved private school that offers a driver training education course must certify to the department of licensing that it is operating a traffic safety education program, that the driver training education course follows the curriculum promulgated by the office of the superintendent of public instruction and the department of licensing, that it meets the course delivery standards promulgated by the office of the superintendent of public instruction, that a record retention policy is in place to meet the requirements of subsection (5) of this section, and that the school district or approved private school has verified that all instructors are authorized by the office of the superintendent of public instruction to teach a driver training education course.

(c) Any portion of a driver training education course offered by a school district may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school district. If a school district elects to offer a ~~((traffic safety))~~ driver training education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one ~~((class in traffic safety education shall))~~ driver training education course must be given at times other than regular school hours if there is sufficient demand ~~((therefor))~~ for it.

(3)(a) A qualified teacher of driver training education must be certificated under chapter 28A.410 RCW and obtain a traffic safety endorsement or a letter of approval to teach traffic safety education from the superintendent of public instruction to teach either the classroom instruction or the behind-the-wheel instruction portion of the driver training education course, or both, under rules adopted by the superintendent. The classroom or behind-the-wheel instruction portion of the driver training education course may also be taught by instructors certificated under rules adopted by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under chapter 28A.410 RCW.

(b) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for qualified teachers of driver training education.

(4) The board of directors of a school district, or combination of school districts, may contract with any ~~((drivers'))~~ driver training school licensed under ~~((the provisions of))~~ chapter 46.82 RCW to teach the ~~((laboratory phase))~~ behind-the-wheel instruction portion of the ~~((traffic safety))~~ driver training education course. Instructors provided by any such contracting ~~((drivers'))~~ driver training school must be properly qualified teachers of ~~((traffic safety))~~ driver training education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

~~((4)) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.~~)

(5) Each school district or approved private school offering a traffic safety education program must maintain: (a) Documentation of each instructor's name and address and that establishes the instructor as a qualified teacher of driver training education as defined in RCW 28A.220.020; and (b) student records that include the student's name, address, and telephone number, the date of enrollment and all dates of instruction, the student's driver's instruction permit or driver's license number, the type of training received, the total number of hours of instruction, and the name of the instructor or instructors. These records must be maintained for three years following the completion of the instruction and are subject to inspection upon request of the department of licensing or the office of the superintendent of public instruction. The superintendent may adopt rules regarding the retention of additional documents that are subject to inspection by the department of licensing or the office of the superintendent of public instruction.

(6) A driver training education course may not be offered by a school district or an approved private school to a student who is under the age of fifteen, and behind-the-wheel instruction may not be given by an instructor to a student in a motor vehicle unless the student possesses either a current and valid driver's instruction permit issued under RCW 46.20.055 or a current and valid driver's license.

(7) School districts that offer a ~~((traffic safety))~~ driver training education ((program)) course under this chapter may administer the portions of the driver licensing examination that test the applicant's knowledge of traffic laws and ability to safely operate a motor vehicle as authorized under RCW 46.20.120(7). The superintendent shall work with the department of licensing, in consultation with school districts that offer a traffic safety education program, to develop standards and requirements for administering each portion of the driver licensing examination that are comparable to the standards and requirements for driver training schools under RCW 46.82.450.

~~((6))~~ (8) Before a school district may provide a portion of the driver licensing examination, the school district must, after consultation with the superintendent, enter into an agreement with the department of licensing that sets forth an accountability and audit process that takes into account the unique nature of school district facilities and school hours and, at a minimum, contains provisions that:

(a) Allow the department of licensing to conduct random examinations, inspections, and audits without prior notice;

(b) Allow the department of licensing to conduct on-site inspections at least annually;

(c) Allow the department of licensing to test, at least annually, a random sample of the drivers approved by the school district for licensure and to cancel any driver's license that may have been issued to any driver selected for testing who refuses to be tested; and

(d) Reserve to the department of licensing the right to take prompt and appropriate action against a school district that fails to comply with state or federal standards for a driver licensing examination or to comply with any terms of the agreement.

NEW SECTION. Sec. 1314. A new section is added to chapter 28A.220 RCW to read as follows:

The office of the superintendent of public instruction and the department of licensing shall jointly develop and maintain a required curriculum for school districts and approved private schools operating a traffic safety education program. The jointly developed curriculum must be prepared by August 1, 2018. The

curriculum and instructional materials must comply with the course content requirements of RCW 46.82.420(2) and 46.82.430. In developing the curriculum, the office of the superintendent of public instruction and the department of licensing shall consult with one or more of Central Washington University's traffic safety education instructors or program content developers.

NEW SECTION. Sec. 1315. A new section is added to chapter 28A.220 RCW to read as follows:

(1) The department of licensing shall develop and administer the certification process required under RCW 28A.220.030 for a school district's or approved private school's traffic safety education program in consultation with the superintendent.

(2) The department of licensing shall conduct audits of traffic safety education programs to ensure that the instructors are qualified teachers of driver training education and teaching the required curriculum material, and that accurate records are maintained and accurate information is provided to the department of licensing regarding student performance. Each school district and approved private school may be audited at least once every five years or more frequently. The audit process must take into account the unique nature of school district facilities, operations, and hours. As part of its audit process, the department of licensing may examine all relevant information, including driver training education course curriculum materials and student records, and visit any course in progress that is part of the traffic safety education program. The director shall consult with the superintendent in developing and carrying out these auditing practices.

(3) The department of licensing may suspend a school's or school district's traffic safety education program certification if: The school or school district does not follow the curriculum promulgated by the office of the superintendent of public instruction and the department of licensing, any program instructors are not qualified teachers of driver training education, accurate records have not been maintained under RCW 28A.220.030(5) or accurate information regarding student performance has not been provided to the department of licensing, or the school or school district refuses to cooperate with the department of licensing audit process authorized under this chapter. The director shall consult with the superintendent in developing and carrying out these program certification suspension practices.

Sec. 1316. RCW 46.20.055 and 2012 c 80 s 5 are each amended to read as follows:

(1) Driver's instruction permit. The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid an application fee of twenty-five dollars, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a ~~((traffic safety))~~ driver training education ((program)) course offered ~~((approved, and accredited))~~ as part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) Waiver of written examination for instruction permit. The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

~~((a))~~ a ~~((traffic safety))~~ driver training education course as defined ((by RCW 28A.220.020(2); or

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~~(b) A course of instruction offered by a licensed driver training school as defined by~~ in RCW 46.82.280 or 28A.220.020.

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit;

(b) The person is not using a wireless communications device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and

(c) ~~(An approved)~~ A driver training education course instructor who meets the qualifications of chapter 46.82 or 28A.220 RCW, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying for an additional instruction permit must submit the application to the department in person and pay an application fee of twenty-five dollars for each issuance.

Sec. 1317. RCW 46.20.100 and 2010 1st sp.s. c 7 s 18 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license, he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license, the applicant must satisfactorily complete a ~~((traffic safety)) driver training~~ education course as defined in RCW 28A.220.020 for a course offered by a school district or approved private school, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must ~~((meet the standards established))~~ be part of a traffic safety education program authorized by the office of the ((state)) superintendent of public instruction and certified under chapter 28A.220 RCW. The course offered by a driver training school must meet the standards established by the department of licensing under chapter 46.82 RCW. The ~~((traffic safety)) driver training~~ education course may be provided by:

(i) A ~~((recognized))~~ secondary school within a school district or approved private school that establishes and maintains an approved and certified traffic safety education program under chapter 28A.220 RCW; or

(ii) A driver training school licensed under chapter 46.82 RCW that is annually approved by the department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the ~~((traffic safety)) driver training~~ education course requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a ~~((traffic safety)) driver training~~ education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the ~~((traffic safety)) driver training~~ education course requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

Sec. 1318. RCW 46.82.280 and 2010 1st sp.s. c 7 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Behind-the-wheel instruction" means instruction in an approved driver training school instruction vehicle according to and inclusive of the ~~((minimum))~~ required curriculum. Behind-the-wheel instruction is characterized by driving experience.

(2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(3) "Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction using the required curriculum conducted by or under the direct supervision of a licensed instructor or licensed instructors.

(4) "Director" means the director of the department of licensing of the state of Washington.

(5) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction ~~((as documented by the minimum))~~ that follows the approved curriculum.

(6) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

(7) "Enrollment" means the collecting of a fee or the signing of a contract for a driver training education course. "Enrollment" does not include the collecting of names and contact information for enrolling students once a driver training school is licensed to instruct.

(8) "Fraudulent practices" means any conduct or representation on the part of a driver training school owner or instructor including:

(a) Inducing anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes;

(b) Operating a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being licensed, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;

(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

(d) Issuing a driver training course certificate without requiring completion of the necessary behind-the-wheel and classroom instruction.

(9) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of an automobile.

(10) "Owner" means an individual, partnership, corporation, association, or other person or group that holds a substantial interest in a driver training school.

(11) "Person" means any individual, firm, corporation, partnership, or association.

(12) "Place of business" means a designated location at which the business of a driver training school is transacted or its records are kept.

(13) "Student" means any person enrolled in an approved driver training course.

(14) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any driver training school. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(a) Directly or indirectly owning, operating, managing, or controlling a driver training school or any part of a driver training school;

(b) Directly or indirectly profiting from or assuming liability for debts of a driver training school;

(c) Is an officer or director of a driver training school;

(d) Owning ten percent or more of any class of stock in a privately or closely held corporate driver training school, or five percent or more of any class of stock in a publicly traded corporate driver training school;

(e) Furnishing ten percent or more of the capital, whether in cash, goods, or services, for the operation of a driver training school during any calendar year; or

(f) Directly or indirectly receiving a salary, commission, royalties, or other form of compensation from the activity in which a driver training school is or seeks to be engaged.

Sec. 1319. RCW 46.82.320 and 2009 c 101 s 4 are each amended to read as follows:

(1) No person affiliated with a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an original or renewal instructor's license shall be filed with the director, containing such information as prescribed by this chapter and by the director, accompanied by an application fee set by rule of the department, which shall in no event be refunded. An application for a renewal instructor's license must be accompanied by proof of the applicant's continuing professional development that meets the standards adopted by the director. If the applicant satisfactorily meets the application requirements ~~((and the examination requirements))~~ as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of two years from the date of issuance. An applicant for a renewal instructor's license is not required to retake the examination specified in RCW 46.82.330 to renew his or her instructor's license if his or her original instructor's license is unexpired or has not been expired for longer than six months before submission of his or her renewal application.

(2) The director shall issue a license certificate to each qualified applicant.

(a) An employing driver training school must conspicuously display an instructor's license at its established place of business and display copies of the instructor's license at any branch office where the instructor provides instruction.

(b) Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school.

(c) If the director has not received a renewal application on or before the date a license expires, the license ~~((will be voided))~~ is void, requiring a new application as provided for in this chapter, including ~~((examination and))~~ payment of all fees, as well as an examination subject to the exception in subsection (1) of this section.

(d) If revoked, canceled, or denied by the director, the license must be surrendered to the department within ten days following the effective date of such action.

(3) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be in the instructor's immediate possession at all times while engaged in instructing.

(4) The person to whom an instructor's license has been issued shall notify the director in writing within ten days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

Sec. 1320. RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each amended to read as follows:

(1) The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel ~~((phases))~~ instruction portions of a driver training education program in a commercial driver training school.

(2) An applicant shall be eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:

(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in (a)(i), (ii), or (iii) of this subsection. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding twenty-four months;

(ii) No drug or alcohol-related traffic violation or incident within the preceding three years. If there are two or more drug or alcohol-related traffic violations in the applicant's driving history, the applicant is no longer eligible to be a driving instructor; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding two years, or no more than two of these occurrences in the preceding five years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director;

(d) Has satisfactorily completed a course of instruction in the training of drivers acceptable to the director that is no less than sixty hours in length and includes instruction in classroom and behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has paid an examination fee as set by rule of the department and has successfully completed an instructor's examination.

Sec. 1321. RCW 46.82.360 and 2009 c 101 s 7 are each amended to read as follows:

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal, or such other disciplinary action authorized under RCW 18.235.110 may be imposed, for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign in legible, printed English letters displayed on the back or top, or both, of the vehicle that:

(i) Is not less than twenty inches in horizontal width or less than ten inches in vertical height;

(ii) Has the words "student driver," "instruction car," or "driving school" in letters at least two and one-half inches in height near the top;

(iii) Has the name and telephone number of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words;

(iv) Has lettering and background colors that make it clearly readable at one hundred feet in clear daylight;

(v) Is displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student who is under the age of fifteen, and behind-the-wheel instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Instruction vehicles and equipment, classrooms, driving simulators, training materials and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school shall be located in a district that is zoned for business or commercial purposes or zoned for conditional use permits for schools, trade schools, or colleges. However, the use of public or private schools does not alleviate the driver training school from securing and maintaining an established place of business or from using its own classroom on a regular basis as required under this chapter.

(a) The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house.

(b) A driver training school may lease classroom space within a public or private school that is recognized and regulated by the office of the superintendent of public instruction to conduct student instruction as approved by the director. However, such use of public or private classroom space does not alleviate the driver training school from securing and maintaining an established place of business nor from using its own classroom on a regular basis as required by this chapter.

(c) To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business. The department may waive or extend the thirty-five mile restriction for driver training schools located in counties below the median population density.

(d) Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain its student, instructor, vehicle, insurance, and operating records at its established place of business.

(a) Student records must include the student's name, address, and telephone number, date of enrollment and all dates of instruction, the student's instruction permit or driver's license number, the type of training given, the total number of hours of instruction, and the name and signature of the instructor or instructors.

(b) Vehicle records shall include the original insurance policies and copies of the vehicle registration for all instruction vehicles.

(c) Student and instructor records shall be maintained for three years following the completion of the instruction. Vehicle records shall be maintained for five years following their issuance. All records shall be made available for inspection upon the request of the department.

(d) Upon a transfer or sale of school ownership the school records shall be transferred to and become the property and responsibility of the new owner.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required (~~minimum~~) curriculum furnished by the department (~~and a copy of the school's own curriculum~~). Copies of the required (~~minimum~~) curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

Sec. 1322. RCW 46.82.420 and 2010 1st sp.s. c 7 s 22 are each amended to read as follows:

(1) The department and the office of the superintendent of public instruction shall jointly develop and maintain a (~~basic minimum~~) required curriculum (~~and~~) as specified in section 4 of this act. The department shall furnish to each qualifying applicant for an instructor's license or a driver training school license a copy of such curriculum.

(2) In addition to information on the safe, lawful, and responsible operation of motor vehicles on the state's highways, the (~~basic minimum~~) required curriculum shall include information on:

(a) Intermediate driver's license issuance, passenger and driving restrictions and sanctions for violating the restrictions, and the effect of traffic violations and collisions on the driving privileges;

(b) The effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington and the current penalties for driving under the influence of drugs or alcohol;

(c) Motorcycle awareness, approved by the director, to ensure new operators of motor vehicles have been instructed in the importance of safely sharing the road with motorcyclists;

(d) Bicycle safety, to ensure that operators of motor vehicles have been instructed in the importance of safely sharing the road with bicyclists; and

(e) Pedestrian safety, to ensure that operators of motor vehicles have been instructed in the importance of safely sharing the road with pedestrians.

(3) Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching (~~(such basic minimum)~~) the required curriculum (~~(as required)~~), the instructor or school shall be required to appear before the director and show cause why the license of the instructor or school should not be revoked for such negligence. If the director does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

NEW SECTION. Sec. 1323. The department of licensing and the office of the superintendent of public instruction must work together on the transfer and coordination of responsibilities to comply with this act.

NEW SECTION. Sec. 1324. The following acts or parts of acts are each repealed:

(1)RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;

(2)RCW 28A.220.060 (Information on effects of alcohol and drug use) and 1991 c 217 s 2;

(3)RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1; and

(4)RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4.

NEW SECTION. Sec. 1325. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1326. Except for section 13 of this act, this act takes effect August 1, 2018."

On page 1, line 3 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.220.020, 28A.220.030, 46.20.055, 46.20.100, 46.82.280, 46.82.320, 46.82.330, 46.82.360, and 46.82.420; adding new sections to chapter 28A.220 RCW; creating new sections; repealing RCW 28A.220.050, 28A.220.060, 28A.220.080, and 28A.220.085; and providing an effective date."

MOTION

Senator Takko moved that the following floor amendment no. 243 by Senators Takko and Hobbs be adopted:

On page 4, line 14 of the amendment, after "taught", insert "before or".

Senators Takko and King spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 243 by Senators Takko and Hobbs on page 4, line 14 to the committee striking amendment by the Committee on Transportation.

The motion by Senator Takko carried and floor amendment no. 243 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Substitute House Bill No. 1481.

The motion by Senator King carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute House Bill No. 1481 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1481 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1481 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Honeyford, Rivers and Short

Excused: Senators Frockt and Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1064, by Representatives Morris, Smith, Doglio and Hudgins

Removing expiration dates, obsolete dates, and an outdated statutory reference from the enforcement provisions of the underground utility damage prevention act.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 1064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1064.

The Secretary called the roll on the final passage of House Bill No. 1064 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Frockt and Ranker

HOUSE BILL NO. 1064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Short, Lytton, Kretz, Koster, Schmick and Fitzgibbon)

Exempting from public disclosure certain information regarding reports on wolf depredations.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1327. RCW 42.56.430 and 2008 c 252 s 1 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria

of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration;

(3) The following information regarding any damage prevention cooperative agreement, or nonlethal preventative measures deployed to minimize wolf interactions with pets and livestock:

(a) The name, telephone number, residential address, and other personally identifying information, of any person, including a pet or livestock owner, and his or her employees or immediate family members, who agrees to deploy, or is responsible for the deployment of nonlethal, preventative measures; and

(b) The legal description or name of any residential property, ranch, or farm, that is owned, leased, or used by any person included in (a) of this subsection;

(4) The following information regarding a reported depredation by wolves on pets or livestock:

(a) The name, telephone number, residential address, and other personally identifying information of:

(i) Any person who reported the depredation; and

(ii) Any pet or livestock owner, and his or her employees or immediate family members, whose pet or livestock was the subject of a reported depredation; and

(b) The legal description, location coordinates, or name that identifies any residential property, or ranch or farm that contains a residence, that is owned, leased, or used by any person included in (a) of this subsection;

(5) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040; and

((4)) (6) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)).

Sec. 1328. RCW 77.12.885 and 2007 c 293 s 2 are each amended to read as follows:

Except for the personal information on reported depredations by wolves that is exempted from disclosure as provided in RCW 42.56.430, the department shall post on its internet web site all reported predatory wildlife interactions, including reported

human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock, within ten days of receiving the report. The posted material must include, but is not limited to, the location and time, the known details, and a running summary of such reported interactions by identified specie and interaction type within each affected county. For the purposes of this section and RCW 42.56.430, "predatory wildlife" means grizzly bears, wolves, and cougars.

NEW SECTION. Sec. 1329. A new section is added to chapter 42.56 RCW to read as follows:

By December 1, 2021, the public records exemptions accountability committee, in addition to its duties in RCW 42.56.140, must prepare and submit a report to the legislature that includes recommendations on whether the exemptions created in section 1, chapter . . . , Laws of 2017 (section 1 of this act) should be continued or allowed to expire. The report should focus on whether the exemption continues to serve the intent of the legislature in section 1, chapter . . . , Laws of 2017 (section 1 of this act) to provide protections of personal information during the period the state establishes and implements new policies regarding wolf management. The committee must consider whether the development of wolf management policy, by the time of the report, has diminished risks of threats to personal safety so that the protection of personal information in section 1, chapter . . . , Laws of 2017 (section 1 of this act) is no longer an ongoing necessity.

NEW SECTION. Sec. 1330. This act expires June 30, 2022."

On page 1, line 2 of the title, after "depredations;" strike the remainder of the title and insert "amending RCW 42.56.430 and 77.12.885; adding a new section to chapter 42.56 RCW; and providing an expiration date."

MOTION

Senator Short moved that the following floor amendment no. 183 by Senator Short be adopted:

On page 2, line 20 of the amendment, after "person" insert "who has a current damage prevention cooperative agreement with the department"

On page 3, line 33 of the amendment, after "December 1," strike "2021" and insert "2019"

On page 4, line 10 of the amendment, after "expires" strike "June 30, 2022" and insert "December 31, 2019"

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 183 by Senator Short on page 2, line 20 to the committee striking amendment.

The motion by Senator Short carried and floor amendment no. 183 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks as amended to Engrossed Substitute House Bill No. 1465.

The motion by Senator Short carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 1465 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1465 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1465 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Hunt, Keiser, Kuderer, Liias, Palumbo, Van De Wege and Wellman

Excused: Senators Frockt and Ranker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1988, by House Committee on Judiciary (originally sponsored by Representatives Ortiz-Self, Santos, McBride and Frame)

Implementing a vulnerable youth guardianship program.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1331. Existing federal law, 8 U.S.C. Sec. 1101(a)(27)(J), establishes a procedure for classification of abandoned, abused, or neglected youth as special immigrants who have been declared dependent on a juvenile court or legally committed to or placed in the custody of a state agency or department, or placed under the custody of an individual or entity appointed by a state or juvenile court, and authorizes those youth to apply for an adjustment of status to that of a lawful permanent resident within the United States. A youth is age-eligible if the youth is under twenty-one years old. Existing state law already provides that superior courts have jurisdiction to make judicial determinations regarding the custody and care of juveniles.

This chapter authorizes a court to appoint a guardian for a vulnerable youth from eighteen to twenty-one years old, who is not participating in extended foster care services authorized under

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RCW 74.13.031, and who is eligible for classification under 8 U.S.C. Sec. 1101(a)(27)(J) with the consent of the proposed ward. This chapter also provides that a vulnerable youth guardianship of the person terminates on the youth's twenty-first birthday unless the youth requests termination prior to that date. Opening court doors for the provision of a vulnerable youth guardianship serves the state's interest in eliminating human trafficking, preventing further victimization of youth, decreasing reliance on public resources, reducing youth homelessness, and offering protection for youth who may otherwise be targets for traffickers.

NEW SECTION. Sec. 1332. (1) The legislature finds and declares the following:

(a) Washington law grants the superior courts jurisdiction to make judicial determinations regarding the custody and care of youth within the meaning of the federal immigration and nationality act. Pursuant to 8 U.S.C. Sec. 1101(b), the term "child" means an unmarried person under twenty-one years of age. Superior courts are empowered to make the findings necessary for a youth to petition the United States citizenship and immigration services for classification under 8 U.S.C. Sec. 1101(a)(27)(J).

(b) 8 U.S.C. Sec. 1101(a)(27)(J) offers interim relief from deportation to undocumented, unmarried immigrant youth under twenty-one years old, if a state court with jurisdiction over juveniles has made specific findings.

(c) The findings necessary for a youth to petition for classification under 8 U.S.C. Sec. 1101(a)(27)(J) include, among others, a finding that reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law, and a finding that it is not in the youth's best interest to be returned to the youth's country of origin.

(d) Misalignment between state and federal law continues to exist. Federal law allows a person under twenty-one years old, who otherwise meets the requirements for eligibility under 8 U.S.C. Sec. 1101(a)(27)(J), to file for relief. In Washington, however, vulnerable youth who are between eighteen and twenty-one years old have largely been unable to obtain the findings from the superior court necessary to seek classification under 8 U.S.C. Sec. 1101(a)(27)(J) and the relief that it was intended to afford them, solely because superior courts cannot take jurisdiction of these vulnerable youth under current law. This is true despite the fact that many vulnerable youth between eighteen and twenty-one years old face circumstances identical to those faced by their younger counterparts.

(e) Given the recent influx of vulnerable youth arriving to the United States, many of whom have been released to family members and other adults in Washington, and who have experienced parental abuse, neglect, or abandonment, it is necessary to provide an avenue for these vulnerable youth to petition the superior courts to appoint a guardian of the person, even if the youth is over eighteen years old. This is particularly necessary in light of the vulnerability of this class of youth, and their need for a custodial relationship with a responsible adult as they adjust to a new cultural context, language, and education system, and recover from the trauma of abuse, neglect, or abandonment. These custodial arrangements promote the long-term well-being and stability of vulnerable youth present in the United States who have experienced abuse, neglect, or abandonment by one or both parents.

(f) The legislature has an interest in combating human trafficking throughout Washington state. In 2003, Washington became the first state to enact a law making human trafficking a crime and has since continued its efforts to provide support services for victims of human trafficking while also raising awareness of human trafficking. Vulnerable youth who have been

subject to parental abuse, neglect, or abandonment are particularly susceptible to becoming victims of human trafficking. By creating an avenue for a vulnerable youth guardianship for certain eligible individuals between eighteen and twenty-one years old, the legislature will provide such youth with the possibility for additional support and protection that a guardian can offer, which will make these youth less likely to become targets for human traffickers. Guardians can support vulnerable youth by providing them stable housing and caring for their basic necessities, which may help alleviate many of the risk factors that make such youth prime targets for trafficking and exploitation.

(g) Vulnerable youth guardianships of the person may be necessary and appropriate for these individuals, even between eighteen and twenty-one years old, although a vulnerable youth for whom a guardian has been appointed retains the rights of an adult under Washington law.

(2) It is the intent of the legislature to give the juvenile division of superior courts jurisdiction to appoint a guardian for a consenting vulnerable youth between eighteen, up to the age of twenty-one who has been abandoned, neglected, or abused by one or both parents, or for whom the court determines that a guardian is otherwise necessary as one or both parents cannot adequately provide for the youth such that the youth risks physical or psychological harm if returned to the youth's home. The juvenile court will have jurisdiction to make the findings necessary for a vulnerable youth to petition for classification under 8 U.S.C. Sec. 1101(a)(27)(J). It is further the intent of the legislature to provide an avenue for a person between eighteen and twenty-one years old to have a guardian of the person appointed beyond eighteen years old if the youth so requests or consents to the appointment of a guardian as provided in section 5 of this act.

NEW SECTION. Sec. 1333. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of social and health services.

(2) "Guardian" means a person who has been appointed by the court as the guardian of a vulnerable youth in a legal proceeding under this chapter. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW for the purpose of assisting the court in supervising the dependency. The term "guardian" does not include a "guardian" appointed pursuant to a proceeding under chapter 13.36 RCW or a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(3) "Juvenile court" or "court" means the juvenile division of the superior court.

(4) "Relative" means a person related to the child in the following ways:

(a) Any parent, or blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) A stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a) through (c) of this subsection (4), even after the marriage is terminated;

(e) Relatives, as described in (a) through (d) of this subsection (4), of any half-sibling of the child.

(5)(a) "Suitable person" means a nonrelative who has completed all required criminal history background checks as

specified in (b) of this subsection and otherwise appears to be suitable and competent to provide care for the youth.

(b) The criminal background checks required in (a) of this subsection are those set out in RCW 26.10.135 (1) and (2)(b), but apply only to the guardian and not to other adult members of the household.

(6) "Vulnerable youth" is an individual who has turned eighteen years old, but who is not yet twenty-one years old and who is eligible for classification under 8 U.S.C. Sec. 1101(a)(27)(J). A youth who remains in a vulnerable youth guardianship under this chapter shall not be considered a "child" under any other state statute or for any other purpose. A vulnerable youth is one who is not also a nonminor dependent who is participating in extended foster care services authorized under RCW 74.13.031.

NEW SECTION. Sec. 1334. (1) A vulnerable youth may petition the court that a vulnerable youth guardianship be established for him or her by filing a petition in juvenile court under this chapter. The proposed guardian must agree to join in the petition, and must receive notice of the petition.

(2) To be designated as a proposed guardian in a petition under this chapter, a person must be age twenty-one or over, suitable, and capable of performing the duties of guardian under section 6 of this act, including but not limited to parents, licensed foster parents, relatives, and suitable persons.

(3) The petition must allege and show that:

(a) Both the petitioner and the proposed guardian agree to the establishment of a guardianship;

(b) The youth is between the ages of eighteen and twenty-one years;

(c) The youth is prima facie eligible to apply for classification under 8 U.S.C. Sec. 1101(a)(27)(J);

(d) The youth requests the support of a responsible adult; and

(e) The proposed guardian agrees to serve as guardian, and is a suitable adult over twenty-one years old who is capable of performing the duties of a guardian as stated in section 6 of this act.

(4) There must be no fee associated with the filing of a vulnerable youth guardianship petition by or for a vulnerable youth under this section.

NEW SECTION. Sec. 1335. (1) At the hearing on a vulnerable youth guardianship petition, both parties, the vulnerable youth and the proposed guardian, have the right to present evidence and cross-examine witnesses. The rules of evidence apply to the conduct of the hearing.

(2) A vulnerable youth guardianship must be established if the court finds by a preponderance of the evidence that:

(a) The allegations in the petition are true;

(b) It is in the vulnerable youth's best interest to establish a vulnerable youth guardianship; and

(c) The vulnerable youth consents in writing to the appointment of a guardian.

(3) A guardianship established under subsection (2) of this section remains in effect as provided in section 8 of this act.

NEW SECTION. Sec. 1336. (1) If the court has made the findings required under section 5 of this act, the court shall issue an order establishing a vulnerable youth guardianship for the vulnerable youth. The order shall:

(a) Appoint a person to be the guardian for the vulnerable youth;

(b) Provide that the guardian shall ensure that the legal rights of the vulnerable youth are not violated, and may specify the guardian's other rights and responsibilities concerning the care, custody, and nurturing of the vulnerable youth;

(c) Specify that the guardian shall not have possession of any identity documents belonging to the vulnerable youth; and

(d) Specify the need for and scope of continued oversight by the court, if any.

(2) Unless specifically ordered by the court, the standards and requirements for relocation in chapter 26.09 RCW do not apply to vulnerable youth guardianships established under this chapter.

(3) The court shall provide a certified copy of the vulnerable youth guardianship order to the vulnerable youth and the guardian.

(4) For an unrepresented vulnerable youth whose vulnerable youth guardian is a suitable person, as defined in section 3 of this act, the court shall provide a list of service providers and available resources for survivors of human trafficking, such as any relevant lists or materials created by the Washington state task force against the trafficking of persons under RCW 7.68.350.

NEW SECTION. Sec. 1337. (1) The youth may move the court to modify the provisions of a vulnerable youth guardianship order at any time by: (a) Filing with the court a motion for modification and an affidavit setting forth facts supporting the requested modification; and (b) providing notice and a copy of the motion and affidavit to the other party. The nonmoving party may file and serve opposing affidavits.

(2) The youth may move the court to appoint a new guardian at any time by: (a) Filing with the court a motion for appointment of a new guardian and an affidavit setting forth facts supporting the requested appointment; and (b) providing notice and a copy of the motion and affidavit to the other party.

(3) The youth may move the court to substitute a new guardian, provided that the proposed new guardian is a suitable adult over twenty-one years old who is capable of performing the duties of a guardian as stated in section 6 of this act. The substitution of a new guardian must be permitted without termination of the vulnerable youth guardianship and the youth is not required to file a new vulnerable youth guardianship petition to substitute a guardian.

(4) If a party other than the youth moves the court to modify the provisions of a vulnerable youth guardianship order, the modification is subject to the youth's agreement.

NEW SECTION. Sec. 1338. (1) The vulnerable youth guardianship terminates on the vulnerable youth's twenty-first birthday.

(2) The vulnerable youth may request the termination of the vulnerable youth guardianship at any time. The court shall terminate the vulnerable youth guardianship upon the request of the vulnerable youth. The vulnerable youth may also withdraw consent to the vulnerable youth guardianship at any time.

(3) The guardian may request termination of the vulnerable youth guardianship by filing a petition and supporting affidavit alleging a substantial change has occurred in the circumstances of the vulnerable youth or the guardian and that the termination is necessary to serve the best interests of the vulnerable youth. The petition and affidavit must be served on both parties to the vulnerable youth guardianship.

(4) Except as provided in subsection (2) of this section, the court shall not terminate a vulnerable youth guardianship unless it finds, upon the basis of facts that have arisen since the vulnerable youth guardianship was established or that were unknown to the court at the time the vulnerable youth guardianship was established, that a substantial change has occurred in the circumstances of the vulnerable youth or the guardian and that termination of the vulnerable youth guardianship is necessary to serve the best interests of the vulnerable youth. The effect of a guardian's duties while serving in the military potentially impacting vulnerable youth guardianship functions is not, by itself, a substantial change of circumstances justifying termination of a vulnerable youth guardianship.

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NEW SECTION. Sec. 1339. In all proceedings under this chapter to establish, modify, or terminate a vulnerable youth guardianship order, the vulnerable youth and the guardian or prospective guardian have the right to be represented by counsel of their choosing and at their own expense.

NEW SECTION. Sec. 1340. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state task force against the trafficking of persons created in RCW 7.68.350 shall:

(a) Evaluate whether vulnerable youth guardianships established under chapter 13.--- RCW (the new chapter created in section 11 of this act) where the guardian is a suitable person, as defined in section 3 of this act, have the unintended impact of placing youth at greater risk of being trafficked; and

(b) Compile a list of service providers and available resources for survivors of human trafficking that a court issuing a vulnerable youth guardianship order under section 6 of this act can provide to a vulnerable youth applying for a guardian who is a suitable person, as defined in section 3 of this act.

(2) If findings are made that vulnerable youth guardianships established under chapter 13.--- RCW (the new chapter created in section 11 of this act) where the guardian is a suitable person, as defined in section 3 of this act, have the unintended impact of placing youth at greater risk of being trafficked, the task force shall:

(a) Research and identify ways to reduce this risk, including recommendations on legislation;

(b) Examine whether providing a vulnerable youth applying for a guardian who is a suitable person, as defined in section 3 of this act, with an advocate interview prior to granting a vulnerable youth guardianship will help reduce this risk; and

(c) Identify best practices for an advocate interview and any related recommendations on training or other requirements for advocate organizations.

(3) The task force shall deliver the evaluation of vulnerable youth guardianships specified by this section to the legislature by January 1, 2019.

NEW SECTION. Sec. 1341. Sections 1 through 9 of this act constitute a new chapter in Title 13 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new chapter to Title 13 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Mental Health & Housing to Substitute House Bill No. 1988.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1988 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1988 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1988 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

Excused: Senators Frockt and Ranker

SUBSTITUTE HOUSE BILL NO. 1988, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1346, by House Committee on Education (originally sponsored by Representatives Springer, Muri, Dolan, Harris, Appleton, Tarleton, Cody, Santos and Ortiz-Self)

Clarifying the authority of a nurse working in a school setting.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1346.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1346 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Frockt and Ranker

SUBSTITUTE HOUSE BILL NO. 1346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1595, by Representatives Nealey, McBride, Senn, Springer, Koster, Klippert, Dye, Schmick, J. Walsh, Haler, Manweller, Harris, Dent, Peterson,

Bergquist, Gregerson, Clibborn, Fey, Fitzgibbon, Dolan, Wilcox, Lytton, Griffey, Hayes, Muri, Goodman, Robinson, Sells, Steele, Kraft, Smith, Tharinger, Stanford, Kloba, Jinkins, Hargrove, Slatter and Kagi

Concerning costs associated with responding to public records requests.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following committee striking amendment by the Committee on State Government be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1342.** RCW 42.56.070 and 2005 c 274 s 284 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection ~~((6))~~ (8) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010 that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010 that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if:

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) Each agency ~~((shall))~~ may establish, maintain, and make available for public inspection and copying a statement of the actual ~~((per page cost or other costs, if any,))~~ costs that it charges for providing photocopies or electronically produced copies, of public records and a statement of the factors and manner used to determine the actual ~~((per page cost or other costs, if any,))~~ costs. Any statement of costs may be adopted by an agency only after providing notice and public hearing.

(a)(i) In determining the actual ~~((per page))~~ cost for providing ~~((photocopies))~~ copies of public records, an agency may include all costs directly incident to copying such public records including:

(A) The actual cost of the paper and the per page cost for use of agency copying equipment; and

(B) The actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service.

(ii) In determining other actual costs for providing ~~((photocopies))~~ copies of public records, an agency may include all costs directly incident to:

(A) Shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used; and

(B) Transmitting such records in an electronic format, including the cost of any transmission charge and use of any physical media device provided by the agency.

(b) In determining the actual ~~((per page cost or other))~~ costs for providing copies of public records, an agency may not include staff salaries, benefits, or other general administrative or overhead

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charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and ~~((mail))~~ send the requested public records may be included in an agency's costs.

~~(8) ((An agency need not calculate the actual per page cost or other costs it charges for providing photocopies of public records if to do so would be unduly burdensome, but in that event: The agency may not charge in excess of fifteen cents per page for photocopies of public records or for the use of agency equipment to photocopy public records and the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.~~

~~(9))~~ This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the administrative procedure act.

Sec. 1343. RCW 42.56.080 and 2016 c 163 s 3 are each amended to read as follows:

(1) A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

(2) Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070~~((9))~~ (8) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received in person during an agency's normal office hours, or by mail or email, for identifiable public records unless exempted by provisions of this chapter. No official format is required for making a records request; however, agencies may recommend that requestors submit requests using an agency provided form or web page.

(3) An agency may deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency. For purposes of this subsection, "bot request" means a request for public records that an agency

reasonably believes was automatically generated by a computer program or script.

Sec. 1344. RCW 42.56.120 and 2016 c 163 s 4 are each amended to read as follows:

(1) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of this section. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. When calculating any fees authorized under this section, an agency shall use the most reasonable cost-efficient method available to the agency as part of its normal operations. If any agency translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

(2)(a) Agency charges for ~~((photocopies shall))~~ actual costs may only be imposed in accordance with the ~~((actual per page cost or other))~~ costs established and published by the agency pursuant to RCW 42.56.070(7), and in accordance with the statement of factors and manner used to determine the actual costs. In no event may an agency charge a per page cost greater than the actual ~~((per page))~~ cost as established and published by the agency.

(b) An agency need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons doing so would be unduly burdensome. To the extent the agency has not determined the actual ~~((per page cost for photocopies of))~~ costs of copying public records, the agency may not charge in excess of:

(i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;

(ii) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;

(iii) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and

(iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and

(v) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

(c) The charges in (b) of this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(d) An agency may charge a flat fee of up to two dollars for any request as an alternative to fees authorized under (a) or (b) of this subsection when the agency reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. An additional flat fee shall not be charged

for any installment after the first installment of a request produced in installments. An agency that has elected to charge the flat fee in this subsection for an initial installment may not charge the fees authorized under (a) or (b) of this subsection on subsequent installments.

(e) An agency shall not impose copying charges under this section for access to or downloading of records that the agency routinely posts on its public internet web site prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means.

(f) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3)(a)(i) In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes.

(ii) The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection.

(b) An agency may not assess a customized service charge unless the agency has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(4) An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request, including a customized service charge. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request. An agency may waive any charge assessed for a request pursuant to agency rules and regulations. An agency may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

Sec. 1345. RCW 42.56.130 and 2005 c 274 s 286 are each amended to read as follows:

The provisions of RCW 42.56.070(7) and (8) and 42.56.120 that establish or allow agencies to establish the costs charged for photocopies or electronically produced copies of public records do not supersede other statutory provisions, other than in this chapter, authorizing or governing fees for copying public records.

Sec. 1346. RCW 42.56.550 and 2011 c 273 s 1 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Upon the motion of any person who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond to a public record request or a reasonable estimate of the charges to produce copies of public records, the superior court in the county in which a record is maintained may require the responsible agency to show that the estimate it provided is reasonable. The burden of proof shall be on the agency to show that the estimate it provided is reasonable.

(3) Judicial review of all agency actions taken or challenged under RCW 42.56.030 through 42.56.520 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section. The court may conduct a hearing based solely on affidavits.

(4) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record.

(5) For actions under this section against counties, the venue provisions of RCW 36.01.050 apply.

(6) Actions under this section must be filed within one year of the agency's claim of exemption or the last production of a record on a partial or installment basis."

On page 1, line 2 of the title, after "requests;" strike the remainder of the title and insert "and amending RCW 42.56.070, 42.56.080, 42.56.120, 42.56.130, and 42.56.550."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government to Engrossed House Bill No. 1595.

The motion by Senator Miloscia carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed House Bill No. 1595 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Hunt, Takko, Baumgartner and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1595 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1595 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pearson, Pedersen, Rivers,

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Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Padden, Palumbo and Short
Excused: Senators Frockt and Ranker

ENGROSSED HOUSE BILL NO. 1595, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1605, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Hayes and Klippert)

Concerning vessel impoundment.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1347. A new section is added to chapter 79A.60 RCW to read as follows:

(1) Whenever the operator of a vessel is arrested for a violation of RCW 79A.60.040, the arresting officer, or another officer acting at the arresting officer's direction, has authority to impound the vessel as provided in this section.

(2) This section is not intended to limit or constrain the ability of local government from enacting and enforcing ordinances or other regulations relating to the impoundment of vessels for the purposes of enforcing RCW 79A.60.040.

(3) Unless vessel impound is required for evidentiary purposes, a law enforcement officer must seek a series of reasonable alternatives to impound before impounding the vessel. Reasonable alternatives to impound may include, but are not limited to:

(a) Working with the vessel's owner to locate a qualified operator who can take possession of the vessel within thirty minutes following the arrest of the vessel's operator and giving possession of the vessel to such a person;

(b) Leaving the vessel at a marina, dock, or moorage facility, provided that:

(i) The owner is present and willing to sign a liability waiver by which the owner agrees to waive any claims related to such an action against the law enforcement officer and the officer's agency and indemnify the officer and the agency against any claims related to such an action by any third party; and

(ii) The owner agrees to pay any applicable moorage charges or fees; and

(c) Towing the vessel to the closest boat ramp, marina, or similar type facility where the owner can meet the impounding officer within thirty minutes in order to:

(i) Moor the vessel by accepting any applicable moorage charges or fees; or

(ii) Take possession of the vessel if the owner was not present at the time of the arrest.

(4) For the purposes of this section, storing an impounded vessel may include, but is not limited to:

(a) Removing the vessel to and placing it in a secure or other type of moorage facility; or

(b) Placing the vessel in the custody of an operator licensed by the United States coast guard per 46 C.F.R. Sec. 11.482 to provide commercial assistance towing services in Washington state who must:

(i) Tow it to a storage facility operated by the towing entity for storage or to a moorage facility for storage; or

(ii) Tow it to a location designated by the operator or owner of the vessel.

(5) In exigent circumstances, an impounding officer may temporarily attach an impounded vessel to a mooring buoy or anchor the vessel to the bottom for up to twenty-four hours, after which time the impounding officer must move or cause the vessel to be moved to an appropriate facility for storage as outlined in subsection (4) of this section.

(6) If the impounding officer secures a vessel by placing it on its trailer, the officer, moorage facility representative, or commercial assistance towing service is authorized to detach the vessel's trailer from the vehicle to which it is attached, attach the trailer to an impounding vehicle, operate the vessel to load it on the trailer, and then tow the vessel on its trailer to the storage facility.

(7) All vessels must be handled appropriately and returned in substantially the same condition as they existed before being impounded, unless forfeited pursuant to subsection (12) of this section. Except as provided in subsection (12)(b) of this section, all personal property in the vessel must be kept intact and must be returned to the vessel's owner or agent during the normal business hours of the entity storing the vessel upon request, provided the vessel owner, or the owner's agent, is able to provide sufficient proof of his or her identity.

(8) No moorage facility or vessel towing service provider is required to accept an impounded or otherwise secured vessel under this section for towing or storage. An impounding officer intending to secure a vessel by means of storing it at a moorage facility must have the permission of the owner or operator of the moorage facility prior to leaving the vessel at the facility. The impounding officer shall identify an authorized person on the vessel impound authorization and inventory form to represent the vessel impound facility. The officer must provide a copy of the vessel impound authorization and inventory form to the designated person representing the vessel impound facility along with the addresses of the registered and legal owners of the vessel. The moorage facility may require that the impounding officer's agency take responsibility for the foreclosure process set forth in subsection (12) of this section before they consent to accept an impounded vessel.

(9)(a) An impounding officer impounding a vessel pursuant to this section shall notify the legal and registered owner or owners of the impoundment of the vessel. The notification must be in writing and sent within one business day after the impound by first-class mail, digital transmission, or facsimile to the last known address of the registered and legal owner or owners of the vessel, as identified by the department of licensing, and must inform the owner or owners of the identity of the person or agency authorizing the impound. The impounding officer may serve the operator with the vessel impound authorization and inventory form at the time of impound if the operator is a legal or registered owner of the vessel. Personal service of the vessel impound authorization and inventory form meets the notice requirement of this subsection with respect to the legal or registered owner personally served. The notification must be provided on a vessel impound authorization and inventory form and include: (i) The name, address, and telephone number of the facility where the vessel is being held; (ii) the right of redemption and opportunity for a hearing to contest the validity of the impoundment; and (iii)

the rate that is being charged for the storage of the vessel while impounded.

(b) A notice does not need to be sent to the legal or registered owner or owners of an impounded vessel if the vessel has been redeemed.

(c) The impounded vessel may not be redeemed by the operator within a twelve-hour period starting at the time of the operator's arrest. The vessel may be redeemed by or released to an owner or an agent of the owner that is not the operator within the twelve-hour period following arrest.

(10) A moorage facility that accepts a vessel impounded pursuant to this section for storage may charge the owner of the vessel up to one hundred twenty-five percent of the normal moorage rates of tenants or guests in addition to a fee for securing the impounded vessel. A moorage facility must store the vessel in the least costly boat slip or storage area available that is appropriate for the vessel size. An entity that provides emergency vessel towing services that accepts a vessel impounded pursuant to this section for towing or storage, or both, may charge its normal towing and storage fees. The costs of removal and storage of vessels under this section is a lien upon the vessel until paid, unless the impoundment is determined to be invalid. The registered owner of a vessel impounded pursuant to this section is responsible for paying all fees associated with the towing and storage of the vessel resulting from its impoundment, except as otherwise provided in subsection (15) of this section.

(11) Within fifteen days of impoundment of the vessel, or until the vessel is forfeited pursuant to subsection (12) of this section, the legal or registered owner of a vessel impounded and stored pursuant to this section may redeem the vessel by paying all towing and storage fees charged as allowed in subsection (10) of this section. Within fifteen days of impoundment of the vessel, or until the vessel is forfeited pursuant to subsection (12) of this section, any person who shows proof of ownership or written authorization from the impounded vessel's registered or legal owner or the vessel's insurer may view the vessel without charge during the normal business hours of the entity storing the vessel. The moorage facility may request that a representative of the impounding agency be present during redemption. If requested, the impounding agency must provide a representative as requested by the moorage facility.

(12) If an impounded vessel stored pursuant to this section is not redeemed by its registered or legal owner pursuant to subsection (11) of this section within fifteen days of its impoundment, the entity storing the vessel, or the agency of the impounding officer, if required by the moorage facility under subsection (8) of this section, may initiate foreclosure. Forfeiture by the vessel owner is complete twenty days after mailing of the notice required by this subsection, unless within that time the owner, or any lienholder or holder of a security interest, pays all fees associated with the towing and storage of the vessel resulting from its impoundment. However, foreclosure may not be completed while a hearing under subsection (15) of this section to contest the validity of the impoundment is pending in district or municipal court or while any appeal of a decision of the district or municipal court on the validity of the impoundment is pending.

(a) In order to foreclose on the vessel, the foreclosing entity must mail notice of its intent. Such a notice must, at a minimum, state: (i) The intent of the foreclosing entity to foreclose on the vessel; (ii) that, when the foreclosure process is complete, the owner forfeits all ownership interest in the vessel; (iii) the right of the foreclosing entity to take possession of or dispose of the vessel upon completion of the foreclosure process; and (iv) that the owner, or other interested person or entity, may avoid forfeiture of the vessel by paying all fees associated with the towing and storage of the vessel resulting from its impoundment

within twenty days of mailing of the notice. The notice must be mailed to the owner of the vessel at the address on file with the state with which the vessel is registered, or on file with the federal government, if the vessel is registered with the federal government, and any lienholder or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or with the federal government.

(b) Upon completion of the foreclosure process, the registered and legal owners of the vessel forfeit any and all ownership interest in it and the entity administering the foreclosure process must dispose of it through sale. The proceeds of a sale under this section shall be applied first to payment of the amount of reasonable charges incurred by the entity for towing, storage, and sale, then to the owner or to satisfy any liens of record or security interests of record on the vessel in the order of their priority. If the sale is for a sum less than the applicable charges, the foreclosing entity is entitled to assert a claim for the deficiency against the vessel owner. Nothing in this section prevents any lien holder or secured party from asserting a claim for any deficiency owed the lien holder or secured party. If more than one thousand dollars remains after the satisfaction of amounts owed to the entity and to any owner or bona fide security interest, then the foreclosing entity must remit the moneys to the department of licensing for deposit in the derelict vessel removal account established in RCW 79.100.100. A copy of the forfeited vessel disposition report form identifying the vessel resulting in any surplus shall accompany the remitted funds. Transfer of ownership of the vessel after foreclosure must comply with RCW 79.100.150, when applicable. All personal property in the vessel not claimed prior to foreclosure must be turned over to the law enforcement agency that authorized the impoundment. The personal property must be disposed of pursuant to chapter 63.32 or 63.40 RCW, or as otherwise provided by law. Within fourteen days of the completion of the foreclosure process of a vessel pursuant to this subsection, the foreclosing entity shall send a forfeited vessel disposition report, together with a copy of the vessel impound authorization and inventory form and the notice of intent to foreclose, to the department of licensing so that the department may include documentation in the ownership records of the vessel. The vessel disposition information sent to the department of licensing on the forfeited vessel disposition report relieves the previous owner of the vessel from any civil or criminal liability for the operation of the vessel from the date of sale thereafter, and transfers full liability for the vessel to the party to whom the vessel is transferred by the foreclosing entity.

(13) Any individual or entity whose assistance has been requested by an impounding officer who in good faith provides trailering, towing, or secured or other type of moorage of a vessel impounded pursuant to this section is not liable for any damage to or theft of the vessel or its contents, or for damages for loss of use of the vessel resulting from any act or omission in providing assistance other than for acts or omissions constituting gross negligence or willful or wanton misconduct, or for any damages arising from any act or omission committed during the foreclosure process.

(14) If a law enforcement officer impounds and secures a vessel pursuant to this section, the impounding officer and the government agency employing the officer are not liable for any damage to or theft of the vessel or its contents, or for damages for loss of use of the vessel, or for any damages arising from any act or omission committed during the foreclosure process.

(15) Any legal or registered owner seeking to redeem an impounded vessel under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vessel was impounded to contest the validity of the impoundment. The

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district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents, unless the impoundment was authorized by municipal agents. The municipal court has exclusive jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing must be made in writing per the instructions provided on the uniform vessel impound authorization and inventory form and must be received by the appropriate court within ten business days of the date that the vessel impound authorization and inventory form was mailed to or served on the registered or legal owner or owners of the impounded vessel. If the hearing request is not received by the court within ten business days of the sending or personal service of the notice of impoundment pursuant to subsection (9) of this section, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(a) Within five days after the request for a hearing, the court shall notify the operator of the impound facility, the registered and legal owners of the vessel, and the officer or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the petitioner may produce any relevant evidence that is admissible under court rules to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the fees established in subsection (10) of this section, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with subsection (10) of this section.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs must be assessed against the petitioner.

(e) If the impoundment is determined to be in violation of this section, then the registered and legal owners of the vessel bear no impoundment, towing, or storage fees, any security must be returned or discharged as appropriate, and the agency that authorized the impoundment is liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the moorage facility or vessel towing contractor against the agency authorizing the impound for the impoundment, towing, and storage fees incurred. In addition, the court shall enter judgment in favor of the petitioner for the amount of the filing fee required by law for the impound hearing petition. If an impoundment is determined to be in violation of this section, the impounding officer and the government agency employing the officer are not liable for damage to or theft of the vessel or its contents, or damages for loss of use of the vessel, if the impounding officer had reasonable suspicion to believe that the operator of the vessel was operating the vessel while under the influence of intoxicating liquor or any drug, was in physical control of the vessel while under the influence of intoxicating liquor or any drug, or was operating the vessel in a reckless manner, or if the impounding officer otherwise acted reasonably under the circumstances in acting to impound and secure the vessel.

(f) If any judgment entered under this subsection is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment

may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment must read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$....., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys' fees and costs will be awarded against you under RCW if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year)

Signature

Typed name and address of party mailing notice

(16) By September 30, 2017, the department of licensing in collaboration with the commission shall create the following forms for use in the enforcement of this section:

(a) A vessel impound authorization and inventory form. This form must include sections for the impounding officer to record the addresses of the registered and legal owners of the vessel and the designated individual that will act on behalf of the impound facility; and

(b) A forfeited vessel disposition report form.

(17) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Impound" means to take and hold a vessel in legal custody.

(b) "Legal owner" means a person having a perfected security interest or a registered owner of a vessel unencumbered by a security interest.

(c) "Moorage facility" includes a private moorage facility as defined in RCW 88.26.010, a moorage facility as defined in RCW 53.08.310, or a moorage facility owned or operated by the agency of the arresting officer.

(d) "Registered owner" or "owner" means the person whose lawful right of possession of a vessel has most recently been recorded with the department of licensing.

(e) "Secure moorage" is in-water moorage or dry storage at a moorage facility in a location specifically designated for the moorage of vessels and in a location where access is controlled or security is provided.

(f) "Vessel" includes any vessel as defined in RCW 79A.60.010 and includes any associated trailer or towing device used to transport the vessel if it is included in the impoundment."

On page 1, line 1 of the title, after "impoundment;" strike the remainder of the title and insert "and adding a new section to chapter 79A.60 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1605.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1605 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1605 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1605 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Frockt and Ranker

SUBSTITUTE HOUSE BILL NO. 1605, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1626, by House Committee on Public Safety (originally sponsored by Representatives Blake and J. Walsh)

Changing the date in which community impact statements are provided to the department of corrections.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1626 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1626.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1626 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Frockt and Ranker

SUBSTITUTE HOUSE BILL NO. 1626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:01 p.m., on motion of Senator Fain, the Senate adjourned until 3:30 o'clock p.m. Monday, April 10, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETY SECOND DAY

NOON SESSION

Senate Chamber, Olympia
Monday, April 10, 2017

The Senate was called to order at 3:32 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Gabriella Charneski and Mr. Samuel Frockt, presented the Colors. Page Miss Samantha Nguyen led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Judy Warnick, 13th Legislative District, Moses Lake.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 4, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MARIA J. CHRISTIANSON, appointed November 8, 2013, for the term ending July 1, 2018, as Member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9263.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MESSAGE FROM THE STATE OFFICERS

April 10, 2017

The following reports were submitted to the Office of the Secretary and received by the Senate:

Health Benefit Exchange – “Financial Report for March 2017” in accordance with Second Engrossed Substitute House Bill No. 2376, report date March 31, 2017; and

Public Employees Relations Commission – “Annual Report, covering 2012-2016” pursuant to 41.58.010 RCW, report date April 3, 2017.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 2138,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 7, 2017

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 1452,
SECOND SUBSTITUTE HOUSE BILL NO. 2143,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 7, 2017

MR. PRESIDENT:
The House has passed:
SUBSTITUTE SENATE BILL NO. 5051,
SECOND SUBSTITUTE SENATE BILL NO. 5107,
SENATE BILL NO. 5200,
SUBSTITUTE SENATE BILL NO. 5301,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5435,
SUBSTITUTE SENATE BILL NO. 5764,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 7, 2017

MR. PRESIDENT:
The House has passed:
SUBSTITUTE SENATE BILL NO. 5031,
SENATE BILL NO. 5036,
SENATE BILL NO. 5085,
SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5235,
SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5322,
SUBSTITUTE SENATE BILL NO. 5372,
SENATE BILL NO. 5640,
SENATE BILL NO. 5734,
SENATE BILL NO. 5826,
SUBSTITUTE SENATE BILL NO. 5837,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5122,
 SENATE BILL NO. 5125,
 SENATE BILL NO. 5129,
 SENATE BILL NO. 5144,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,
 SENATE BILL NO. 5270,
 SUBSTITUTE SENATE BILL NO. 5277,
 SENATE BILL NO. 5306,
 SUBSTITUTE SENATE BILL NO. 5356,
 SENATE BILL NO. 5382,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
 SUBSTITUTE SENATE BILL NO. 5481,
 SENATE BILL NO. 5543,
 SUBSTITUTE SENATE BILL NO. 5573,
 SENATE BILL NO. 5595,
 SENATE BILL NO. 5631,
 SENATE BILL NO. 5649,
 SUBSTITUTE SENATE BILL NO. 5675,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5751,
 ENGROSSED SENATE BILL NO. 5761,
 SENATE BILL NO. 5813.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

EHB 1032 by Representatives Ryu, Orcutt, Kirby, Vick, Santos, Nealey, Appleton, Manweller, Sawyer, Muri, Blake, Goodman, Stonier, Ortiz-Self, Springer, Hargrove, Peterson, Tarleton, Pettigrew, Stokesbary, Farrell, Clibborn, Stanford, Lytton, Pollet, Kagi, Fitzgibbon, Barkis, Van Werven, Frame, Dolan, Buys, Gregerson, Haler, Young, Dent, Kilduff, Shea and Macri

AN ACT Relating to the excise taxation of martial arts; amending RCW 82.04.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
 8651

By Senators Fain and Nelson

WHEREAS, The Senate adopted permanent rules for the 2017-2019 biennium under Senate Resolution 8602; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied;

NOW, THEREFORE, BE IT RESOLVED, That Rule 51 is amended as follows:

"Rule 51. The employment committee for committee staff shall consist of ~~((five))~~ six members, three from the majority party and ~~((two))~~ three from the minority party. The chair shall be appointed by the majority leader. ~~((The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members.))~~ All ~~((other))~~ decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee."

Senators Fain and Nelson spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8651.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

MOTION

On motion of Senator Saldaña, Senator Carlyle was excused.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5031,
 SENATE BILL NO. 5036,
 SUBSTITUTE SENATE BILL NO. 5051,
 SENATE BILL NO. 5085,
 SECOND SUBSTITUTE SENATE BILL NO. 5107,
 SENATE BILL NO. 5200,
 SENATE BILL NO. 5227,
 SUBSTITUTE SENATE BILL NO. 5235,
 SENATE BILL NO. 5261,
 SUBSTITUTE SENATE BILL NO. 5301,
 SUBSTITUTE SENATE BILL NO. 5322,
 SUBSTITUTE SENATE BILL NO. 5357,
 SUBSTITUTE SENATE BILL NO. 5372,
 SUBSTITUTE SENATE BILL NO. 5435,
 SENATE BILL NO. 5640,
 SENATE BILL NO. 5734,
 SUBSTITUTE SENATE BILL NO. 5764,
 SENATE BILL NO. 5826,
 SUBSTITUTE SENATE BILL NO. 5837,

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

NINETY SECOND DAY, APRIL 10, 2017

2017 REGULAR SESSION

Senator Brown moved that ERIN L. BLACK, Gubernatorial Appointment No. 9158, be confirmed as a member of the Central Washington University Board of Trustees.

Senators Brown and King spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senator Fortunato was excused.

APPOINTMENT OF ERIN L. BLACK

The President declared the question before the Senate to be the confirmation of ERIN L. BLACK, Gubernatorial Appointment No. 9158, as a member of the Central Washington University Board of Trustees.

The Secretary called the roll on the confirmation of ERIN L. BLACK, Gubernatorial Appointment No. 9158, as a member of the Central Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Fortunato

ERIN L. BLACK, Gubernatorial Appointment No. 9158, having received the constitutional majority was declared confirmed as a member of the Central Washington University Board of Trustees.

MOTION

Senator Pearson moved that JANET WAINWRIGHT, Gubernatorial Appointment No. 9167, be confirmed as a member of the Columbia River Gorge Commission.

Senator Pearson spoke in favor of the motion.

APPOINTMENT OF JANET WAINWRIGHT

The President declared the question before the Senate to be the confirmation of JANET WAINWRIGHT, Gubernatorial Appointment No. 9167, as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of JANET WAINWRIGHT, Gubernatorial Appointment No. 9167, as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

JANET WAINWRIGHT, Gubernatorial Appointment No. 9167, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

MOTION

Senator Takko moved that STEPHEN W. VINCENT, Gubernatorial Appointment No. 9112, be confirmed as a member of the Lower Columbia College Board of Trustees.

Senator Takko spoke in favor of the motion.

APPOINTMENT OF STEPHEN W. VINCENT

The President declared the question before the Senate to be the confirmation of STEPHEN W. VINCENT, Gubernatorial Appointment No. 9112, as a member of the Lower Columbia College Board of Trustees.

The Secretary called the roll on the confirmation of STEPHEN W. VINCENT, Gubernatorial Appointment No. 9112, as a member of the Lower Columbia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

STEPHEN W. VINCENT, Gubernatorial Appointment No. 9112, having received the constitutional majority was declared confirmed as a member of the Lower Columbia College Board of Trustees.

MOTION

Senator Pearson moved that THEODORE R. WILLHITE, Gubernatorial Appointment No. 9055, be confirmed as a member of the Recreation and Conservation Funding Board.

Senator Pearson spoke in favor of the motion.

APPOINTMENT OF THEODORE R. WILLHITE

The President declared the question before the Senate to be the confirmation of THEODORE R. WILLHITE, Gubernatorial Appointment No. 9055, as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of THEODORE R. WILLHITE, Gubernatorial Appointment No. 9055, as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

THEODORE R. WILLHITE, gubernatorial appointment No. 9055, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105, by House Committee on Transportation (originally sponsored by Representatives Stanford, Orcutt, Clibborn, Stambaugh, Hayes, Stonier, Koster, Holy, Ryu, Ormsby, Fey, Wylie, Dolan, Sells, Muri, Haler, Goodman, Doglio, Hudgins, Gregerson, Barkis, Kilduff, Santos, Tarleton, Pollet, Farrell and Riccelli)

Concerning passenger-carrying vehicles for railroad employees.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1348. RCW 81.61.010 and 1977 ex.s. c 2 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise (~~(, the term)~~):

(1) "Contract crew transportation vehicle," as used in this chapter, means every motor vehicle, designed to transport fifteen or fewer passengers, including the driver, that is owned, leased, operated, or maintained by a person contracting with a railroad company or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcontractors, and used primarily to provide railroad crew transportation.

(2) "Passenger-carrying vehicle," as used in this chapter, means those buses (~~and~~), vans, trucks, and cars owned, operated, and maintained by a railroad company (~~(which)~~) and primarily used to transport(~~s~~) railroad employees in other than the cab of such vehicle and designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

NEW SECTION. Sec. 1349. A new section is added to chapter 81.61 RCW to read as follows:

(1) The commission must regulate persons providing contract railroad crew transportation and every contract crew transportation vehicle with respect to driver qualifications, equipment safety, safety of operations, passenger safety, drug testing requirements, and record retention. This regulation must be consistent with the manner in which the commission regulates these areas under chapter 81.70 RCW and the manner in which it regulates safety under chapter 81.68 RCW, as well as with the approach used in federal motor carrier safety regulations under Title 49 of the code of federal regulations. In the event of a conflict between this chapter and the laws referenced in this subsection, this chapter governs.

(2) The commission must adopt rules under chapter 34.05 RCW as necessary to carry out this chapter regarding the operation of contract crew transportation vehicles.

(3)(a) The commission must require insurance coverage for each contract crew transportation vehicle that satisfies the following minimum amounts:

(i) Five million dollars combined single limit coverage for bodily injury and property damage liability coverage; and

(ii) Uninsured and underinsured motorist coverage of one million dollars.

(b) If a third party contracts with the person operating the vehicle on behalf of the railroad company or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcontractors to transport railroad crew, the insurance requirements may be satisfied by either the third party or the person operating the vehicle, so long as the person operating the vehicle names the third party as an additional insured or named insured. The railroad company may also satisfy the insurance requirements. Proof of coverage must be provided to the commission by the person contracting with the railroad company.

(4) The commission must require the form and posting of adequate notices in a conspicuous location in all contract crew transportation vehicles to advise railroad employee passengers of their rights, the opportunity to submit safety complaints to the commission, the complaint process, and contact information for the commission.

(5) The commission must require persons providing contract railroad crew transportation to ensure that all drivers of contract crew transportation vehicles have successfully completed at least eight hours of commission-approved safety training that includes, but is not limited to, vehicle and passenger safety awareness, rail yard safety, grade crossing safety, load securement, and distracted and fatigued driving.

(6) The commission must investigate safety complaints related to contract railroad crew transportation under this chapter and take appropriate enforcement action as authorized.

(7) The commission may enforce this chapter with respect to persons providing contract railroad crew transportation under the authority in RCW 81.04.380 through 81.04.405, including assessing penalties as warranted.

(8) The commission may suspend or revoke a permit upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that any person owning, leasing, operating, or maintaining contract crew transportation vehicles has violated this chapter or the rules of the commission, or that the company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States.

NEW SECTION. Sec. 1350. A new section is added to chapter 81.61 RCW to read as follows:

(1) A person is immediately and automatically disqualified from operating a contract crew transportation vehicle for a period of three years if the person is convicted of, or is found to have committed, two or more traffic violations, for a reason other than the nonpayment of fines, that result in suspension or revocation of the person's driver's license within a three-year period, or if the person is found guilty of, or is found to have committed, any drug or alcohol-related traffic offense, using a vehicle to commit a felony, leaving the scene of an accident, prohibited passing of another vehicle, a railroad-highway grade crossing offense identified in RCW 46.25.090(8), or driving with a suspended, revoked, or canceled license.

(2) A driver that sustains a conviction or a traffic violation as outlined under this section while employed by a contract carrier must report the conviction or infraction to the carrier within ten

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days of the date of conviction or the finding that the infraction was committed.

NEW SECTION. Sec. 1351. A new section is added to chapter 81.61 RCW to read as follows:

(1) The commission must compile data regarding any reported safety complaints, accidents, regulatory violations and fines, and corrective actions taken by the commission involving vehicles regulated under this chapter. A railroad company, and any person that owns or leases, operates, or maintains contract crew transportation vehicles in the state, must, at the request of the commission, provide data relevant to any complaints and accidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries resulted, and any corrective action taken by the railroad company, person operating the contract crew transportation vehicle, or commission. The commission must make this data available upon request.

(2) Information included in safety complaints that identifies the employee who submitted the complaint is exempt from public inspection and copying pursuant to RCW 42.56.330.

Sec. 1352. RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to read as follows:

(1) The commission may, in enforcing rules and orders under this chapter, inspect any passenger-carrying vehicle ~~((provided by a railroad company to transport employees in the course of their employment))~~ or contract crew transportation vehicle. Upon request, the chief of the state patrol may assist the commission in these inspections.

(2) Consistent with section 2 of this act, the commission must develop an inspection program for contract crew transportation vehicles. This program must require a periodic inspection of each vehicle, including a review of operational practices.

Sec. 1353. RCW 42.56.330 and 2015 c 224 s 4 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 or 81.77.210 that a court has determined are confidential under RCW 80.04.095 or 81.77.210;

(2) The addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. ~~((Participant's))~~ Participants' names, general locations, and point of contact may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose

personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; ~~((and))~~

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(9) Personally identifying information included in safety complaints submitted under chapter 81.61 RCW.

NEW SECTION. Sec. 1354. This act takes effect January 1, 2018."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "railroad crew transportation; amending RCW 81.61.010, 81.61.040, and 42.56.330; adding new sections to chapter 81.61 RCW; and providing an effective date."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1105.

The motion by Senator King carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator King moved that the following floor striking amendment no. 230 by Senator King be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1355.** RCW 81.61.010 and 1977 ex.s. c 2 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise(~~(, the term)~~):

(1) "Contract crew transportation vehicle," as used in this chapter, means every motor vehicle, designed to transport fifteen or fewer passengers, including the driver, that is owned, leased, operated, or maintained by a person contracting with a railroad company or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcarriers, and used primarily to provide railroad crew transportation.

(2) "Passenger-carrying vehicle," as used in this chapter, means those buses (~~(and)~~), vans, trucks, and cars owned, operated, and maintained by a railroad company (~~(which)~~) and primarily used to transport(s) railroad employees in other than the cab of such vehicle and designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

NEW SECTION. Sec. 1356. A new section is added to chapter 81.61 RCW to read as follows:

(1) The commission must regulate persons providing contract railroad crew transportation and every contract crew transportation vehicle with respect to driver qualifications, equipment safety, safety of operations, hours of service by drivers, passenger safety, drug testing requirements, and record retention. This regulation must be consistent with the manner in which the commission regulates these areas under chapter 81.70 RCW and the manner in which it regulates safety under chapter 81.68 RCW, as well as with the approach used in federal motor carrier safety regulations under Title 49 of the code of federal regulations. In the event of a conflict between this chapter and the laws referenced in this subsection, this chapter governs.

(2) The commission must adopt rules under chapter 34.05 RCW as necessary to carry out this chapter regarding the operation of contract crew transportation vehicles.

(3)(a) The commission must require insurance coverage for each contract crew transportation vehicle that satisfies the following minimum amounts:

(i) Five million dollars combined single limit coverage for bodily injury and property damage liability coverage; and

(ii) Uninsured and underinsured motorist coverage of one million dollars.

(b) If a third party contracts with the person operating the vehicle on behalf of the railroad company or its agents, contractors, subcontractors, vendors, subvendors, secondary vendors, or subcarriers to transport railroad crew, the insurance requirements may be satisfied by either the third party or the person operating the vehicle, so long as the person operating the vehicle names the third party as an additional insured or named insured. The railroad company may also satisfy the insurance requirements. Proof of coverage must be provided to the commission by the person contracting with the railroad company.

(4) The commission must require the form and posting of adequate notices in a conspicuous location in all contract crew transportation vehicles to advise railroad employee passengers of their rights, the opportunity to submit safety complaints to the commission, the complaint process, and contact information for the commission.

(5) The commission must require persons providing contract railroad crew transportation to ensure that all drivers of contract crew transportation vehicles successfully complete at least eight hours of commission-approved safety training that includes, but

is not limited to, vehicle and passenger safety awareness, rail yard safety, grade crossing safety, load securement, and distracted and fatigued driving.

(6) The commission must investigate safety complaints related to contract railroad crew transportation under this chapter and take appropriate enforcement action as authorized.

(7) The commission may enforce this chapter with respect to persons providing contract railroad crew transportation under the authority in RCW 81.04.380 through 81.04.405, including assessing penalties as warranted.

(8) The commission may suspend or revoke a permit upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that any person owning, leasing, operating, or maintaining contract crew transportation vehicles has violated this chapter or the rules of the commission, or that the company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States.

NEW SECTION. Sec. 1357. A new section is added to chapter 81.61 RCW to read as follows:

(1) A person is immediately and automatically disqualified from operating a contract crew transportation vehicle for a period of three years if (a) the person is convicted of, or is found to have committed, two or more traffic violations that result in suspension or revocation of the person's driver's license within a three-year period, for a reason other than the nonpayment of fines, or (b) the person is found guilty of, or is found to have committed, any drug or alcohol-related traffic offense, using a vehicle to commit a felony, leaving the scene of an accident, prohibited passing of another vehicle, a railroad-highway grade crossing offense identified in RCW 46.25.090(8), or driving with a suspended, revoked, or canceled license.

(2) A driver that sustains a conviction or a traffic violation as outlined under this section while employed by a contract carrier must report the conviction or infraction to the carrier within ten days of the date of conviction or the finding that the infraction was committed.

NEW SECTION. Sec. 1358. A new section is added to chapter 81.61 RCW to read as follows:

(1) The commission must compile data regarding any reported safety complaints, accidents, regulatory violations and fines, and corrective actions taken by the commission involving vehicles regulated under this chapter. A railroad company, and any person that owns or leases, operates, or maintains contract crew transportation vehicles in the state, must, at the request of the commission, provide data relevant to any complaints and accidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries resulted, and any corrective action taken by the railroad company, person operating the contract crew transportation vehicle, or commission. The commission must make this data available upon request.

(2) Information included in safety complaints that identifies the employee who submitted the complaint is exempt from public inspection and copying pursuant to RCW 42.56.330.

Sec. 1359. RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to read as follows:

(1) The commission may, in enforcing rules and orders under this chapter, inspect any passenger-carrying vehicle (~~(provided by a railroad company to transport employees in the course of their employment)~~) or contract crew transportation vehicle. Upon request, the chief of the state patrol may assist the commission in these inspections.

(2) Consistent with section 2 of this act, the commission must develop an inspection program for contract crew transportation

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vehicles. This program must require a periodic inspection of each vehicle, including a review of operational practices.

Sec. 1360. RCW 42.56.330 and 2015 c 224 s 4 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 or 81.77.210 that a court has determined are confidential under RCW 80.04.095 or 81.77.210;

(2) The addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. ~~((Participant*))~~ **Participants'** names, general locations, and point of contact may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law

enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; ~~((and))~~

(8) The personally identifying information of persons who acquire and use a driver's license or identocard that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(9) Personally identifying information included in safety complaints submitted under chapter 81.61 RCW.

NEW SECTION. Sec. 1361. This act takes effect January 1, 2018."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "railroad crew transportation; amending RCW 81.61.010, 81.61.040, and 42.56.330; adding new sections to chapter 81.61 RCW; and providing an effective date."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 230 by Senator King to Engrossed Substitute House Bill No. 1105.

The motion by Senator King carried and floor striking amendment no. 230 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute House Bill No. 1105 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Hobbs, Baumgartner and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1105 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1105 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford and Schoesler

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1683, by House Committee on Environment (originally sponsored by Representatives Appleton and Griffey)

Addressing sewer service within urban growth areas.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Substitute House Bill No. 1683 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1683.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1683 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

SUBSTITUTE HOUSE BILL NO. 1683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1711, by House Committee on Appropriations (originally sponsored by Representatives Kretz, Springer, Pettigrew, Schmick, Short and Condotta)

Prioritizing lands to receive forest health treatments.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1362. A new section is added to chapter 79.10 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department shall, to the extent feasible given all applicable trust responsibilities, develop and implement a policy for prioritizing investments on forest health treatments to

protect state lands and state forestlands, as those terms are defined in RCW 79.02.010, to: (i) Reduce wildfire hazards and losses from wildfire; (ii) reduce insect infestation and disease; and (iii) achieve cumulative impact of improved forest health and resilience at a landscape scale.

(b) The prioritization policy in (a) of this subsection must consider whether state lands and state forestlands are within an area that is subject to a forest health hazard warning or order pursuant to RCW 76.06.180.

(2)(a) The department's prioritization of state lands and state forestlands must be based on an evaluation of the economic and noneconomic value of:

(i) Timber or other commercial forest products removed during any mechanical treatments;

(ii) Timber or other commercial forest products likely to be spared from damage by wildfire;

(iii) Homes, structures, agricultural products, and public infrastructure likely to be spared from damage by wildfire;

(iv) Impacts to recreation and tourism; and

(v) Ecosystem services such as water quality, air quality, or carbon sequestration.

(b) The department's evaluation of economic values may rely on heuristic techniques.

(3) The definitions in this subsection apply throughout this section and sections 2 and 3 of this act unless the context clearly requires otherwise.

(a) "Forest health" has the same meaning as defined in RCW 76.06.020.

(b) "Forest health treatment" or "treatment" means actions taken by the department to restore forest health including, but not limited to, sublandscape assessment and project planning, site preparation, reforestation, mechanical treatments including timber harvest, road realignment for fire protection and aquatic improvements, and prescribed burning.

NEW SECTION. Sec. 1363. A new section is added to chapter 79.10 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, consistent with the prioritization policy developed pursuant to section 1 of this act, and to the extent feasible given all applicable trust responsibilities, the department must identify areas of state lands and state forestlands that would benefit from forest health treatments at the landscape level for the next twenty years, and ones that would benefit the most during the following six years, and prioritize and list specific lands for treatment during the subsequent biennium. The department shall update this list by November 15th of each even-numbered year.

(b) To expedite initial treatments under this act, for the 2017-2019 biennium the department may prioritize and, if funds are appropriated for this purpose, address lands for treatment that are currently identified by the department as pilot treatment projects.

(2) In order to develop a prioritized list that evaluates forest health treatments at a landscape scale, the department should consult with and take into account the land management plans and activities of nearby landowners, if available, including federal agencies, other state agencies, local governments, tribes, and private property owners, in addition to any statewide assessments done by the department. The department may include federally, locally, or privately managed lands on the list. The department may fund treatment on these lands provided that the treatments are funded with nontrust funds, and provided that the treatments produce a net benefit to the health of state lands and state forestlands.

(3) By December 1st of each even-numbered year, the department must submit a report to the legislature consistent with the requirements of RCW 43.01.036, to the office of financial

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management, and to the board of natural resources. The report must include:

(a) A brief summary of the department's progress towards treating the state lands and state forestlands included on the preceding biennium's prioritization list;

(b) A list of lands prioritized for forest health treatments in the next biennium, including state lands and state forestlands prioritized for treatment pursuant to subsection (1) of this section;

(c) Recommended funding amounts required to carry out the treatment activities for the next biennium, including a summary of potential nontimber revenue sources that could finance specific forest health treatments pursuant to section 1 of this act, including but not limited to ecosystem services such as water and carbon sequestration as well as insurance and fire mitigation; and

(d) A summary of trends in forest health conditions.

NEW SECTION. Sec. 1364. A new section is added to chapter 79.64 RCW to read as follows:

(1)(a) The forest health revolving account is created in the custody of the state treasurer. All receipts from the proceeds of forest health treatment sales as defined in this section and sections 1 and 2 of this act and all legislative transfers, gifts, grants, and federal funds must be deposited into the account. Expenditures from the account may be used only for the payment of costs, including management and administrative costs, incurred on forest health treatments necessary to improve forest health as defined in section 1 of this act. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The board of natural resources has oversight of the account, and the commissioner must periodically report to the board of natural resources as to the status of the account, its disbursement, and receipts. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(b) The forest health revolving account is an interest-bearing account and the interest must be credited to the account.

(2) Beginning calendar year 2018, the fund balance attributable to the receipts from the proceeds of forest health treatment sales is subject to the following:

(a) Any unobligated amounts up to ten million dollars at the end of the calendar year are not subject to disbursements to trust beneficiaries, the resource management account, or the forest development account.

(b) Any unobligated amounts exceeding ten million dollars at the end of the calendar year must be disbursed to the appropriate trust beneficiaries as determined by the board of natural resources and these disbursements are not subject to the deductions for the resource management cost account described in RCW 79.64.040 or the forest development account described in RCW 79.64.110.

(c) If the board of natural resources determines that the department has permanently discontinued using the forest health revolving account for the forest health treatments under sections 1 and 2 of this act, the board must disburse all remaining fund balance attributable to the proceeds of forest health treatment sales to the appropriate trust beneficiaries, and these disbursements are not subject to the deductions for the resource management cost account described in RCW 79.64.040 or the forest development account described in RCW 79.64.110.

(3)(a) Except as provided in (b) and (c) of this subsection, expenditures on state lands and state forestlands for forest health treatments by the department from the forest health revolving account must be consistent with the prioritization policy under section 1 of this act and the prioritization list created under section 2 of this act.

(b) The department is not bound to adhere to the list submitted to the legislature under section 1 of this act in the event that

emerging information or changed circumstances support a reprioritization of lands consistent with the policy created under section 1 of this act.

(c) The department is not required to apply the prioritization policy of section 1 of this act where doing so would be incompatible with the conditions of funding provided by the federal government or another organization that is contributing funds to forest health treatments involving the department.

Sec. 1365. RCW 43.30.325 and 2003 c 334 s 125 and 2003 c 313 s 9 are each reenacted and amended to read as follows:

(1) The department shall deposit daily all moneys and fees collected or received by the commissioner and the department in the discharge of official duties as follows:

(a) The department shall pay moneys received as advance payments, deposits, and security from successful bidders under RCW 79.15.100 and 79.11.150 to the state treasurer for deposit under (b) of this subsection. Moneys received from unsuccessful bidders shall be returned as provided in RCW 79.11.150;

(b) The department shall pay all moneys received on behalf of a trust fund or account to the state treasurer for deposit in the trust fund or account after making the deduction authorized under RCW (~~79.22.040~~) 79.64.110, 79.22.050, 79.64.040, and 79.15.520, except as provided in section 3 of this act;

(c) The natural resources deposit fund is hereby created. The state treasurer is the custodian of the fund. All moneys or sums which remain in the custody of the commissioner of public lands awaiting disposition or where the final disposition is not known shall be deposited into the natural resources deposit fund. Disbursement from the fund shall be on the authorization of the commissioner or the commissioner's designee, without necessity of appropriation;

(d) If it is required by law that the department repay moneys disbursed under (a) and (b) of this subsection the state treasurer shall transfer such moneys, without necessity of appropriation, to the department upon demand by the department from those trusts and accounts originally receiving the moneys.

(2) Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer.

Sec. 1366. RCW 79.64.040 and 2015 3rd sp.s. c 4 s 972 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, except as provided in section 3 of this act, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through

79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2013-2015 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board. During the 2015-2017 fiscal biennium, the board may increase the twenty-five percent limitation up to thirty-two percent.

Sec. 1367. RCW 79.64.110 and 2015 3rd sp.s. c 4 s 973 are each amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in section 3 of this act, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2015-2017 fiscal biennium, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds

in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 1368. RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced

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cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 1369. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1370. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "treatments;" strike the remainder of the title and insert "amending RCW 79.64.040 and 79.64.110; reenacting and amending RCW 43.30.325 and 43.79A.040; adding new sections to chapter 79.10 RCW; adding a new section to chapter 79.64 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1711.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Second Substitute House Bill No. 1711, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1711 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1711, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille,

Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1711, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1902, by House Committee on Commerce & Gaming (originally sponsored by Representatives Kirby, Vick and Doglio)

Modifying tavern license provisions.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford and without objection, the following floor amendment no. 229 by Senators Honeyford and Keiser on page 3, line 15 to Substitute House Bill No. 1902 was withdrawn.

On page 3, after line 15, insert the following:

"**Sec. 2.** RCW 66.24.655 and 2013 c 237 s 1 are each amended to read as follows:

(1) There is a theater license to sell spirits, beer, including strong beer, or wine, or all, at retail, for consumption on theater premises. A spirits, beer, and wine theater license may be issued ~~((only))~~ to theaters ~~((that have no more than one hundred twenty seats per screen and))~~ that are maintained in a substantial manner as a place for preparing, cooking, and serving complete meals ~~((and providing tabletop accommodations for in theater dining))~~. Requirements for complete meals are the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee for a spirits, beer, and wine theater license is two thousand dollars.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown ~~((, and includes only theaters with up to four screens))~~.

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a

requirement that any person involved in the serving of spirits, beer, and/or wine must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a spirits, beer, or wine manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the spirits, beer, or wine manufacturer, importer, or distributor; and the amount allocated or used for spirits, beer, or wine advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

Sec. 3. RCW 66.24.650 and 2013 c 219 s 1 are each amended to read as follows:

(1) There is a theater license to sell beer, including strong beer, or wine, or both, at retail, for consumption on theater premises. The annual fee is four hundred dollars for a beer and wine theater license.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board, and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown((, and includes only theaters with up to four screens)).

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of beer and/or wine must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a beer or wine manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products

of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the beer or wine manufacturer, importer, or distributor; and the amount allocated or used for wine or beer advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "liquor licenses; and amending RCW 66.24.330, 66.24.655, and 66.24.650."

MOTION

Senator Keiser moved that the following floor amendment no. 246 by Senators Keiser and Honeyford be adopted:

On page 3, after line 15, insert the following:

"(8) The board may issue an endorsement to allow a holder of a tavern license at a theater who meets the food preparation and service requirements of RCW 66.24.655(1), to sell spirits, beer, including strong beer, or wine, or all, at retail for consumption on theater premises, except the requirements to have no more than one hundred twenty seats per screen and to provide tabletop accommodations for in-theater dining do not apply. Minors are allowed on theater premises with a board-approved alcohol control plan meeting the requirements of RCW 66.24.655 (2) through (4). The cost of the endorsement is two thousand dollars.

(9) The board may issue an endorsement to allow a holder of a tavern licensee at a theater who meets the requirements of RCW 66.24.650, to sell beer, including strong beer, or wine, or both, at retail for consumption on theater premises, except the limitation of RCW 66.24.650(3)(b) to include only theaters with up to four screens does not apply. Minors are allowed on theater premises with a board-approved alcohol control plan meeting the requirements of RCW 66.24.650 (2) through (4). The cost of this endorsement is four hundred dollars.

(10) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan for holders of theater endorsements issued under this section."

Senators Keiser and Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 246 by Senators Keiser and Honeyford on page 3, after line 15 to Substitute House Bill No. 1902.

The motion by Senator Keiser carried and floor amendment no. 246 was adopted by voice vote.

MOTION

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On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 1902 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1902 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1902 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Darneille, Hasegawa, Kuderer, Lias, McCoy, O'Ban, Padden, Pearson, Van De Wege and Wellman

Excused: Senator Carlyle

SUBSTITUTE HOUSE BILL NO. 1902, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809, by House Committee on Finance (originally sponsored by Representatives Fey, Orcutt and McBride)

Concerning tax credits for clean alternative fuel commercial vehicles.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute House Bill No. 1809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1809.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1809 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hasegawa, McCoy, Padden, Saldaña and Short

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1671, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris and Tharinger)

Concerning assistance with activities of daily living.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1671.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1671 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

SUBSTITUTE HOUSE BILL NO. 1671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5768, by Senators Rossi and Frockt

Concerning a leasehold excise tax credit for properties of market value in excess of ten million dollars and for certain major international airport leases.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5768 was substituted for Senate Bill No. 5768 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5768 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senator Rossi spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5768.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5768 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Chase, Cleveland, Hasegawa, Hunt, Kuderer, Lias, McCoy, Nelson, Palumbo, Rolfes, Saldaña, Takko and Wellman

Excused: Senator Carlyle

SUBSTITUTE SENATE BILL NO. 5768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808, by House Committee on Transportation (originally sponsored by Representatives Clibborn, McDonald, Kagi, Caldier, Senn, Graves, Lovick, Dent, McBride, Farrell, Wylie, Slatter, Macri, Doglio, Robinson, Ortiz-Self, Ormsby, Sells, Fey, Frame, Muri, Riccelli, Springer, Jinkins, Gregerson, Stanford and Pollet)

Providing support for foster youth in obtaining drivers' licenses and automobile liability insurance.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute House Bill No. 1808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1808.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1808 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1578, by Representatives Dent, Ortiz-Self, McBride, Lovick, Dye, Harris and Griffey

Concerning irrigation district authority.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 1578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1578.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1578 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Carlyle

HOUSE BILL NO. 1578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1281, by Representatives Fitzgibbon and Stokesbary

Modifying the appointment process for trustees of rural county library districts in counties with one million or more residents.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, House Bill No. 1281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1281.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1281 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

HOUSE BILL NO. 1281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1490, by House Committee on Transportation (originally sponsored by Representatives Fey, Rodne, Clibborn, Hargrove, Riccelli, Van Werven, McBride and Irwin)

Eliminating the requirement that a city or town provide preservation rating information on a certain percentage of its arterial network. Revised for 1st Substitute: Concerning the reporting of preservation rating information on arterial networks by cities and towns.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1490.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1490 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

SECOND READING

ENGROSSED HOUSE BILL NO. 2003, by Representatives Kloba, Kagi, Ortiz-Self, Tarleton, McBride, Ormsby and Fey

Allowing special parking privileges for certain organizations that dispatch taxicab vehicles or vehicles for hire that transport persons with disabilities.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 4. RCW 46.19.020 and 2015 c 228 s 37 are each amended to read as follows:

(1) The following organizations may apply for special parking privileges:

- (a) Public transportation authorities;
- (b) Nursing homes licensed under chapter 18.51 RCW;
- (c) Assisted living facilities licensed under chapter 18.20 RCW;
- (d) Senior citizen centers;
- (e) Accessible van rental companies registered with the department;
- (f) Private nonprofit corporations, as defined in RCW 24.03.005; ~~(and)~~
- (g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW; and
- (h) Companies that dispatch taxicab vehicles under chapter 81.72 RCW or vehicles for hire under chapter 46.72 RCW, for such vehicles that are equipped with wheelchair accessible lifts or ramps for the transport of persons with disabilities and that are regularly dispatched and used in the transport of such persons. However, qualifying vehicles under this subsection (1)(h) may utilize special parking privileges only while in service.

(2) An organization that qualifies for special parking privileges may receive, upon application, special license plates or parking placards, or both, for persons with disabilities as defined by the department.

(3) ~~(Public transportation authorities, nursing homes, assisted living facilities, senior citizen centers, accessible van rental companies, private nonprofit corporations, and cabulance services are)~~ An organization that qualifies for special parking privileges under subsection (1) of this section and receives parking placards or special license plates under subsection (2) of this section is responsible for ensuring that the parking placards and special license plates are not used improperly and ~~(are)~~ is responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility."

(3) ~~(Public transportation authorities, nursing homes, assisted living facilities, senior citizen centers, accessible van rental companies, private nonprofit corporations, and cabulance services are)~~ An organization that qualifies for special parking privileges under subsection (1) of this section and receives parking placards or special license plates under subsection (2) of this section is responsible for ensuring that the parking placards and special license plates are not used improperly and ~~(are)~~ is responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility."

On page 1, line 3 of the title, after "disabilities;" strike the remainder of the title and insert "and amending RCW 46.19.020."

MOTION

Senator Liias moved that the following floor amendment no. 225 by Senators Liias, Fortunato and Hobbs be adopted:

On page 1, line 25 of the amendment, after "service" insert "For the purposes of this subsection (1)(h), "in service" means while in the process of picking up, transporting, or discharging a passenger"

Senators Liias and King spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 225 by Senators Liias, Fortunato and Hobbs on page 1, line 25 to the striking amendment.

The motion by Senator Liias carried and floor amendment no. 225 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed House Bill No. 2003.

The motion by Senator King carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed House Bill No. 2003 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2003 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2003 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

ENGROSSED HOUSE BILL NO. 2003, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Mullet, Senator Saldaña was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1741, by House Committee on Appropriations (originally sponsored by Representatives

Slatter, Hargrove, Dolan, Stonier, Senn, Ortiz-Self, Jinkins, Tarleton, Pollet and Santos)

Concerning educator preparation data for use by the professional educator standards board.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1741.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1741 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

Excused: Senators Carlyle and Saldaña

SUBSTITUTE HOUSE BILL NO. 1741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594, by House Committee on Appropriations (originally sponsored by Representatives McBride, Nealey, Springer, Clibborn, Hayes, Gregerson, Peterson, Koster, Griffey, Klippert, Kilduff, Muri, Senn, Goodman, Haler, Robinson, Sells, Steele, Fitzgibbon, Fey, Kraft, Bergquist, Smith, Tharinger, Stanford, Kloba, Jinkins, Hargrove, Slatter and Kagi)

Improving public records administration.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 5. RCW 42.56.010 and 2010 c 204 s 1005 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division,

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bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.

(3) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives. Records that are not otherwise required to be retained by the agency and are held by volunteers who do not serve in an administrative capacity and have not been appointed by the agency to an agency board, commission, internship, or supervisory role that has delegated agency authority are not public records.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Sec. 6. RCW 42.56.152 and 2014 c 66 s 4 are each amended to read as follows:

(1) Public records officers designated under RCW 42.56.580 and records officers designated under RCW 40.14.040 must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Public records officers must:

(a) Complete training no later than ninety days after assuming responsibilities as a public records officer or records manager; and

(b) Complete refresher training at intervals of no more than four years as long as they maintain the designation.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

(5) Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

Sec. 7. RCW 42.56.520 and 2010 c 69 s 2 are each amended to read as follows:

(1) Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief

clerk of the house of representatives must respond ((by either)) in one of the ways provided in this subsection (1):

(a) Providing the record;

~~((2))~~ (b) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;

~~((3))~~ (c) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request;

(d) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request if it is not clarified; or

~~((4))~~ (e) Denying the public record request.

(2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3)(a) In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking.

(b) If the requestor fails to respond to an agency request to clarify the request, and the entire request is unclear, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Otherwise, the agency must respond, pursuant to this section, to those portions of the request that are clear.

(4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

Sec. 8. RCW 42.56.570 and 2007 c 197 s 8 are each amended to read as follows:

(1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule ~~((a))~~ advisory model rules for state and local agencies, as defined in RCW 42.56.010, addressing the following subjects:

(a) Providing fullest assistance to requestors;

(b) Fulfilling large requests in the most efficient manner;

(c) Fulfilling requests for electronic records; and

(d) Any other issues pertaining to public disclosure as determined by the attorney general.

(3) The attorney general, in his or her discretion, may from time to time revise the model rule.

(4) Local agencies should consult the advisory model rules when establishing local ordinances for compliance with the requirements and responsibilities of this chapter.

(5) Until June 30, 2020, the attorney general must establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with this chapter including, but not limited to: Responding to records requests, seeking additional public and private resources for developing and updating technology information services, and mitigating liability and costs of compliance. The attorney general may develop the program in conjunction with the advisory model rule and may collaborate with the chief information officer, the state archivist, and other relevant agencies and organizations in developing and managing the program. The program in this subsection ceases to exist June 30, 2020.

(6) Until June 30, 2020, the state archivist must offer and provide consultation and training services for local agencies on improving record retention practices.

Sec. 9. RCW 40.14.024 and 2008 c 328 s 6005 are each amended to read as follows:

The local government archives account is created in the state treasury. All receipts collected by the county auditors under RCW 40.14.027 and 36.22.175 for local government services, such as providing records ((scheduling)) schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account, and expenditures from the account may be used only for these purposes. ~~((During the 2007-2009 biennium, the legislature may transfer from the local government archives account to the Washington state heritage center account such amounts as reflect the excess fund balance in the account.))~~ Any amounts deposited in the account in accordance with RCW 36.22.175(4) may only be expended for the purposes authorized under that provision as follows: No more than fifty percent of funding may be used for the attorney general's consultation program and the state archivist's training services, and the remainder is to be used for the competitive grant program.

NEW SECTION. Sec. 10. A new section is added to chapter 40.14 RCW to read as follows:

(1) The division of archives and records management in the office of the secretary of state must establish and administer a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. The division of archives and records management may use up to six percent of amounts appropriated for the program for administration of the grant program.

(2) Any local agency may apply to the grant program. The division of archives and records management in the office of the secretary of state must award grants annually. The division of archives and records management must consult with the chief information officer to develop the criteria for grant recipient selection with a preference given to small local governmental agencies based on the applicant agency's need and ability to improve its information technology systems for public record retention, management, and disclosure. The division of archives and records management may award grants for specific hardware, software, equipment, technology services management and training needs, indexing for local records and digital data, and other resources for improving information technology systems. To the extent possible, information technology systems,

processes, training, and other resources for improving information technology systems for records retention and distribution may be replicated and shared with other governmental entities. Grants are provided for one-time investments and are not an ongoing source of revenue for operation or management costs. A grantee may not supplant local funding with grant funding provided by the office of the secretary of state.

Sec. 11. RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records ((scheduling)) schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)(a) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service

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payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid, fifty percent of the surcharge authorized by this subsection shall be reverted to the centennial document preservation and modernization account as prescribed in RCW 36.22.170 and fifty percent of the surcharge authorized by this section shall be reverted to the state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center.

(4) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for the competitive grant program in section 6 of this act, and for the attorney general's consultation program and state archivist's training services authorized in RCW 42.56.570.

NEW SECTION. Sec. 12. (1) Subject to the availability of amounts appropriated for this specific purpose, the division of archives and records management in the office of the secretary of state must conduct a study to assess the feasibility of implementing a statewide open records portal through which a user can request and receive a response through a single internet web site relating to public records information.

(2) The division of archives and records management must hire a consultant to conduct the study.

(3) At a minimum, the report must include:

(a) The feasibility of Washington creating a central site from which a user can submit a records request and receive a timely response to such request;

(b) An examination of the experience in other states, including but not limited to the state of Utah, that have implemented an electronic open records portal;

(c) Whether the open records portals in other states serve as central repositories and archives for the purpose of all public records on behalf of local and state agencies;

(d) Whether other states' open records portals track and provide a timeline where each request is being responded to in the process;

(e) The cost of creating the open records portal in other states and the amount of funds local and state agencies or any other entities contributed to the start-up and ongoing costs to operate the open records portal;

(f) The length of time it took for other states to develop an open records portal from its initial start-up to its current full operation;

(g) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that is similar to the portals located in other states;

(h) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that would include: (i) The portal collecting, archiving, and holding all public records from local and state governmental agencies in Washington; (ii) the portal being capable of allowing users to submit a public records request through a central site; and (iii) the records portal operating as a central site for answering and providing requested public records to a user;

(i) The estimated cost to develop and implement an open records portal that is: (i) Similar to the open records portals located in other states referenced and reviewed in (g) of this subsection; and (ii) a full open records portal pursuant to (h) of this subsection. In both instances, the costs must include costs associated with local and state governmental agencies in Washington participating in the portal and any needed supporting infrastructure, staffing, and training requirements;

(j) How much is charged and how fees are collected from a user requesting a public record through other states' open records portals;

(k) The feasibility of whether an open records portal created in Washington would be able to track all public records requests, when such requests for public records are made through the open records portal, and provide a timeline where each request is being responded to in the process;

(l) The feasibility of whether an open records portal created in Washington would be able to directly respond to answering a user's public records request and, if not, the feasibility of the portal tracking when a local or state agency responds to such a request and providing a timeline where each request is being responded to in the process;

(m) The feasibility of creating an open records portal in Washington that notifies a requestor that the request has been received and either immediately provides the requestor with a copy of the requested record, notifies the requestor that the record is not available, or notifies the requestor that because of the extraordinary request the record will be available on a date certain;

(n) The feasibility of creating an open records portal through which a requestor can make a request and receive a response through a single internet web site relating to public records information, and the feasibility of agencies managing internet web sites to make public access easier and reduce the number of requests related to the same topic through best practices by offering to post different categories of requested records on the web site in a manner that is responsive to records requests; and

(o) The allocation of liability between the agency operating an open records portal and any agency that provides records through the portal or accepts requests for public records through the portal in the event of litigation regarding denial of access to records or unreasonable estimate of time to produce records in response to a request.

(4) A report must be completed with findings and recommendations on the experience of the electronic open records portal created in other states and the feasibility of creating a central statewide open records portal in Washington, as well as recommendations and best management practices for agencies to post records that are responsive to records requests on an agency internet web site and take into consideration various categories of records and agency capacities in order to provide broader public access to records of public interest and to reduce the number of requests relating to the same topic. The report must be submitted to the governor, the appropriate committees of the legislature, and members of the stakeholder group in section 9 of this act, by September 1, 2018.

(5) This section expires December 31, 2018.

NEW SECTION. Sec. 13. (1) The division of archives and records management in the office of the secretary of state must convene a stakeholder group by September 1, 2017, to develop the initial scope and direction of the study in section 8 of this act.

(2) The stakeholder group must include seven members as provided in this subsection.

(a) The majority leader and the minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The majority leader and the minority leader of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives, in consultation with the division of archives and records management, jointly shall appoint the remaining three members. The remaining three members must be representatives of the community who have experience in the retention and disclosure of public records.

(3) This section expires September 30, 2018.

NEW SECTION. Sec. 14. (1) The joint legislative audit and review committee must conduct a review of the attorney general's consultation program and the state archivist's training services created under section 4, chapter . . . , Laws of 2017 (section 4 of this act), and the local government competitive grant program created under section 6 of this act. The review must include:

(a)(i) Information on the number of local governments served, the types of consultation and training provided, and the implementation of any practices adopted from the attorney general's consultation program and the state archivist's training services; and

(ii) The effectiveness of the consultation program and the training services in providing assistance for local governments; and

(b)(i) Information on the number of local governments that applied for and participated in the competitive grant program under section 6 of this act, the amount of funding awarded through the grant program, and how such funding was used; and

(ii) The effectiveness of the grant program in improving local government technology information systems for public records retention, management, disclosure, and training.

(2) Each agency shall maintain a log of public records requests submitted to and processed by the agency, which shall include but not be limited to the following information for each request: The identity provided by the requestor, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request. The log must be retained by the agency in accordance with the relevant record retention schedule established under chapter 40.14 RCW, and shall be a public record subject to disclosure under this chapter.

(3) To improve best practices for dissemination of public records, each agency with estimated staff and legal costs associated with fulfilling public records requests of at least forty thousand dollars per year must, and each agency with such estimated costs of less than forty thousand dollars per year may, report the following metrics, measured over the preceding year, to the joint legislative audit and review committee by July 1st of each year:

(a) An identification of leading practices and processes for records management and retention, including technological upgrades, and what percentage of those leading practices and processes were implemented by the agency;

(b) The average length of time taken to acknowledge receipt of a public records request;

(c) The proportion of requests where the agency provided the requested records within five days of receipt of the request compared to the proportion of requests where the agency provided an estimate of an anticipated response time beyond five days of receipt of the request;

(d) A comparison of the agency's average initial estimate provided for full disclosure of responsive records with the actual time when all responsive records were fully disclosed, including whether the agency sent subsequent estimates of an anticipated response time;

(e) The number of requests where the agency formally sought additional clarification from the requestor;

(f) The number of requests denied and the most common reasons for denying requests;

(g) The number of requests abandoned by requestors;

(h) To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;

(i) Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;

(j) The number of requests where the agency was required to scan physical records electronically to fulfill disclosure;

(k) The estimated agency staff time spent on each individual request;

(l) The costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;

(m) The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past year involving the agency, categorized by type and exemption at issue, if applicable;

(n) The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency;

(o) The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests;

(p) Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges; and

(q) Measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.

(4) By December 1, 2019, the joint legislative audit and review committee must report to the legislature on its findings from the review, including recommendations on whether the competitive grant program, the attorney general's consultation program, and the state archivist's training services should continue or be allowed to expire.

NEW SECTION. Sec. 15. Sections 6 and 7 of this act expire June 30, 2020."

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 42.56.010, 42.56.152, 42.56.520, 42.56.570, 40.14.024, and 36.22.175; adding a new section to chapter 40.14 RCW; creating new sections; and providing expiration dates."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1594.

The motion by Senator Miloscia carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following committee striking amendment by the Committee on State Government not be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 16. RCW 42.56.010 and 2010 c 204 s 1005 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.

(3) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives. Records that are not otherwise required to be retained by the agency and are held by volunteers who do not serve in an administrative capacity and have not been appointed by the agency to an agency board, commission, internship, or supervisory role that has delegated agency authority are not public records.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

Sec. 17. RCW 42.56.152 and 2014 c 66 s 4 are each amended to read as follows:

(1) Public records officers designated under RCW 42.56.580 and records officers designated under RCW 40.14.040 must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Public records officers must:

(a) Complete training no later than ninety days after assuming responsibilities as a public records officer or records manager; and

(b) Complete refresher training at intervals of no more than four years as long as they maintain the designation.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

(5) Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

Sec. 18. RCW 42.56.520 and 2010 c 69 s 2 are each amended to read as follows:

(1) Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond ~~((by either))~~ in one of the ways provided in this subsection (1):

~~(a)~~ Providing the record;

~~((2))~~ (b) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;

~~((3))~~ (c) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request;

(d) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request if it is not clarified; or

~~((4))~~ (e) Denying the public record request.

(2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3)(a) In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking.

(b) If the requestor fails to respond to an agency request to clarify the request, and the entire request is unclear, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Otherwise, the agency must respond, pursuant to this section, to those portions of the request that are clear.

(4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

Sec. 19. RCW 42.56.570 and 2007 c 197 s 8 are each amended to read as follows:

(1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule ~~((##))~~ advisory model rules for state and local agencies, as defined in RCW 42.56.010, addressing the following subjects:

- (a) Providing fullest assistance to requestors;
 - (b) Fulfilling large requests in the most efficient manner;
 - (c) Fulfilling requests for electronic records; and
 - (d) Any other issues pertaining to public disclosure as determined by the attorney general.
- (3) The attorney general, in his or her discretion, may from time to time revise the model rule.

(4) Local agencies should consult the advisory model rules when establishing local ordinances for compliance with the requirements and responsibilities of this chapter.

(5) Until June 30, 2020, the attorney general must establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with this chapter including, but not limited to: Responding to records requests, seeking additional public and private resources for developing and updating technology information services, and mitigating liability and costs of compliance. The attorney general may develop the program in conjunction with the advisory model rule and may collaborate with the chief information officer, the state archivist, and other relevant agencies and organizations in developing and managing the program. The program in this subsection ceases to exist June 30, 2020.

(6) Until June 30, 2020, the state archivist must offer and provide consultation and training services for local agencies on improving record retention practices.

Sec. 20. RCW 40.14.024 and 2008 c 328 s 6005 are each amended to read as follows:

The local government archives account is created in the state treasury. All receipts collected by the county auditors under RCW 40.14.027 and 36.22.175 for local government services, such as providing records ~~((scheduling))~~ schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account, and expenditures from the account may be used only for these purposes. ~~((During the 2007-2009 biennium, the legislature may transfer from the local government archives account to the Washington state heritage center account such amounts as reflect the excess fund balance in the account.))~~ Any amounts deposited in the account in accordance with RCW 36.22.175(4) may only be expended for the purposes authorized under that provision as follows: No more than fifty percent of funding may be used for the attorney general's consultation program and the state archivist's training services, and the remainder is to be used for the competitive grant program.

NEW SECTION. Sec. 21. A new section is added to chapter 40.14 RCW to read as follows:

(1) The division of archives and records management in the office of the secretary of state must establish and administer a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. The division of archives and records management may use up to six percent of amounts appropriated for the program for administration of the grant program.

(2) Any local agency may apply to the grant program. The division of archives and records management in the office of the secretary of state must award grants annually. The division of archives and records management must consult with the chief information officer to develop the criteria for grant recipient selection with a preference given to small local governmental agencies based on the applicant agency's need and ability to improve its information technology systems for public record retention, management, and disclosure. The division of archives and records management may award grants for specific hardware, software, equipment, technology services management and training needs, indexing for local records and digital data, and other resources for improving information technology systems. To the extent possible, information technology systems, processes, training, and other resources for improving information technology systems for records retention and distribution may be replicated and shared with other governmental entities. Grants are provided for one-time investments and are not an ongoing source of revenue for operation or management costs. A grantee may not supplant local funding with grant funding provided by the office of the secretary of state.

Sec. 22. RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records ~~((scheduling))~~ schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)(a) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve

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the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid, fifty percent of the surcharge authorized by this subsection shall be reverted to the centennial document preservation and modernization account as prescribed in RCW 36.22.170 and fifty percent of the surcharge authorized by this section shall be reverted to the state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center.

(4) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for the competitive grant program in section 6 of this act, and for the attorney general's consultation program and state archivist's training services authorized in RCW 42.56.570.

NEW SECTION. Sec. 23. (1) The division of archives and records management in the office of the secretary of state must conduct a study to assess the feasibility of implementing a statewide open records portal through which a user can request and receive a response through a single internet web site relating to public records information.

(2) The division of archives and records management must hire a consultant to conduct the study.

(3) At a minimum, the report must include:

(a) The feasibility of Washington creating a central site from which a user can submit a records request and receive a timely response to such request;

(b) An examination of the experience in other states, including but not limited to the state of Utah, that have implemented an electronic open records portal;

(c) Whether the open records portals in other states serve as central repositories and archives for the purpose of all public records on behalf of local and state agencies;

(d) Whether other states' open records portals track and provide a timeline where each request is being responded to in the process;

(e) The cost of creating the open records portal in other states and the amount of funds local and state agencies or any other entities contributed to the start-up and ongoing costs to operate the open records portal;

(f) The length of time it took for other states to develop an open records portal from its initial start-up to its current full operation;

(g) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that is similar to the portals located in other states;

(h) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that would include: (i) The portal collecting, archiving, and holding all public records from local and state governmental agencies in Washington; (ii) the portal being capable of allowing users to submit a public records request through a central site; and (iii) the records portal operating as a central site for answering and providing requested public records to a user;

(i) The estimated cost to develop and implement an open records portal that is: (i) Similar to the open records portals located in other states referenced and reviewed in (g) of this subsection; and (ii) a full open records portal pursuant to (h) of this subsection. In both instances, the costs must include costs associated with local and state governmental agencies in Washington participating in the portal and any needed supporting infrastructure, staffing, and training requirements;

(j) How much is charged and how fees are collected from a user requesting a public record through other states' open records portals;

(k) The feasibility of whether an open records portal created in Washington would be able to track all public records requests, when such requests for public records are made through the open records portal, and provide a timeline where each request is being responded to in the process;

(l) The feasibility of whether an open records portal created in Washington would be able to directly respond to answering a user's public records request and, if not, the feasibility of the portal tracking when a local or state agency responds to such a request and providing a timeline where each request is being responded to in the process;

(m) The feasibility of creating an open records portal in Washington that notifies a requestor that the request has been received and either immediately provides the requestor with a copy of the requested record, notifies the requestor that the record is not available, or notifies the requestor that because of the extraordinary request the record will be available on a date certain;

(n) The feasibility of creating an open records portal through which a requestor can make a request and receive a response through a single internet web site relating to public records information, and the feasibility of agencies managing internet web sites to make public access easier and reduce the number of requests related to the same topic through best practices by offering to post different categories of requested records on the web site in a manner that is responsive to records requests; and

(o) The allocation of liability between the agency operating an open records portal and any agency that provides records through the portal or accepts requests for public records through the portal in the event of litigation regarding denial of access to records or unreasonable estimate of time to produce records in response to a request.

(4) A report must be completed with findings and recommendations on the experience of the electronic open records portal created in other states and the feasibility of creating a central statewide open records portal in Washington, as well as recommendations and best management practices for agencies to post records that are responsive to records requests on an agency internet web site and take into consideration various categories of records and agency capacities in order to provide broader public access to records of public interest and to reduce the number of

requests relating to the same topic. The report must be submitted to the governor, the appropriate committees of the legislature, and members of the stakeholder group in section 9 of this act, by September 1, 2018.

(5) This section expires December 31, 2018.

NEW SECTION. Sec. 24. (1) The division of archives and records management in the office of the secretary of state must convene a stakeholder group by September 1, 2017, to develop the initial scope and direction of the study in section 8 of this act.

(2) The stakeholder group must include seven members as provided in this subsection.

(a) The majority leader and the minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The majority leader and the minority leader of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives, in consultation with the division of archives and records management, jointly shall appoint the remaining three members. The remaining three members must be representatives of the community who have experience in the retention and disclosure of public records.

(3) This section expires September 30, 2018.

NEW SECTION. Sec. 25. (1) The joint legislative audit and review committee must conduct a review of the attorney general's consultation program and the state archivist's training services created under section 4, chapter . . . , Laws of 2017 (section 4 of this act), and the local government competitive grant program created under section 6 of this act. The review must include:

(a)(i) Information on the number of local governments served, the types of consultation and training provided, and the implementation of any practices adopted from the attorney general's consultation program and the state archivist's training services; and

(ii) The effectiveness of the consultation program and the training services in providing assistance for local governments; and

(b)(i) Information on the number of local governments that applied for and participated in the competitive grant program under section 6 of this act, the amount of funding awarded through the grant program, and how such funding was used; and

(ii) The effectiveness of the grant program in improving local government technology information systems for public records retention, management, disclosure, and training.

(2) Each agency shall maintain a log of public records requests submitted to and processed by the agency, which shall include but not be limited to the following information for each request: The identity provided by the requestor, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request. The log must be retained by the agency in accordance with the relevant record retention schedule established under chapter 40.14 RCW, and shall be a public record subject to disclosure under this chapter.

(3) To improve best practices for dissemination of public records, each agency with estimated staff and legal costs associated with fulfilling public records requests of at least forty thousand dollars per year must, and each agency with such estimated costs of less than forty thousand dollars per year may, report the following metrics, measured over the preceding year, to the joint legislative audit and review committee by July 1st of each year:

(a) An identification of leading practices and processes for records management and retention, including technological upgrades, and what percentage of those leading practices and processes were implemented by the agency;

(b) The average length of time taken to acknowledge receipt of a public records request;

(c) The proportion of requests where the agency provided the requested records within five days of receipt of the request compared to the proportion of requests where the agency provided an estimate of an anticipated response time beyond five days of receipt of the request;

(d) A comparison of the agency's average initial estimate provided for full disclosure of responsive records with the actual time when all responsive records were fully disclosed, including whether the agency sent subsequent estimates of an anticipated response time;

(e) The number of requests where the agency formally sought additional clarification from the requestor;

(f) The number of requests denied and the most common reasons for denying requests;

(g) The number of requests abandoned by requestors;

(h) To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;

(i) Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;

(j) The number of requests where the agency was required to scan physical records electronically to fulfill disclosure;

(k) The estimated agency staff time spent on each individual request;

(l) The costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;

(m) The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past year involving the agency, categorized by type and exemption at issue, if applicable;

(n) The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency;

(o) The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests;

(p) Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges; and

(q) Measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.

(4) By December 1, 2019, the joint legislative audit and review committee must report to the legislature on its findings from the review, including recommendations on whether the competitive grant program, the attorney general's consultation program, and the state archivist's training services should continue or be allowed to expire.

NEW SECTION. Sec. 26. Sections 6 and 7 of this act expire June 30, 2020.

NEW SECTION. Sec. 27. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal biennium ending June 30, 2019, from the general fund to the secretary of state solely for purposes of section 8 of this act."

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 42.56.010, 42.56.152, 42.56.520, 42.56.570, 40.14.024, and 36.22.175; adding a new section to chapter 40.14 RCW; creating new sections; making an appropriation; and providing expiration dates."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on State Government to Engrossed Substitute House Bill No. 1594.

The motion by Senator Miloscia carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor striking amendment no. 241 by Senators Miloscia and Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 28. RCW 42.56.010 and 2010 c 204 s 1005 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.

(3) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who:

- (a) Do not serve in an administrative capacity;
- (b) Have not been appointed by the agency to an agency board, commission, or internship; and
- (c) Do not have a supervisory role or delegated agency authority.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including

existing data compilations from which information may be obtained or translated.

Sec. 29. RCW 42.56.152 and 2014 c 66 s 4 are each amended to read as follows:

(1) Public records officers designated under RCW 42.56.580 and records officers designated under RCW 40.14.040 must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Public records officers must:

(a) Complete training no later than ninety days after assuming responsibilities as a public records officer or records manager; and

(b) Complete refresher training at intervals of no more than four years as long as they maintain the designation.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

(5) Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services.

Sec. 30. RCW 42.56.520 and 2010 c 69 s 2 are each amended to read as follows:

(1) Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond ~~((by either))~~ in one of the ways provided in this subsection (1):

(a) Providing the record;

~~((2))~~ (b) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;

~~((3))~~ (c) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request;

(d) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request if it is not clarified; or

~~((4))~~ (e) Denying the public record request.

(2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3)(a) In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking.

(b) If the requestor fails to respond to an agency request to clarify the request, and the entire request is unclear, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Otherwise, the agency must respond, pursuant to this section, to those portions of the request that are clear.

(4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

Sec. 31. RCW 42.56.570 and 2007 c 197 s 8 are each amended to read as follows:

(1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule (~~(a)~~) advisory model rules for state and local agencies, as defined in RCW 42.56.010, addressing the following subjects:

- (a) Providing fullest assistance to requestors;
- (b) Fulfilling large requests in the most efficient manner;
- (c) Fulfilling requests for electronic records; and
- (d) Any other issues pertaining to public disclosure as determined by the attorney general.

(3) The attorney general, in his or her discretion, may from time to time revise the model rule.

(4) Local agencies should consult the advisory model rules when establishing local ordinances for compliance with the requirements and responsibilities of this chapter.

(5) Until June 30, 2020, the attorney general must establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with this chapter including, but not limited to: Responding to records requests, seeking additional public and private resources for developing and updating technology information services, and mitigating liability and costs of compliance. The attorney general may develop the program in conjunction with the advisory model rule and may collaborate with the chief information officer, the state archivist, and other relevant agencies and organizations in developing and managing the program. The program in this subsection ceases to exist June 30, 2020.

(6) Until June 30, 2020, the state archivist must offer and provide consultation and training services for local agencies on improving record retention practices.

Sec. 32. RCW 40.14.024 and 2008 c 328 s 6005 are each amended to read as follows:

The local government archives account is created in the state treasury. All receipts collected by the county auditors under RCW 40.14.027 and 36.22.175 for local government services, such as providing records (~~(scheduling)~~) schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management, must be deposited into the account, and expenditures from the account may be used only for these purposes. ~~((During the 2007-2009 biennium, the legislature may transfer from the local government archives account to the Washington state heritage center account such amounts as reflect the excess fund balance in the account.))~~ Any amounts deposited in the account in accordance with RCW 36.22.175(4) may only

be expended for the purposes authorized under that provision as follows: No more than fifty percent of funding may be used for the attorney general's consultation program and the state archivist's training services, and the remainder is to be used for the competitive grant program.

NEW SECTION. Sec. 33. A new section is added to chapter 40.14 RCW to read as follows:

(1) The division of archives and records management in the office of the secretary of state must establish and administer a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. The division of archives and records management may use up to six percent of amounts appropriated for the program for administration of the grant program. The program in this subsection ceases to exist June 30, 2020.

(2) Any local agency may apply to the grant program. The division of archives and records management in the office of the secretary of state must award grants annually. The division of archives and records management must consult with the chief information officer to develop the criteria for grant recipient selection with a preference given to small local governmental agencies based on the applicant agency's need and ability to improve its information technology systems for public record retention, management, and disclosure. The division of archives and records management may award grants for specific hardware, software, equipment, technology services management and training needs, indexing for local records and digital data, and other resources for improving information technology systems. To the extent possible, information technology systems, processes, training, and other resources for improving information technology systems for records retention and distribution may be replicated and shared with other governmental entities. Grants are provided for one-time investments and are not an ongoing source of revenue for operation or management costs. A grantee may not supplant local funding with grant funding provided by the office of the secretary of state. The program in this subsection ceases to exist June 30, 2020.

(3) The joint legislative audit and review committee must conduct a review of the attorney general's consultation program and the state archivist's training services created under section 4, chapter . . ., Laws of 2017 (section 4 of this act), and the local government competitive grant program created under this section. The review must include:

(a)(i) Information on the number of local governments served, the types of consultation and training provided, and the implementation of any practices adopted from the attorney general's consultation program and the state archivist's training services; and

(ii) The effectiveness of the consultation program and the training services in providing assistance for local governments; and

(b)(i) Information on the number of local governments that applied for and participated in the competitive grant program under this section, the amount of funding awarded through the grant program, and how such funding was used; and

(ii) The effectiveness of the grant program in improving local government technology information systems for public records retention, management, disclosure, and training.

(4) Each agency shall maintain a log of public records requests submitted to and processed by the agency, which shall include but not be limited to the following information for each request: The identity of the requestor if provided by the requestor, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description

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of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request. The log must be retained by the agency in accordance with the relevant record retention schedule established under this chapter, and shall be a public record subject to disclosure under chapter 42.56 RCW.

(5) To improve best practices for dissemination of public records, each agency with actual staff and legal costs associated with fulfilling public records requests of at least one hundred thousand dollars during the prior fiscal year must, and each agency with such estimated costs of less than one hundred thousand dollars during the prior fiscal year may, report to the joint legislative audit and review committee by July 1st of each subsequent year the following metrics, measured over the preceding year:

(a) An identification of leading practices and processes for records management and retention, including technological upgrades, and what percentage of those leading practices and processes were implemented by the agency;

(b) The average length of time taken to acknowledge receipt of a public records request;

(c) The proportion of requests where the agency provided the requested records within five days of receipt of the request compared to the proportion of requests where the agency provided an estimate of an anticipated response time beyond five days of receipt of the request;

(d) A comparison of the agency's average initial estimate provided for full disclosure of responsive records with the actual time when all responsive records were fully disclosed, including whether the agency sent subsequent estimates of an anticipated response time;

(e) The number of requests where the agency formally sought additional clarification from the requestor;

(f) The number of requests denied and the most common reasons for denying requests;

(g) The number of requests abandoned by requestors;

(h) To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;

(i) Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;

(j) The number of requests where the agency was required to scan physical records electronically to fulfill disclosure;

(k) The estimated agency staff time spent on each individual request;

(l) The estimated costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;

(m) The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past year involving the agency, categorized by type and exemption at issue, if applicable;

(n) The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency;

(o) The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records or otherwise assist in the fulfillment of public records requests;

(p) Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges; and

(q) Measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.

(6) The joint legislative audit and review committee must consult with state and local agencies to develop a reporting method and clearly define standardized metrics in accordance with this section.

(7) By December 1, 2019, the joint legislative audit and review committee must report to the legislature on its findings from the review, including recommendations on whether the competitive grant program, the attorney general's consultation program, and the state archivist's training services should continue or be allowed to expire.

Sec. 34. RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records (~~(scheduling)~~) schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)(a) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of

the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid, fifty percent of the surcharge authorized by this subsection shall be reverted to the centennial document preservation and modernization account as prescribed in RCW 36.22.170 and fifty percent of the surcharge authorized by this section shall be reverted to the state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center.

(4) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for the competitive grant program in section 6 of this act, and for the attorney general's consultation program and state archivist's training services authorized in RCW 42.56.570.

NEW SECTION. Sec. 35. (1) Subject to the availability of amounts appropriated for this specific purpose, the division of archives and records management in the office of the secretary of state must conduct a study to assess the feasibility of implementing a statewide open records portal through which a user can request and receive a response through a single internet web site relating to public records information.

(2) The division of archives and records management must hire a consultant to conduct the study.

(3) At a minimum, the report must include:

(a) The feasibility of Washington creating a central site from which a user can submit a records request and receive a timely response to such request;

(b) An examination of the experience in other states, including but not limited to the state of Utah, that have implemented an electronic open records portal;

(c) Whether the open records portals in other states serve as central repositories and archives for the purpose of all public records on behalf of local and state agencies;

(d) Whether other states' open records portals track and provide a timeline where each request is being responded to in the process;

(e) The cost of creating the open records portal in other states and the amount of funds local and state agencies or any other entities contributed to the start-up and ongoing costs to operate the open records portal;

(f) The length of time it took for other states to develop an open records portal from its initial start-up to its current full operation;

(g) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that is similar to the portals located in other states;

(h) The length of time it would take for Washington to develop and implement an open records portal from start-up to full operation that would include: (i) The portal collecting, archiving,

and holding all public records from local and state governmental agencies in Washington; (ii) the portal being capable of allowing users to submit a public records request through a central site; and (iii) the records portal operating as a central site for answering and providing requested public records to a user;

(i) The estimated cost to develop and implement an open records portal that is: (i) Similar to the open records portals located in other states referenced and reviewed in (g) of this subsection; and (ii) a full open records portal pursuant to (h) of this subsection. In both instances, the costs must include costs associated with local and state governmental agencies in Washington participating in the portal and any needed supporting infrastructure, staffing, and training requirements;

(j) How much is charged and how fees are collected from a user requesting a public record through other states' open records portals;

(k) The feasibility of whether an open records portal created in Washington would be able to track all public records requests, when such requests for public records are made through the open records portal, and provide a timeline where each request is being responded to in the process;

(l) The feasibility of whether an open records portal created in Washington would be able to directly respond to answering a user's public records request and, if not, the feasibility of the portal tracking when a local or state agency responds to such a request and providing a timeline where each request is being responded to in the process;

(m) The feasibility of creating an open records portal in Washington that notifies a requestor that the request has been received and either immediately provides the requestor with a copy of the requested record, notifies the requestor that the record is not available, or notifies the requestor that because of the extraordinary request the record will be available on a date certain;

(n) The feasibility of creating an open records portal through which a requestor can make a request and receive a response through a single internet web site relating to public records information, and the feasibility of agencies managing internet web sites to make public access easier and reduce the number of requests related to the same topic through best practices by offering to post different categories of requested records on the web site in a manner that is responsive to records requests; and

(o) The allocation of liability between the agency operating an open records portal and any agency that provides records through the portal or accepts requests for public records through the portal in the event of litigation regarding denial of access to records or unreasonable estimate of time to produce records in response to a request.

(4) A report must be completed with findings and recommendations on the experience of the electronic open records portal created in other states and the feasibility of creating a central statewide open records portal in Washington, as well as recommendations and best management practices for agencies to post records that are responsive to records requests on an agency internet web site and take into consideration various categories of records and agency capacities in order to provide broader public access to records of public interest and to reduce the number of requests relating to the same topic. The report must be submitted to the governor, the appropriate committees of the legislature, and members of the stakeholder group in section 9 of this act, by September 1, 2018.

(5) This section expires December 31, 2018.

NEW SECTION. Sec. 36. (1) The division of archives and records management in the office of the secretary of state must convene a stakeholder group by September 1, 2017, to develop the initial scope and direction of the study in section 8 of this act.

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(2) The stakeholder group must include seven members as provided in this subsection.

(a) The majority leader and the minority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The majority leader and the minority leader of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives, in consultation with the division of archives and records management, jointly shall appoint the remaining three members. The remaining three members must be representatives of the community who have experience in the retention and disclosure of public records.

(3) This section expires September 30, 2018.

NEW SECTION. Sec. 37. Section 7 of this act expires June 30, 2020."

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 42.56.010, 42.56.152, 42.56.520, 42.56.570, 40.14.024, and 36.22.175; adding a new section to chapter 40.14 RCW; creating new sections; and providing expiration dates."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 241 by Senator Miloscia to Engrossed Substitute House Bill No. 1594.

The motion by Senators Miloscia and Hunt carried and floor striking amendment no. 241 was adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed Substitute House Bill No. 1594 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Darneille: "Thank you Mr. President. I was hoping to get some clarity on whether we are on a three strikers and you are out rule?"

REPLY BY THE PRESIDENT

President Habib: "How did the Mariners do today? I don't know, it depends. Senator Darneille, I like that. Parliamentary jokes are always in order here."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1594 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1594 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Ericksen, Honeyford, Padden, Palumbo, Sheldon and Short

Excused: Senators Carlyle and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1867, by House Committee on Appropriations (originally sponsored by Representatives Fey, Stambaugh, Senn, Kagi, Kilduff, Appleton, Graves, Hudgins, Orwall, Ryu, Sells, Stanford, Robinson, McDonald, Ortiz-Self, Doglio, Slatter, Tharinger and Ormsby)

Improving transitions in extended foster care to increase housing stability for foster youth.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 38. The legislature finds that a large number of foster youth experience homelessness. The legislature intends that individuals who are eligible for extended foster care services are able to receive those services to help prevent them from experiencing homelessness. The 2016 office of homeless youth annual report identifies ensuring that youth exiting public systems are not released into homelessness as a goal and recommends expanding options for youth to enroll in extended foster care.

Sec. 39. RCW 74.13.031 and 2015 c 240 s 3 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or

exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and

services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state

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juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

- (i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (iii) Parent-child visits;
- (iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and
- (v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 40. (1) The Washington state institute for public policy shall conduct a study measuring the outcomes for youth who have received extended foster care services pursuant to RCW 74.13.031(11). The study should include measurements of any savings to state and local governments. The study should compare the outcomes for youth who have received extended foster care services pursuant to RCW 74.13.031(11) with youth who aged out of foster care when they reached eighteen years of age. To the extent possible, the study should also include a comparison of other state extended foster care programs and a review of studies that have been completed measuring the outcomes of those programs.

(2) The Washington state institute for public policy shall issue a report containing its preliminary findings to the legislature by December 1, 2018, and a final report by December 1, 2019.

(3) The Washington state institute for public policy is authorized to accept nonstate funds to conduct the study required in subsection (1) of this section.

(4) This section expires July 1, 2020.

NEW SECTION. Sec. 41. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.13.031; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Mental Health & Housing to Substitute House Bill No. 1867.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1867 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1867 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1867 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

SUBSTITUTE HOUSE BILL NO. 1867, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Yesterday I had the opportunity to go to Yakima and celebrate my mom's ninety-ninth birthday. I just wanted to say again happy birthday to my mom and a thank you to Governor Inslee for writing her a really nice birthday card. And I am sure each and every one of you can appreciate an older lady like that taking that card around and

bragging to everybody. She is still fiercely independent, doesn't want you to help her down the stairs. She uses a walker, but boy she can tell you no when she wants to do her own thing. So I just wanted to say happy birthday to my mom again and thank you Mr. President for letting me share that moment."

REPLY BY THE PRESIDENT

President Habib: "Let's give Senator Becker's mom a warm happy birthday applause from the Washington State Senate. Ninety-nine years" The Senate rose in recognition of Senator Becker's mother's 99th birthday.

SECOND READING

HOUSE BILL NO. 1931, by Representatives Hayes, Macri, McDonald and Jinkins

Concerning the posting of child abuse and neglect mandated reporter requirements.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1931.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1931 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

HOUSE BILL NO. 1931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1043, by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Harris, Clibborn, Riccelli, Cody, Jinkins, Tharinger, Appleton and Sawyer)

Addressing nonpublic personal health information.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 42.** A new section is added to chapter 48.02 RCW to read as follows:

(1) All nonpublic personal health information obtained by, disclosed to, or in the custody of the commissioner, regardless of the form or medium, is confidential and is not subject to public disclosure under chapter 42.56 RCW. The commissioner shall not disclose nonpublic personal health information except in the furtherance of regulatory or legal action brought as a part of the commissioner's official duties.

(2) The following definitions apply only for the purposes of this section:

(a) "Health information" means any information or data, except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or a patient, or a policyholder or enrollee, that relates to:

(i) The past, present, or future physical, mental, or behavioral health or condition of an individual;

(ii) The provision of health care to an individual; or

(iii) Payment for the provision of health care to an individual.

(b) "Health care" means preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, services, procedures, tests, or counseling that:

(i) Relates to the physical, mental, or behavioral condition of an individual;

(ii) Affects the structure or function of the human body or any part of the human body, including the banking of blood, sperm, organs, or any other tissue; or

(iii) Prescribes, dispenses, or furnishes to an individual drugs or biologicals, or medical devices or health care equipment and supplies.

(c) "Nonpublic personal health information" means health information:

(i) That identifies an individual who is the subject of the information; or

(ii) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual.

(d) "Patient" means an individual who is receiving, has received, or has sought health care. The term includes a deceased individual who has received health care.

(e) "Policyholder" or "enrollee" means a person who is covered by, enrolled in, has applied for, or purchased, an insurance policy, a health plan as defined in RCW 48.43.005, a group plan, or any other product regulated by the insurance commissioner. "Policyholder" or "enrollee" may include, without limitation, a subscriber, member, annuitant, beneficiary, spouse, or dependent.

(3) The commissioner may:

(a) Share documents, materials, or other information, including the confidential documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of this and other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) Receive documents, materials, or information, including otherwise either confidential or privileged documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of this and other states and nations, the federal government, and international authorities

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and must maintain as confidential or privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) Enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing claim of confidentiality or privilege in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) Prior to the release of any nonpublic personal health information, the commissioner must obtain patient consent, for each instance. The consent form must indicate what information is being shared and for what purpose.

Sec. 43. RCW 42.56.400 and 2016 c 142 s 20, 2016 c 142 s 19, and 2016 c 122 s 4 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW; ~~((and))~~

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065; and

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in section 1 of this act."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.400; and adding a new section to chapter 48.02 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 1043.

The motion by Senator Rivers carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1043 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1043 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1043 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

SUBSTITUTE HOUSE BILL NO. 1043, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1623, by Representatives Senn, Springer, Tarleton and Slatter

Concerning secondhand dealers utilizing automated kiosks to purchase secondhand electronic devices.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1623 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1623.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1623 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs,

Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

HOUSE BILL NO. 1623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1201, by Representatives Stonier, Orcutt, Harris, Wylie, J. Walsh, Riccelli, Tharinger and Ormsby

Concerning the taxing authority of public facilities districts.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed House Bill No. 1201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Takko and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1201.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1201 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Darneille, Hasegawa, Honeyford, Keiser, Padden, Pedersen and Ranker

Excused: Senators Carlyle and Saldaña

ENGROSSED HOUSE BILL NO. 1201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Ortiz-Self)

Concerning notification requirements for the department of social and health services.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 44.** RCW 13.38.070 and 2011 c 309 s 7 are each amended to read as follows:

(1) In any involuntary child custody proceeding seeking the foster care placement of, or the termination of parental rights to, a child in which the petitioning party or the court knows, or has reason to know, that the child is or may be an Indian child as defined in this chapter, the petitioning party shall notify the parent or Indian custodian and the Indian child's tribe or tribes, by certified mail, return receipt requested, and by use of a mandatory Indian child welfare act notice addressed to the tribal agent designated by the Indian child's tribe or tribes for receipt of Indian child welfare act notice, as published by the bureau of Indian affairs in the federal register. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the secretary of the interior by registered mail, return receipt requested, in accordance with the regulations of the bureau of Indian affairs. The secretary of the interior has fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. No foster care placement or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe. The parent or Indian custodian or the tribe shall, upon request, be granted up to twenty additional days to prepare for the proceeding.

(2) The determination of the Indian status of a child shall be made as soon as practicable in order to serve the best interests of the Indian child and protect the interests of the child's tribe.

(3)(a) A written determination by an Indian tribe that a child is a member of or eligible for membership in that tribe, or testimony by the tribe attesting to such status shall be conclusive that the child is an Indian child;

(b) A written determination by an Indian tribe that a child is not a member of or eligible for membership in that tribe, or testimony by the tribe attesting to such status shall be conclusive that the child is not a member or eligible for membership in that tribe. Such determinations are presumptively those of the tribe where submitted in the form of a tribal resolution, or signed by or testified to by the person(s) authorized by the tribe's governing body to speak for the tribe, or by the tribe's agent designated to receive notice under the federal Indian child welfare act where such designation is published in the federal register;

(c) Where a tribe provides no response to notice under RCW 13.38.070, such nonresponse shall not constitute evidence that the child is not a member or eligible for membership. Provided, however, that under such circumstances the party asserting application of the federal Indian child welfare act, or this chapter, will have the burden of proving by a preponderance of the evidence that the child is an Indian child.

(4)(a) Where a child has been determined not to be an Indian child, any party to the proceeding, or an Indian tribe that subsequently determines the child is a member, may, during the pendency of any child custody proceeding to which this chapter or the federal Indian child welfare act applies, move the court for redetermination of the child's Indian status based upon new evidence, redetermination by the child's tribe, or newly conferred federal recognition of the tribe.

(b) This subsection (4) does not affect the rights afforded under 25 U.S.C. Sec. 1914.

Sec. 45. RCW 26.44.100 and 2005 c 512 s 1 are each amended to read as follows:

(1) The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this chapter, provided that nothing contained in this chapter shall cause any delay in protective custody action.

(2) The department shall notify the parent, guardian, or legal custodian of a child of any allegations of child abuse or neglect made against such person at the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

Whenever the department completes an investigation of a child abuse or neglect report under this chapter ((26.44 RCW)), the department shall notify the subject of the report of the department's investigative findings. The notice shall also advise the subject of the report that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) Founded reports of child abuse and neglect may be considered in determining whether the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) A subject named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in this chapter.

(3) The founded finding notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

(4) The unfounded finding notification required by this section must be made by regular mail to the person's last known address or by email.

(5) The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

((5)) (6) The department shall provide training to all department personnel who conduct investigations under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

Sec. 46. RCW 43.20B.430 and 1989 c 175 s 99 are each amended to read as follows:

In all cases where a determination is made that the estate of a resident of a residential habilitation center is able to pay all or any portion of the charges, ((a)) an initial notice and finding of responsibility shall be served on the guardian of the resident's estate, or if no guardian has been appointed then to the resident,

the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident. The initial notice shall set forth the amount the department has determined that such estate is able to pay, not to exceed the charge as fixed in accordance with RCW 43.20B.420, and the responsibility for payment to the department shall commence twenty-eight days after ((personal)) service of such notice and finding of responsibility. Service of the initial notice shall be in the manner prescribed for the service of a summons in a civil action or may be served by certified mail, return receipt requested. The return receipt signed by addressee only is prima facie evidence of service. An application for an adjudicative proceeding from the determination of responsibility may be made to the secretary by the guardian of the resident's estate, or if no guardian has been appointed then by the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident of a state school, within such twenty-eight day period. The application must be written and served on the secretary by registered or certified mail, or by personal service. If no application is filed, the notice and finding of responsibility shall become final. If an application is filed, the execution of notice and finding of responsibility shall be stayed pending the final adjudicative order. The hearing shall be conducted in a local department office or other location in Washington convenient to the appellant. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 47. RCW 43.20B.435 and 1979 c 141 s 240 are each amended to read as follows:

The secretary, upon application of the guardian of the estate of the resident, and after investigation, or upon investigation without application, may, if satisfied of the financial ability or inability of such person to make payments in accordance with the ~~((original))~~ initial finding of responsibility as provided for in RCW 43.20B.430, modify or vacate such ~~((original))~~ initial finding of responsibility, and enter a new finding of responsibility. The secretary's determination to modify or vacate findings of responsibility shall be served ~~((and))~~ by regular mail. A new finding of responsibility shall be appealable in the same manner and in accordance with the same procedure for appeals of ~~((original))~~ initial findings of responsibility.

Sec. 48. RCW 43.20B.635 and 1990 c 100 s 1 are each amended to read as follows:

(1) After service of a notice of debt for an overpayment as provided for in RCW 43.20B.630, stating the debt accrued, the secretary may issue to any person, firm, corporation, association, political subdivision, or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state property which is due, owing, or belonging to the debtor.

(2)(a) The order to withhold and deliver shall state the amount of the debt, and shall state in summary the terms of this section, RCW 6.27.150 and 6.27.160, chapters 6.13 and 6.15 RCW, 15 U.S.C. 1673, and other state or federal exemption laws applicable generally to debtors.

(b) The order to withhold and deliver shall be served ~~((in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested))~~ by regular mail or, with a party's agreement, electronically.

(3)(a) Any person, firm, corporation, association, political subdivision, or department of the state upon whom service has been made shall answer the order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in

writing, and shall make true answers to the matters inquired of therein.

(b) The secretary may require further and additional answers to be completed by the person, firm, corporation, association, political subdivision, or department of the state.

(c) If any such person, firm, corporation, association, political subdivision, or department of the state possesses any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty-day period, upon demand, be delivered forthwith to the secretary.

(d) The secretary shall hold the property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability.

(e) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, association, political subdivision, or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary, subject to the exemptions under RCW 6.27.150 and 6.27.160, chapters 6.13 and 6.15 RCW, 15 U.S.C. 1673, and other state or federal law applicable generally to debtors, of the money or other property held or claimed satisfies the requirement of the order to withhold and deliver. Delivery to the secretary serves as full acquittance, and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter.

(4)(a) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed ~~((by certified mail))~~ a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address(ess) or, ~~((in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter))~~ with a party's agreement serve the order upon the debtor electronically on or before the date of service of the order to withhold and deliver.

(b) The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing on any issue related to the collection. This requirement is not jurisdictional, but, if the copy is not mailed or served as provided in this section, or if any irregularity appears with respect to the mailing or service electronically, the superior court, on its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy or serve the copy electronically, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

Sec. 49. RCW 74.20A.320 and 2009 c 408 s 1 are each amended to read as follows:

(1) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. ~~((The department shall attach a copy of the responsible parent's child support order to the notice.))~~

(a) If the support order establishing or modifying the child support obligation includes a statement required under RCW 26.23.050 that the responsible parent's privileges to obtain and maintain a license may not be renewed or may be suspended if the parent is not in compliance with a support order, the department may send the notice required by this section to the responsible parent by regular mail, addressed to the responsible parent's last known mailing address on file with the department or by personal service. Notice by regular mail is deemed served three days from the date the notice was deposited with the United States postal service.

(b) If the support order does not include a statement as required under RCW 26.23.050 that the responsible parent's privileges to obtain and maintain a license may not be renewed or may be suspended if the parent is not in compliance with a support order, service of the notice required by this section to the responsible parent must be by certified mail, return receipt requested. If service by certified mail is not successful, service shall be by personal service.

(2) The notice of noncompliance must include the following information:

(a) The address and telephone number of the department's division of child support office that issued the notice;

(b) That in order to prevent the department from certifying the parent's name to the department of licensing or any other licensing entity, the parent has twenty days from receipt of the notice to contact the department and:

(i) Pay the overdue support amount in full;
 (ii) Request an adjudicative proceeding as provided in RCW 74.20A.322;

(iii) Agree to a payment schedule with the department as provided in RCW 74.20A.326; or

(iv) File an action to modify the child support order with the appropriate court or administrative forum, in which case the department will stay the certification process up to six months;

(c) That failure to contact the department within twenty days of receipt of the notice will result in certification of the responsible parent's name to the department of licensing and any other appropriate licensing entity for noncompliance with a child support order. Upon receipt of the notice:

(i) The licensing entity will suspend or not renew the parent's license and the department of licensing will suspend or not renew any driver's license that the parent holds until the parent provides the department of licensing and the licensing entity with a release from the department stating that the responsible parent is in compliance with the child support order;

(ii) The department of fish and wildlife will suspend a fishing license, hunting license, occupational licenses, such as a commercial fishing license, or any other license issued under chapter 77.32 RCW that the responsible parent may possess, and suspension of a license by the department of fish and wildlife may also affect the parent's ability to obtain permits, such as special hunting permits, issued by the department. Notice from the department of licensing that a responsible parent's driver's license has been suspended shall serve as notice of the suspension of a license issued under chapter 77.32 RCW;

(d) That suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license;

(e) If the responsible parent subsequently comes into compliance with the child support order, the department will promptly provide the parent and the appropriate licensing entities with a release stating that the parent is in compliance with the order.

(3) When a responsible parent who is served notice under subsection (1) of this section subsequently complies with the child support order, a copy of a release stating that the responsible parent is in compliance with the order shall be transmitted by the department to the appropriate licensing entities.

(4) The department of licensing and a licensing entity may renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the release specified in subsection (3) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 13.38.070, 26.44.100, 43.20B.430, 43.20B.435, 43.20B.635, and 74.20A.320."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Mental Health & Housing to Engrossed Substitute House Bill No. 1814.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute House Bill No. 1814 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1814 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1814 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1417, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins and Smith)

Concerning the harmonization of the open public meetings act with the public records act in relation to information technology security matters.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Substitute House Bill No. 1417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1417.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1417 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

SUBSTITUTE HOUSE BILL NO. 1417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153, by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Pellicciotti, Hayes, Orwall, Griffey, Chapman, Holy, Kilduff, Stanford, Fey, Haler, Doglio and Frame)

Concerning crimes against vulnerable persons.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1153.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1153 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5890, by Senators O'Ban, Braun and Rolfes

Concerning foster care and adoption support

MOTION

On motion of Senator O'Ban, Substitute Senate Bill No. 5890 was substituted for Senate Bill No. 5890 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Billig moved that the following floor amendment no. 221 by Senator Billig be adopted:

On page 2, line 5, after "parents" insert ", parents who have an open case with child protective services, and parents who have been involved in child welfare services within the last six months and have been reunified with their children"

On page 2, line 7, after "parents" insert ", parents who have an open case with child protective services, and parents who have been involved in child welfare services within the last six months and have been reunified with their children"

On page 2, line 15, after "state", insert ", parents who have have an open case with child protective services, and parents who have been involved in child welfare services within the last six months"

Senator Billig spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 221 by Senator Billig on page 2, line 5 to Substitute Senate Bill No. 5890.

The motion by Senator Billig did not carry and floor amendment no. 221 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

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On motion of Senator Hasegawa and without objection, the following floor amendment no. 222 by Senator Hasegawa on page 2, line 8 to Engrossed Substitute Senate Bill No. 5890 was withdrawn.

of the child welfare system is to achieve reunification of children with their biological parents. With this goal in mind, the
On page 20, line 27, strike "the child", and insert "achieving this goal"

- On page 2, line 8, after "with", insert "nonprofit"
- On page 2, line 11, after "by the", insert "nonprofit"
- On page 2, line 18, after "from the", insert "nonprofit"
- On page 2, line 18, after "and the", insert "nonprofit"
- On page 2, line 21, after "the", insert "nonprofit"
- On page 2, line 22, after "The", insert "nonprofit"

WITHDRAWAL OF AMENDMENT

On motion of Senator Darneille and without objection, the following floor amendment no. 224 by Senators Darneille and Walsh on page 27, line 26 to Engrossed Substitute Senate Bill No. 5890 was withdrawn.

MOTION

Senator O'Ban moved that the following floor amendment no. 249 by Senators O'Ban and Darneille be adopted:

- On page 27, line 26, before "(d)", strike "and"
- On page 27, line 27, after "care", insert "; and preventing out-of-home placement"

- On page 2, line 8, after "with", insert "nonprofit"
 - On page 2, line 11, after "by the", insert "nonprofit"
 - On page 2, line 18, after "from the", insert "nonprofit"
 - On page 2, line 18, after "and the", insert "nonprofit"
 - On page 2, line 21, after "the", insert "nonprofit"
 - On page 2, line 22, after "The", insert "nonprofit"
 - On page 3, line 9, after "agencies", strike " and" and insert ", "
 - On page 3, line 10, after "advocates," insert "and biological parent advocates"
 - On page 10, line 8, after "ombuds," strike "and"
 - On page 10, line 8, after "advocate" insert ", and one biological parent advocate"
 - On page 10, line 23, delete section 6
 - On page 14, line 14, delete section 7
 - On page 27, line 26, before "(d)", strike "and"
 - On page 27, line 27, after "care", insert "; and preventing out-of-home placement"
- Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

Senator O'Ban moved that the following floor amendment no. 250 by Senators O'Ban and Darneille be adopted:

On page 29, beginning on line 6 add the following:

"**Sec. 23.** RCW 26.44.030 and 2016 c 166 s 4 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association,

WITHDRAWAL OF AMENDMENT

On motion of Senator Billig and without objection, the following floor amendment no. 223 by Senator Billig on page 3, line 9 to Engrossed Substitute Senate Bill No. 5890 was withdrawn.

- On page 3, line 9, after "agencies", strike " and" and insert ", "
- On page 3, line 10, after "advocates," insert "and biological parent advocates"
- On page 10, line 8, after "ombuds," strike "and"
- On page 10, line 8, after "advocate" insert ", and one biological parent advocate"
- On page 11, line 4, after "(c)", strike "The" and insert "In accordance with RCW 13.34.020 and RCW 74.14A.010, the goal of the child welfare system is to achieve reunification of children with their biological parents. With this goal in mind, the"
- On page 11, line 8, strike "the child", and insert "achieving this goal"
- On page 20, line 23, after "(17)", strike "The" and insert "In accordance with RCW 13.34.020 and RCW 74.14A.010, the goal"

financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law

enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

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(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW

26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian (~~sign an agreement~~) agree to participate in services before services are initiated (~~that~~). The department shall inform(~~the~~) the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not (~~sign the consent form~~) agree to participate in services.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "child welfare, foster care, and adoption support; amending RCW 74.13.270, 74.15.125, 74.15.110, 13.34.136, 74.13A.025, 74.13A.030, 74.13A.047, 28B.118.010, and 26.44.030; reenacting and amending RCW 13.34.138 and 13.34.145; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 74.13 RCW; creating new sections; repealing RCW 74.13.107, 74.12.037, 43.131.415, and 43.131.416; providing effective dates; providing an expiration date; and declaring an emergency."

Senator O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 250 by Senators O'Ban and Darneille on page 29, line 6 to Substitute Senate Bill No. 5890.

The motion by Senator O'Ban carried and floor amendment no. 250 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 5890 was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5890.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5890 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Frockt, Kuderer, Lias, McCoy and Nelson

Excused: Senators Carlyle and Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1924, by Representatives Dent and Fitzgibbon

Concerning small forest landowners.

The measure was read the second time.

MOTION

Senator Fain moved that the following committee striking amendment by the Committee on Commerce, Labor & Sports be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 50.** RCW 19.30.010 and 1985 c 280 s 1 are each amended to read as follows:

~~(As used in this chapter.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes any individual, firm, partnership, association, corporation, or unit or agency of state or local government.

(2) "Farm labor contractor" means any person, or his or her agent or subcontractor, who, for a fee, performs any farm labor contracting activity. "Farm labor contractor" does not include a person performing farm labor contracting activity solely for a small forest landowner as defined in RCW 76.09.450 who receives services of no more than two agricultural employees at any given time.

(3) "Farm labor contracting activity" means recruiting, soliciting, employing, supplying, transporting, or hiring agricultural employees.

(4) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or

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harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(5) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(6) This chapter shall not apply to employees of the employment security department acting in their official capacity or their agents, nor to any common carrier or full time regular employees thereof while transporting agricultural employees, nor to any person who performs any of the services enumerated in subsection (3) of this section only within the scope of his or her regular employment for one agricultural employer on whose behalf he or she is so acting, unless he or she is receiving a commission or fee, which commission or fee is determined by the number of workers recruited, or to a nonprofit corporation or organization which performs the same functions for its members. Such nonprofit corporation or organization shall be one in which:

(a) None of its directors, officers, or employees are deriving any profit beyond a reasonable salary for services performed in its behalf.

(b) Membership dues and fees are used solely for the maintenance of the association or corporation.

(7) "Fee" means:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by a farm labor contractor.

(b) Any valuable consideration received or to be received by a farm labor contractor for or in connection with any of the services described in subsection (3) of this section, and shall include the difference between any amount received or to be received by him, and the amount paid out by him for or in connection with the rendering of such services.

(8) "Director" as used in this chapter means the director of the department of labor and industries of the state of Washington.

NEW SECTION. Sec. 51. (1) The department of natural resources shall consult with the appropriate stakeholders and develop an analysis, with recommendations, as to whether the issuance of burning permits can be streamlined for small forest landowners, as that term is defined in RCW 76.09.450. The analysis must consider variable term burning permits, alternative fee structures, and other methods to incentivize small forest landowners to conduct forest health treatments.

(2) Consistent with RCW 43.01.036, the department of natural resources shall report the outcome of the analysis required by this section to the legislature by October 31, 2017. In the report, the department of natural resources must identify elements, consistent with the recommendations of the analysis, within its current authority to implement, a timeline for implementation of those elements, and any elements in its recommendations that would require a rule change, statutory amendment, or additional funding to implement.

(3) This section expires August 1, 2018."

On page 1, line 1 of the title, after "landowners;" strike the remainder of the title and insert "amending RCW 19.30.010; creating a new section; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Commerce, Labor & Sports to Engrossed House Bill No. 1924.

The motion by Senator Fain carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed House Bill No. 1924 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1924 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1924 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

ENGROSSED HOUSE BILL NO. 1924, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Baumgartner: "Well I believe in our rules, Mr. President, that points of privilege are supposed to be peculiar or unique. And I took you up on your offer for parliamentarian jokes, kidding about parliamentarianess, so to speak. So I looked up parliamentarian jokes and I found that it actually is the title of a 2002 movie to very low acclaim from Sri Lanka. So there you go, peculiar and unique. Thank you Mr. President."

REPLY BY THE PRESIDENT

President Habib: "Thank you. Certainly peculiar, and I believe probably unique as well. Thank you Senator Baumgartner."

SECOND READING

SENATE BILL NO. 5205, by Senators Fain, Palumbo, Zeiger, Keiser, Angel and Hasegawa

Concerning the excise taxation of martial arts.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5205.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5205 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

SENATE BILL NO. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1863, by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Stokesbary, Appleton and Stambaugh)

Concerning the national fire incident reporting system.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 52.** RCW 43.44.060 and 2010 1st sp.s. c 7 s 50 are each amended to read as follows:

(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the chief of the Washington state patrol, through the director of fire protection, on each fire occurring within the official's jurisdiction and, within two business days, report any death resulting from fire.

(2) Reports submitted pursuant to subsection (1) of this section shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the chief of the Washington state patrol, through the director of fire protection. Rules established by the chief of the Washington state patrol, through the director of fire protection, must require fire departments to report data on the age of any structure involved in a fire when that information is available through property records or other methods.

(3) Subject to availability of amounts appropriated for this specific purpose, the chief of the Washington state patrol, through the director of fire protection, shall administer the national fire incident reporting system including, but not limited to, the following responsibilities:

(a) Purchasing equipment, including software, needed for the operation of the reporting system;

(b) Establishing procedures, standards, and guidelines pertaining to the statistical information and data reported by fire departments through the reporting system;

(c) Providing training and education to fire departments pertaining to the reporting system; and

(d) Employing staff to administer the reporting system, as needed.

(4) The chief of the Washington state patrol, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

((2)) (5) The chief of the Washington state patrol, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by July 1st to each chief fire official in the state. Upon request, the chief of the Washington state patrol, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

(6) For purposes of this section, "national fire incident reporting system" or "reporting system" means the national fire incident reporting system or the state equivalent as selected by the chief of the Washington state patrol, through the director of fire protection.

NEW SECTION. Sec. 53. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 43.44.060; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1863.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Substitute House Bill No. 1863 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1863 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1863 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

SUBSTITUTE HOUSE BILL NO. 1863, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1959, by Representatives Harmsworth, Pollet, Young and Van Werven

Requiring a public hearing before a local government may remove a restrictive covenant from land owned by the local government.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, House Bill No. 1959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1959.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1959 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Braun and Liias

Excused: Senators Carlyle and Saldaña

HOUSE BILL NO. 1959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1258, by House Committee on Judiciary (originally sponsored by Representatives McCabe, Orwall, Johnson, Cody, Dent, Kirby, Griffey, Van Werven, Caldier, Dye, Gregerson, Wylie, Jinkins, Haler, McBride and Muri)

Concerning persons with a disability present at the scene of an accident.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1258.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1258 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Carlyle and Saldaña

SUBSTITUTE HOUSE BILL NO. 1258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Travis King and his mother, Ms. Theresa King, who were the inspiration for the previous bill and were seated in the gallery.

MOTION

At 6:23 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Tuesday, April 11, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
 Tuesday, April 11, 2017

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Jade Cheatham and Mr. Joshua Hammingh, presented the Colors. Miss Tri-Cities, Taylor Plunkett performed the National Anthem. The prayer was offered by Reverend Ross Holtz of Summit Church, Enumclaw.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:
 The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1100,
- HOUSE BILL NO. 1107,
- SUBSTITUTE HOUSE BILL NO. 1121,
- SUBSTITUTE HOUSE BILL NO. 1130,
- HOUSE BILL NO. 1148,
- SUBSTITUTE HOUSE BILL NO. 1149,
- HOUSE BILL NO. 1166,
- HOUSE BILL NO. 1195,
- HOUSE BILL NO. 1198,
- HOUSE BILL NO. 1204,
- SUBSTITUTE HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1266,
- HOUSE BILL NO. 1285,
- SECOND SUBSTITUTE HOUSE BILL NO. 1338,
- SUBSTITUTE HOUSE BILL NO. 1344,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375,
- HOUSE BILL NO. 1449,
- ENGROSSED HOUSE BILL NO. 1450,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548,
- SUBSTITUTE HOUSE BILL NO. 1568,
- ENGROSSED HOUSE BILL NO. 1728,
- HOUSE BILL NO. 1754,
- SUBSTITUTE HOUSE BILL NO. 1813,
- SUBSTITUTE HOUSE BILL NO. 1820,
- SUBSTITUTE HOUSE BILL NO. 1838,
- HOUSE BILL NO. 1853,

- SUBSTITUTE HOUSE BILL NO. 1877,
- HOUSE BILL NO. 1907,
- SUBSTITUTE HOUSE BILL NO. 2058,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 10, 2017

MR. PRESIDENT:
 The House has passed:

- SUBSTITUTE SENATE BILL NO. 5514,
- SECOND SUBSTITUTE SENATE BILL NO. 5546,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 10, 2017

MR. PRESIDENT:
 The House has passed:

- SENATE BILL NO. 5039,
- SUBSTITUTE SENATE BILL NO. 5069,
- SUBSTITUTE SENATE BILL NO. 5077,
- ENGROSSED SENATE BILL NO. 5128,
- SUBSTITUTE SENATE BILL NO. 5196,
- SENATE BILL NO. 5488,
- SENATE BILL NO. 5662,
- SUBSTITUTE SENATE BILL NO. 5835,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 10, 2017

MR. PRESIDENT:
 The Speaker has signed:

- SENATE BILL NO. 5011,
- SUBSTITUTE SENATE BILL NO. 5012,
- SENATE BILL NO. 5040,
- ENGROSSED SENATE BILL NO. 5042,
- SENATE BILL NO. 5075,
- SUBSTITUTE SENATE BILL NO. 5083,
- ENGROSSED SENATE BILL NO. 5097,
- SENATE BILL NO. 5118,
- SUBSTITUTE SENATE BILL NO. 5142,
- SENATE BILL NO. 5162,
- SUBSTITUTE SENATE BILL NO. 5185,
- SENATE BILL NO. 5187,
- SUBSTITUTE SENATE BILL NO. 5207,
- SENATE BILL NO. 5237,
- SUBSTITUTE SENATE BILL NO. 5241,
- SENATE BILL NO. 5244,
- SUBSTITUTE SENATE BILL NO. 5262,
- SUBSTITUTE SENATE BILL NO. 5272,
- SUBSTITUTE SENATE BILL NO. 5343,
- SUBSTITUTE SENATE BILL NO. 5374,
- SENATE BILL NO. 5413,
- SUBSTITUTE SENATE BILL NO. 5472,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

NINETY THIRD DAY, APRIL 11, 2017

2017 REGULAR SESSION

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

HB 1452 by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter
 AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Ways & Means.

SHB 2138 by House Committee on Finance (originally sponsored by Representatives Kraft, Kirby, Lovick, Klippert, Smith, Haler and McDonald)
 AN ACT Relating to tax relief for the construction of adapted housing for disabled veterans; amending RCW 82.14.820; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

2SHB 2143 by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)
 AN ACT Relating to expanding opportunities for higher education students; amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Wellman moved adoption of the following resolution:

SENATE RESOLUTION
 8653

By Senators Wellman, McCoy, Nelson, Kuderer, Mullet, Conway, Liias, Palumbo, Saldaña, Darneille, Ranker, and Frockt

WHEREAS, Zoe Sheill, an esteemed resident of Mercer Island, Washington, and a student at Mercer Island High School, has achieved national recognition for exemplary volunteer service by receiving a 2017 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Zoe Sheill earned this award by giving generously of her time and energy to her school's "Homeless Education and Living Project" (HELP) club, which she started at the beginning of her sophomore year in order to continue helping people whom she'd met while volunteering at homeless shelters during the summer; so far, Zoe and HELP have raised 3,100 dollars, donated 650 care packages, and created 1,200 sack lunches for homeless people in Seattle; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Sheill who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate and honor Ms. Zoe Sheill as a recipient of a Prudential Spirit of Community Award; recognize her outstanding record of volunteer service, peer leadership, and community spirit; and extend best wishes for her continued success and happiness.

Senator Wellman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

The motion by Senator Wellman carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Sheill family who were seated in the gallery.

MOTION

At 10:17 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

AFTERNOON SESSION

The Senate was called to order at 2:16 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1274, by Representatives Sawyer, Vick, Condotta, Kloba and Ryu

Concerning the member requirement for bona fide charitable or nonprofit organizations.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1274 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1274.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1717, by House Committee on Technology & Economic Development (originally sponsored by Representatives Smith, Morris, Harmsworth, DeBolt, Hudgins, Van Werven, Santos and Stanford)

Concerning state agency collection, use, and retention of biometric identifiers.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Substitute House Bill No. 1717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1717.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1717 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1717, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1395, by Representatives Peterson and Koster

Allowing public transportation benefit area authorities to use job order contracts and procedure.

The measure was read the second time.

MOTION

On motion of Senator Lias, the rules were suspended, House Bill No. 1395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1395.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1395 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1829, by Representatives Hudgins, Johnson, Goodman, Klippert, Smith, Dolan, Haler, Koster, Volz, Kraft, Irwin, Stanford, Tarleton, Muri, Ormsby and McBride

Concerning the exemption from public disclosure of information regarding public and private computer and telecommunications networks.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 1829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1829.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1829 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, by House Committee on Appropriations (originally sponsored by Representatives Orwall, McCabe, Griffey, Hayes, McBride, Frame, Goodman, Klippert, Stanford, Stambaugh, Jinkins, Fey, Harmsworth, Dolan, Sells, Muri, Gregerson, McDonald, Wylie, Kilduff, Kloba, Tarleton, Pollet, Farrell, Kagi, Riccelli, Senn, Peterson, Bergquist and Doglio)

Supporting victims of sexual assault.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"PART I - WASHINGTON SEXUAL ASSAULT KIT INITIATIVE PROJECT

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish and administer the Washington sexual assault kit initiative project.

(2) The project is created for the purpose of providing funding through a competitive grant program to support multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits.

(3) In administering the project, the Washington association of sheriffs and police chiefs has the following powers and duties:

(a) Design and implement the grant project with the elements included in this section;

(b) Screen and select eligible applicants to receive grants;

(c) Award grants and disburse funds to at least two eligible applicants, at least one located in western Washington and at least one located in eastern Washington;

(d) Adopt necessary policies and procedures to implement and administer the program;

(e) Monitor use of grant funds and compliance with the grant requirements;

(f) Create and implement reporting requirements for grant recipients;

(g) Facilitate the hosting of a sexual assault kit summit in the state of Washington through a grant recipient or directly through the Washington association of sheriffs and police chiefs, subject to the availability of funds, which may include a combination of public and private dollars allocated for the particular purpose; and

(h) Report to the appropriate committees of the legislature, the joint legislative task force on sexual assault forensic examination best practices, and the governor by December 1, 2017, and each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

(4) Grant recipients must:

(a) Perform an inventory of all unsubmitted sexual assault kits in the jurisdiction's possession regardless of where they are stored and submit those sexual assault kits for forensic analysis through the Washington state patrol or another laboratory with the permission of the Washington state patrol;

(b) Establish a multidisciplinary cold case or sexual assault investigation team or teams for follow-up investigations and prosecutions resulting from evidence from the testing of previously unsubmitted sexual assault kits. Cold case or sexual assault investigative teams must: Include prosecutors, law enforcement, and victim advocates for the duration of the project; use victim-centered, trauma-informed protocols, including for victim notification; and use protocols and policies established by the Washington association of sheriffs and police chiefs. The grant funds may support personnel costs, including hiring and overtime, to allow for adequate follow-up investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to colocate assigned prosecutors, law enforcement, and victim advocates for the duration of the program;

(c) Require participants in the multidisciplinary cold case or sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions;

(d) Identify and address individual level, organizational level, and systemic factors that lead to unsubmitted sexual assault kits in the jurisdiction and development of a comprehensive strategy to address the issues, including effecting changes in practice, protocol, and organizational culture, and implementing evidence-based, victim-centered, trauma-informed practices and protocols;

(e) Appoint an informed representative to attend meetings of and provide information and assistance to the joint legislative task force on sexual assault forensic examination best practices;

(f) Identify and maintain consistent, experienced, and committed leadership of their sexual assault kit initiative; and

(g) Track and report the following data to the Washington association of sheriffs and police chiefs, in addition to any data required by the Washington association of sheriffs and police chiefs: The number of kits inventoried; the dates collected and submitted for testing; the number of kits tested; the number of kits with information eligible for entry into the combined DNA index system; the number of combined DNA index system hits; the number of identified suspects; including serial perpetrators; the number of investigations conducted and cases reviewed; the number of charges filed; and the number of convictions.

(5) Subject to the availability of amounts appropriated for this specific purpose, the project may also allocate funds for grant recipients to:

(a) Create and employ training in relation to sexual assault evidence, victimization and trauma response, and other related

topics to improve the quality and outcomes of sexual assault investigations and prosecutions;

(b) Enhance victim services and support for past and current victims of sexual assault; or

(c) Develop evidence collection, retention, victim notification, and other protocols needed to optimize data sharing, case investigation, prosecution, and victim support.

(6) For the purposes of this section:

(a) "Eligible applicants" include: Law enforcement agencies, units of local government, or combination of units of local government, prosecutor's offices, or a governmental nonlaw enforcement agency acting as fiscal agent for one of the previously listed types of eligible applicants. A combination of jurisdictions, including contiguous jurisdictions of multiple towns, cities, or counties, may create a task force or other entity for the purposes of applying for and receiving a grant, provided that the relevant prosecutors and law enforcement agencies are acting in partnership in complying with the grant requirements.

(b) "Project" means the Washington sexual assault kit initiative project created in this section.

(c) "Unsubmitted sexual assault kit" are sexual assault kits that have not been submitted to a forensic laboratory for testing with the combined DNA index system-eligible DNA methodologies as of the effective date of the mandatory testing law in RCW 70.125.090. Unsubmitted sexual assault kits includes partially tested sexual assault kits, which are sexual assault kits that have only been subjected to serological testing, or that have previously been tested only with noncombined DNA index system-eligible DNA methodologies. The project does not include untested sexual assault kits that have been submitted to forensic labs for testing with combined DNA index system-eligible DNA methodologies but are delayed for testing as a result of a backlog of work in the laboratory.

Sec. 2. 2015 c 247 s 2 (uncodified) is amended to read as follows:

(1)(a) ~~((A))~~ The joint legislative task force on sexual assault forensic examination best practices is established ~~((to review))~~ for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016; ~~((and))~~

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by ~~((September 30th))~~ December 1st of ((each subsequent)) the following year.

(9) This section expires June 30, 2018.

PART II - TRAINING

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during abuse investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of victimization; require

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investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; and address documentation of investigative interviews.

(3) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault and the neurobiology of trauma. The commission shall consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with sexual assault victims in the criminal justice system.

(4) The commission shall develop the training and begin offering it by July 1, 2018. Officers assigned to regularly investigate sexual assault involving adult victims shall complete the training within one year of being assigned or by July 1, 2020, whichever is later.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the commission shall incorporate victim-centered, trauma-informed approaches to policing in the basic law enforcement training curriculum. In modifying the curriculum, the commission shall seek advice from the Washington coalition of sexual assault programs and other experts on sexual assault and the neurobiology of trauma.

NEW SECTION. Sec. 5. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop training on a victim-centered, trauma-informed approach to interacting with victims and responding to sexual assault calls. The curriculum must: Be designed for commissioned patrol officers not regularly assigned to investigate sexual assault cases; be designed for deployment and use within individual law enforcement agencies; include features allowing for it to be used in different environments, which may include multimedia or video components; allow for law enforcement agencies to host it in small segments at different times over several days or weeks, including roll calls. The training must include components on available resources for victims including, but not limited to, material on and references to community-based victim advocates.

(2) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault and the neurobiology of trauma.

(3) Beginning in 2018, all law enforcement agencies shall annually host the training for commissioned peace officers. All law enforcement agencies shall, to the extent feasible, consult with and feature local community-based victim advocates during the training.

PART III - FUNDING

NEW SECTION. Sec. 6. (1) The sexual assault prevention and response account is created in the state treasury. All legislative appropriations and transfers; gifts, grants, and other donations; and all other revenues directed to the account must be deposited into the sexual assault prevention and response account. Moneys in the account may only be spent after appropriation.

(2) The legislature must prioritize appropriations from the account for: The Washington sexual assault kit initiative project created in section 1 of this act; the office of crime victims advocacy for the purpose of providing support and services, including educational and vocational training, to victims of sexual assault and trafficking; victim-centered, trauma-informed

training for prosecutors, law enforcement, and victim advocates, including, but not limited to, the training in sections 3 through 5 of this act; the Washington state patrol for the purpose of funding the statewide sexual assault kit tracking system and funding the forensic analysis of sexual assault kits.

Sec. 7. RCW 43.330.470 and 2016 c 173 s 9 are each amended to read as follows:

(1) The Washington sexual assault kit program is created within the department for the purpose of accepting private funds ~~((conducting))~~ to fund forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for analysis as of July 24, 2015, and to fund other related programs aimed at improving the public's response to sexual assault. The director may accept gifts, grants, donations, or moneys from any source for deposit in the Washington sexual assault kit account created under subsection (2) of this section.

(2) The Washington sexual assault kit account is created in the custody of the state treasurer. Funds deposited in the Washington sexual assault kit account may be used for the Washington sexual assault kit program established under this section. The Washington sexual assault kit account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Except when otherwise specified, public funds deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(a) Eighty-five percent of the funds for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015; and

(b) Fifteen percent of the funds for the office of crime victims advocacy in the department for the purpose of funding grants for sexual assault nurse examiner services and training.

(4)(a) Except as otherwise provided in (b) of this subsection, private funds donated to and deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(i) Thirty percent for the Washington association of sheriffs and police chiefs for the purpose of funding the Washington sexual assault kit initiative project created in section 1 of this act;

(ii) Thirty percent for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015, unless the Washington state patrol bureau of forensic laboratory services deems that the funds are not necessary for this purpose, in which case the funds shall be divided equally for the purposes outlined in (a)(i), (iii), and (iv) of this subsection;

(iii) Thirty percent for the criminal justice training commission for the training in sections 3 through 5 of this act;

(iv) Ten percent for the office of crime victims advocacy in the department for the purpose of providing services to victims of sexual assault and training for professionals interacting with and providing services to victims of sexual assault.

(b) With the consent of the department, a grantor of funds may enter into an agreement with the department for a different allocation of funds specified in (a) of this subsection, provided that the funds are distributed for the purpose of the program created in this section. Within thirty days of entering into an agreement under this subsection (4)(b), the department shall notify the sexual assault forensic examination best practices task force and the appropriate committees of the legislature.

(5) This section expires June 30, 2022.

Sec. 8. RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential

rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety

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employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 43.330.470; amending 2015 c 247 s 2 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 36.28A RCW; adding new sections to chapter 43.101 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1109.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1109 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1086, by House Committee on Environment (originally sponsored by Representatives Blake, J. Walsh, Springer, Wilcox and Hargrove)

Promoting the completion of environmental impact statements within two years.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 9. The legislature finds that the analysis of environmental impacts required under the state environmental policy act adds value to government decision-making processes in Washington state and helps minimize the potential environmental harm coming from those government decisions. However, the legislature also recognizes that excessive delays in the environmental impact analysis process adds uncertainty and burdensome costs to those seeking to do business in the state of Washington. Therefore, it is the intent of the legislature to promote timely completion of state environmental policy act processes. In doing so, the legislature intends to restore balance between the need to carefully consider environmental impacts and the need to maintain the economic competitiveness of state businesses.

NEW SECTION. Sec. 10. A new section is added to chapter 43.21C RCW to read as follows:

(1) A lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) in as expeditious a manner as possible while not compromising the integrity of the analysis.

(a) For even the most complex government decisions associated with a broad scope of possible environmental impacts, a lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) within twenty-four months of a threshold determination of a probable significant, adverse environmental impact.

(b) Wherever possible, a lead agency shall aspire to far outpace the twenty-four month time limit established in this section for more commonplace government decisions associated with narrower and more easily identifiable environmental impacts.

(2) Beginning December 31, 2018, and every two years thereafter, the department of ecology must submit a report on the environmental impact statements produced by state agencies and local governments to the appropriate committees of the legislature. The report must include data on the average time, and document the range of time, it took to complete environmental impact statements within the previous two years.

(3) Nothing in this section creates any civil liability for a lead agency or creates a new cause of action against a lead agency."

On page 1, line 2 of the title, after "years;" strike the remainder of the title and insert "adding a new section to chapter 43.21C RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Substitute House Bill No. 1086.

The motion by Senator Ericksen carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1086 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1086 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1086 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Frockt, Lias, McCoy and Nelson

SUBSTITUTE HOUSE BILL NO. 1086, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1100,
- HOUSE BILL NO. 1107,
- SUBSTITUTE HOUSE BILL NO. 1121,
- SUBSTITUTE HOUSE BILL NO. 1130,
- HOUSE BILL NO. 1148,
- SUBSTITUTE HOUSE BILL NO. 1149,
- HOUSE BILL NO. 1166,
- HOUSE BILL NO. 1195,
- HOUSE BILL NO. 1198,
- HOUSE BILL NO. 1204,
- SUBSTITUTE HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1266,
- HOUSE BILL NO. 1285,
- SECOND SUBSTITUTE HOUSE BILL NO. 1338,
- SUBSTITUTE HOUSE BILL NO. 1344,

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375,
- HOUSE BILL NO. 1449,
- ENGROSSED HOUSE BILL NO. 1450,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548,
- SUBSTITUTE HOUSE BILL NO. 1568,
- ENGROSSED HOUSE BILL NO. 1728,
- HOUSE BILL NO. 1754,
- SUBSTITUTE HOUSE BILL NO. 1813,
- SUBSTITUTE HOUSE BILL NO. 1820,
- SUBSTITUTE HOUSE BILL NO. 1838,
- HOUSE BILL NO. 1853,
- SUBSTITUTE HOUSE BILL NO. 1877,
- HOUSE BILL NO. 1907,
- SUBSTITUTE HOUSE BILL NO. 2058.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1520, by House Committee on Appropriations (originally sponsored by Representatives Tharinger, Short, Cody, Schmick and Springer)

Allowing alternative payment methodologies for critical access hospitals participating in the Washington rural health access preservation pilot.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 11. RCW 74.09.5225 and 2016 sp.s. c 31 s 2 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital, unless the critical access hospital is participating in the Washington rural health access preservation pilot described in subsection (2)(b) of this section. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2)(a) Beginning on July 24, 2005, except as provided in (b) of this subsection, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(b)(i) The purpose of the Washington rural health access preservation pilot is to develop an alternative service and payment system to the critical access hospital authorized under section 1820 of the social security act to sustain essential services in rural communities.

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(ii) For the purposes of state law, any rural hospital approved by the department of health for participation in critical access hospital payments under this section that participates in the Washington rural health access preservation pilot identified by the state office of rural health and ceases to participate in critical access hospital payments may renew participation in critical access hospital associated payment methodologies under this section at any time.

((iii)) (iii) The Washington rural health access preservation pilot is subject to the following requirements:

(A) In the pilot formation or development, the department of health, health care authority, and Washington state hospital association will identify goals for the pilot project before any hospital joins the pilot project;

(B) Participation in the pilot is optional and no hospital may be required to join the pilot;

(C) Before a hospital enters the pilot program, the health care authority must provide information to the hospital regarding how the hospital could end its participation in the pilot if the pilot is not working in its community; ~~((and))~~

(D) Payments for services delivered by public health care service districts participating in the Washington rural health access preservation pilot to recipients eligible for medical assistance programs under this chapter must be based on an alternative, value-based payment methodology established by the authority. Subject to the availability of amounts appropriated for this specific purpose, the payment methodology must provide sufficient funding to sustain essential services in the areas served, including but not limited to emergency and primary care services. The methodology must adjust payment amounts based on measures of quality and value, rather than volume. As part of the pilot, the health care authority shall encourage additional payers to use the adopted payment methodology for services delivered by the pilot participants to individuals insured by those payers;

(E) The department of health, health care authority, and Washington state hospital association will report interim progress to the legislature no later than December 1, 2018, and will report on the results of the pilot no later than six months following the conclusion of the pilot. The reports will describe any policy changes identified during the course of the pilot that would support small critical access hospitals; and

(F) Funds appropriated for the Washington rural health access preservation pilot will be used to help participating hospitals transition to a new payment methodology and will not extend beyond the anticipated three-year pilot period.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "pilot;" strike the remainder of the title and insert "amending RCW 74.09.5225; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1520.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1520 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1520 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1520 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1520, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1757, by Representatives Hayes and Pellicciotti

Addressing transient accommodations contaminated by methamphetamine.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, House Bill No. 1757 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Ericksen and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1757.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on Education (originally sponsored by Representative Pettigrew)

Concerning school safety drills.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 13. RCW 28A.320.125 and 2013 c 14 s 1 are each amended to read as follows:

(1) The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance. The legislature further finds that schools are in a position to serve the community in the event of an emergency resulting from natural disasters or man-made disasters.

(2) Schools and school districts shall consider the guidance provided by the superintendent of public instruction, including the comprehensive school safety checklist and the model comprehensive safe school plans that include prevention, intervention, all hazard/crisis response, and postcrisis recovery, when developing their own individual comprehensive safe school plans. Each school district shall adopt, no later than September 1, 2008, and implement a safe school plan consistent with the school mapping information system pursuant to RCW 36.28A.060. The plan shall:

- (a) Include required school safety policies and procedures;
- (b) Address emergency mitigation, preparedness, response, and recovery;

(c) Include provisions for assisting and communicating with students and staff, including those with special needs or disabilities;

(d) Use the training guidance provided by the Washington emergency management division of the state military department in collaboration with the Washington state office of the superintendent of public instruction school safety center and the school safety center advisory committee;

(e) Require the building principal to be certified on the incident command system;

(f) Take into account the manner in which the school facilities may be used as a community asset in the event of a community-wide emergency; and

(g) Set guidelines for requesting city or county law enforcement agencies, local fire departments, emergency service providers, and county emergency management agencies to meet with school districts and participate in safety-related drills.

(3) To the extent funds are available, school districts shall annually:

(a) Review and update safe school plans in collaboration with local emergency response agencies;

(b) Conduct an inventory of all hazardous materials;

(c) Update information on the school mapping information system to reflect current staffing and updated plans, including:

(i) Identifying all staff members who are trained on the national incident management system, trained on the incident command system, or are certified on the incident command system; and

(ii) Identifying school transportation procedures for evacuation, to include bus staging areas, evacuation routes, communication systems, parent-student reunification sites, and secondary transportation agreements consistent with the school mapping information system; and

(d) Provide information to all staff on the use of emergency supplies and notification and alert procedures.

(4) To the extent funds are available, school districts shall annually record and report on the information and activities required in subsection (3) of this section to the Washington association of sheriffs and police chiefs.

(5) School districts are encouraged to work with local emergency management agencies and other emergency responders to conduct one tabletop exercise, one functional exercise, and two full-scale exercises within a four-year period.

~~(6) ((Schools shall conduct no less than one safety-related drill each month that school is in session. Schools shall complete no less than one drill using the school mapping information system, three drills for lockdowns, one drill for shelter in place, three drills for fire evacuation in accordance with the state fire code, and one other safety-related drill to be determined by the school. Schools should consider drills for earthquakes, tsunamis, or other high risk local events. Schools shall document the date and time of such drills.))~~ (a) Due to geographic location, schools have unique safety challenges. It is the responsibility of school principals and administrators to assess the threats and hazards most likely to impact their school, and to practice three basic functional drills, shelter-in-place, lockdown, and evacuation, as these drills relate to those threats and hazards. Some threats or hazards may require the use of more than one basic functional drill.

(b) Schools shall conduct at least one safety-related drill per month, including summer months when school is in session with students. These drills must teach students three basic functional drill responses:

(i) "Shelter-in-place," used to limit the exposure of students and staff to hazardous materials, such as chemical, biological, or radiological contaminants, released into the environment by isolating the inside environment from the outside;

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(ii) "Lockdown," used to isolate students and staff from threats of violence, such as suspicious trespassers or armed intruders, that may occur in a school or in the vicinity of a school; and

(iii) "Evacuation," used to move students and staff away from threats, such as fires, oil train spills, or tsunamis.

(c) The drills described in (b) of this subsection must incorporate the following requirements:

(i) Use of the school mapping information system in at least one of the safety-related drills; and

(ii) A pedestrian evacuation drill for schools in mapped tsunami hazard zones.

(d) The drills described in (b) of this subsection may incorporate an earthquake drill using the state-approved earthquake safety technique "drop, cover, and hold."

(e) Schools shall document the date, time, and type (shelter-in-place, lockdown, or evacuate) of each drill required under this subsection (6), and maintain the documentation in the school office.

(f) This subsection (6) is intended to satisfy all federal requirements for comprehensive school emergency drills and evacuations.

(7) Educational service districts are encouraged to apply for federal emergency response and crisis management grants with the assistance of the superintendent of public instruction and the Washington emergency management division of the state military department.

(8) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for evacuations, lockdowns, or other components of a comprehensive safe school plan."

On page 1, line 1 of the title, after "drills;" strike the remainder of the title and insert "and amending RCW 28A.320.125."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1279.

The motion by Senator Zeiger carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1279 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1279 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1279 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1279, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1475, by Representatives Irwin, Goodman, Hayes, Ryu, Kilduff, Holy, Klippert, Kirby and Lovick

Clarifying the limited authority of gambling commission officers.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 254 by Senator Hasegawa be adopted:

On page 1, at the beginning of line 6, insert "(1)"

On page 1, line 12, after "property." insert the following:

"(2)"

On page 1, line 18, after "faith." insert the following:

"(3)(a) A designated officer shall not be held criminally liable for using deadly force with a good faith belief that such act is justifiable pursuant to this section. For purposes of this section, "good faith" is whether a reasonable officer of the commission designated with police power pursuant to RCW 9.46.210, relying upon the facts and circumstances known by the officer at the time of the incident, would have used deadly force.

(b) Homicide or the use of deadly force is justifiable in the following cases:

(i) When a designated officer is acting in obedience to the judgment of a competent court;

(ii) When necessarily used by a designated officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or

(iii) When necessarily used by a designated officer or person acting under the officer's command and in the officer's aid to arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony.

(c) In considering whether to use deadly force under (b)(iii) of this subsection, to arrest or apprehend any person for the commission of any crime, the designated officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances that may be considered by designated officers as a threat of serious physical harm are the following:

(i) The suspect threatens a designated officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(ii) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances, deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given."

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 254 by Senator Hasegawa on page 1, line 6 to House Bill No. 1475.

The motion by Senator Hasegawa did not carry and floor amendment no. 254 was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following floor amendment no. 239 by Senator Hasegawa be adopted:

On page 1, line 10, after "action" insert "or use such force"

On page 1, line 14, after "action of" insert "or use of force by"

On page 1, beginning on line 16, after "property," strike all material through "faith" on line 18 and insert "if a reasonable officer would have believed the action or use of force was necessary in light of all the facts and circumstances known to the officer at the time"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 239 by Senator Hasegawa on page 1, line 10 to House Bill No. 1475.

The motion by Senator Hasegawa did not carry and floor amendment no. 239 was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following floor amendment no. 240 by Senator Hasegawa be adopted:

On page 1, after line 18, insert the following:

"Sec. 2. RCW 9A.16.040 and 1986 c 209 s 2 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer is acting in obedience to the judgment of a competent court; ((~~or~~))

(b) When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty((+)); or

(c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; ((~~or~~))

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a

threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force (~~((without malice and))~~) with a good faith belief that such act is justifiable pursuant to this section. For purposes of this section, "good faith" is whether a reasonable peace officer, relying upon the facts and circumstances known by the officer at the time of the incident, would have used deadly force.

(4) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section."

On page 1, line 2 of the title, after "officers;" insert "amending RCW 9A.16.040;"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 240 by Senator Hasegawa on page 1, line 18 to House Bill No. 1475.

The motion by Senator Hasegawa did not carry and floor amendment no. 240 was not adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1475.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1475 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

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Voting nay: Senators Chase, Darneille, Frockt, Hasegawa, Lias, McCoy, Saldaña and Wellman

congratulations and good luck in your new endeavor representing America back in Washington D.C.”

HOUSE BILL NO. 1475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPLY BY THE PRESIDENT

President Habib: “Thank you Senator Ericksen. Please pass along our regards and well wishes to Senator Benton. He is always welcome to join us here in the State Senate.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Precinct Committee Officers from Spokane County Republican Party who were seated in the gallery.

SECOND READING

SECOND READING

HOUSE BILL NO. 1262, by Representatives McBride, Dye, Peterson, McCabe, Riccelli, Gregerson, Fey, Dolan, Muri and Lovick

Concerning accessible parking spaces for people with disabilities.

SUBSTITUTE HOUSE BILL NO. 1641, by House Committee on Judiciary (originally sponsored by Representatives McBride, Caldier, Graves, Jinkins, Fey, Clibborn and Stanford)

Concerning informed consent for nonemergency, outpatient, primary health care services for unaccompanied homeless youth under the federal McKinney-Vento homeless assistance act.

The measure was read the second time.

The measure was read the second time.

MOTION

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 7.70.065 and 2007 c 156 s 11 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse or state registered domestic partner;

(iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient; and

(vi) Adult brothers and sisters of the patient.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW

The President declared the question before the Senate to be the final passage of House Bill No. 1262.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1262 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ericksen: “Thank you Mr. President. I am sure many of you already saw it in the news today, but I would just like to announce to everybody that former member of this Senate, who just left us last year, was appointed by President Trump yesterday to be the head of the Selective Service of the United States of America. That is a direct presidential appointment so I thought we might have a second to say congratulations to our former colleague here Senator Benton, who just last night was selected by President Trump to lead the Selective Service here in the United States as Director of that federal organization. So on behalf of the Senate, I would just like to say to Senator Benton,

11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to RCW 9A.72.085 stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

((e)) (d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

((f)) (e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

NEW SECTION. Sec. 4. RCW 28A.320.147 ("Homeless child or youth"—Informed consent for health care for patient under the age of majority—Exemption from liability) and 2016 c 157 s 7 are each repealed."

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "amending RCW 7.70.065; and repealing RCW 28A.320.147."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 1641.

The motion by Senator Rivers carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1641 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland, Miloscia and Frockt spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1641 as amended by the Senate.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1641 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Padden and Warnick

SUBSTITUTE HOUSE BILL NO. 1641, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163, by House Committee on Appropriations (originally sponsored by Representatives Goodman, Hayes, Orwall, Appleton, Klippert, Pellicciotti, Pettigrew, Chapman, Kilduff, Bergquist, Stanford and Kloba)

Concerning domestic violence.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 5.** RCW 9A.36.041 and 1987 c 188 s 2 are each amended to read as follows:

(1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Assault in the fourth degree, where domestic violence was pleaded and proven after the effective date of this section, is a class C felony if the person has two or more prior adult convictions within ten years for any of the following offenses where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after the effective date of this section:

(a) Repetitive domestic violence offense as defined in RCW 9.94A.030;

(b) Crime of harassment as defined by RCW 9A.46.060;

(c) Assault in the third degree;

(d) Assault in the second degree;

(e) Assault in the first degree; or

(f) An out-of-state comparable offense.

(4) For purposes of subsection (3) of this section, family or household members means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and

persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship.

Sec. 6. RCW 9.94A.411 and 2006 c 271 s 1 and 2006 c 73 s 13 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.670.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Kidnapping

2nd Degree Kidnapping

1st Degree Assault

2nd Degree Assault

3rd Degree Assault

4th Degree Assault (if a violation of RCW 9A.36.041(3))

1st Degree Assault of a Child

2nd Degree Assault of a Child

3rd Degree Assault of a Child

1st Degree Rape

2nd Degree Rape

3rd Degree Rape

1st Degree Rape of a Child

2nd Degree Rape of a Child

3rd Degree Rape of a Child

1st Degree Robbery

2nd Degree Robbery

1st Degree Arson

1st Degree Burglary

1st Degree Identity Theft

2nd Degree Identity Theft

1st Degree Extortion

2nd Degree Extortion

Indecent Liberties

Incest

Vehicular Homicide

Vehicular Assault

1st Degree Child Molestation

2nd Degree Child Molestation

3rd Degree Child Molestation

1st Degree Promoting Prostitution

Intimidating a Juror

Communication with a Minor

Intimidating a Witness

Intimidating a Public Servant

Bomb Threat (if against person)

Unlawful Imprisonment

Promoting a Suicide Attempt

Riot (if against person)

Stalking

Custodial Assault

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Counterfeiting (if a violation of RCW 9.16.035(4))

Felony Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.502(6))

Felony Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson

1st Degree Escape

2nd Degree Escape

2nd Degree Burglary

1st Degree Theft

2nd Degree Theft

1st Degree Perjury

2nd Degree Perjury

1st Degree Introducing Contraband

2nd Degree Introducing Contraband

1st Degree Possession of Stolen Property

2nd Degree Possession of Stolen Property

Bribery

Bribing a Witness

Bribe received by a Witness

Bomb Threat (if against property)

1st Degree Malicious Mischief

2nd Degree Malicious Mischief

1st Degree Reckless Burning

Taking a Motor Vehicle without Authorization

Forgery

2nd Degree Promoting Prostitution

Tampering with a Witness

Trading in Public Office

Trading in Special Influence

Receiving/Granting Unlawful Compensation

Bigamy

Eluding a Pursuing Police Vehicle

Willful Failure to Return from Furlough

Escape from Community Custody

Riot (if against property)

1st Degree Theft of Livestock

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2nd Degree Theft of Livestock
ALL OTHER UNCLASSIFIED FELONIES
Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before

the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 7. RCW 9.94A.525 and 2013 2nd sp.s. c 35 s 8 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly

comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for

Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior

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Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was ~~((plead-pleaded))~~ pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was ~~((plead))~~ pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order ~~((that is a felony offense, a violation of a protection order that is a felony offense))~~ RCW 26.50.110, ((a) felony ((domestic violence)) Harassment ((offense)) (RCW 9A.46.020(2)(b)), ((a) felony ((domestic violence)) Stalking ((offense, a domestic violence)) (RCW 9A.46.110(5)(b)), Burglary 1 ((offense)) (RCW 9A.52.020), ((a domestic violence)) Kidnapping 1 ((offense)) (RCW 9A.40.020), ((a domestic violence)) Kidnapping 2 ((offense)) (RCW 9A.40.030), ((a domestic violence)) Unlawful imprisonment ((offense)) (RCW 9A.40.040), ((a domestic violence)) Robbery 1 ((offense)) (RCW 9A.56.200), ((a domestic violence)) Robbery 2 ((offense)) (RCW 9A.56.210), ((a domestic violence)) Assault 1 ((offense)) (RCW 9A.36.011), ((a domestic violence)) Assault 2 ((offense)) (RCW 9A.36.021), ((a domestic violence)) Assault 3 ((offense)) (RCW 9A.36.031), ((a domestic violence)) Arson 1 ((offense)) (RCW 9A.48.020), or ((a domestic violence)) Arson 2 ((offense)) (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after the effective date of this section, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was ~~((plead-pleaded))~~ pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

~~((e))~~ (d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was ~~((plead-pleaded))~~ pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 8. RCW 43.43.754 and 2015 c 261 s 10 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (RCW 9A.44.130 for persons convicted on or before June 10, 2010, and RCW 9A.44.132 for persons convicted after June 10, 2010);

(vi) Harassment (RCW 9A.46.020);

(vii) Patronizing a prostitute (RCW 9A.88.110);

(viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);

(ix) Stalking (RCW 9A.46.110);

(x) Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

(4) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(5) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(6) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008; and

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008.

(7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

(9) A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW 9A.44.130 and the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

Sec. 9. RCW 43.43.830 and 2012 c 44 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

(2) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(3) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(4) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(5) "Client" or "resident" means a child, person with developmental disabilities, or vulnerable adult applying for housing assistance from a business or organization.

(6) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(7) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; fourth degree assault (if a violation of RCW 9A.36.041(3)); first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(8) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

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(9) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Health care facility" means a nursing home licensed under chapter 18.51 RCW, a ~~(boarding home)~~ assisted living facility licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(12) "Peer counselor" means a nonprofessional person who has equal standing with another person, providing advice on a topic about which the nonprofessional person is more experienced or knowledgeable, and who is a counselor for a peer counseling program that contracts with or is otherwise approved by the department, another state or local agency, or the court.

(13) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

With regard to peer counselors, "unsupervised" does not include incidental contact with children under age sixteen at the location at which the peer counseling is taking place. "Incidental contact" means minor or casual contact with a child in an area accessible to and within visual or auditory range of others. It could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office.

(14) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

NEW SECTION. Sec. 10. A new section is added to chapter 7.36 RCW to read as follows:

Notwithstanding RCW 36.18.040, the sheriff may waive fees associated with service of a writ of habeas corpus that was issued for the return of a child when the person who was granted the writ is, by reason of poverty, unable to pay the cost of service.

NEW SECTION. Sec. 11. (1) The administrative office of the courts shall, through the Washington state gender and justice commission of the supreme court, convene a work group to address the issue of domestic violence perpetrator treatment and the role of certified perpetrator treatment programs in holding domestic violence perpetrators accountable.

(2) The work group must include a representative for each of the following organizations or interests: Superior court judges, district court judges, municipal court judges, court probation officers, prosecuting attorneys, defense attorneys, civil legal aid attorneys, domestic violence victim advocates, domestic violence perpetrator treatment providers, the department of social and health services, the department of corrections, the Washington state institute for public policy, and the University of Washington evidence based practice institute. At least two domestic violence perpetrator treatment providers must be represented as members of the work group.

(3) The work group shall: (a) Review laws, regulations, and court and agency practices pertaining to domestic violence perpetrator treatment used in civil and criminal contexts, including criminal domestic violence felony and misdemeanor offenses, family law, child welfare, and protection orders; (b)

consider the development of a universal diagnostic evaluation tool to be used by treatment providers and the department of corrections to assess the treatment needs of domestic violence perpetrators; and (c) develop recommendations on changes to existing laws, regulations, and court and agency practices to improve victim safety, decrease recidivism, advance treatment outcomes, and increase the courts' confidence in domestic violence perpetrator treatment.

(4) The work group shall report its recommendations to the affected entities and the appropriate committees of the legislature no later than June 30, 2018.

(5) The work group must operate within existing funds.

(6) This section expires June 30, 2019.

NEW SECTION. Sec. 12. (1) The legislature finds that Washington state has a serious problem with domestic violence offender recidivism and lethality. The Washington state institute for public policy studied domestic violence offenders finding not just high rates of domestic violence recidivism but among the highest rates of general criminal and violent recidivism. The Washington state coalition against domestic violence has issued fatality reviews of domestic violence homicides in Washington under chapter 43.235 RCW for over fifteen years. These fatality reviews demonstrate the significant impact of domestic violence on our communities as well as the barriers and high rates of lethality faced by victims. The legislature further notes there have been several high profile domestic violence homicides with multiple prior domestic violence incidents not accounted for in the legal response. Many jurisdictions nationally have encountered the same challenges as Washington and now utilize risk assessment as a best practice to assist in the response to domestic violence.

The Washington domestic violence risk assessment work group is established to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.

(2)(a) The Washington state gender and justice commission, in collaboration with the Washington state coalition against domestic violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff support.

(b) The work group must include a representative from each of the following organizations:

- (i) The Washington state gender and justice commission;
- (ii) The department of corrections;
- (iii) The department of social and health services;
- (iv) The Washington association of sheriffs and police chiefs;
- (v) The superior court judges' association;
- (vi) The district and municipal court judges' association;
- (vii) The Washington state association of counties;
- (viii) The Washington association of prosecuting attorneys;
- (ix) The Washington defender association;
- (x) The Washington association of criminal defense lawyers;
- (xi) The Washington state association of cities;
- (xii) The Washington state coalition against domestic violence;
- (xiii) The Washington state office of civil legal aid; and
- (xiv) The family law section of the Washington state bar association.

(c) The work group must additionally include representation from:

- (i) Treatment providers;
- (ii) City law enforcement;
- (iii) County law enforcement;
- (iv) Court administrators; and

(v) Domestic violence victims or family members of a victim.

(3) At a minimum, the work group shall research, review, and make recommendations on the following:

(a) How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

(b) Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;

(c) Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and courts to improve domestic violence response;

(d) Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;

(e) Whether or how risk assessment could be used in bail determinations in domestic violence cases, and in civil protection order hearings;

(f) Whether or how offender risk, needs, and responsivity could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;

(g) Whether or how victim risk, needs, and responsivity could be used in improving domestic violence response;

(h) Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and

(i) Encouraging private sector collaboration.

(4) The work group shall compile its findings and recommendations into a final report and provide its report to the appropriate committees of the legislature and governor by June 30, 2018.

(5) The work group must operate within existing funds.

(6) This section expires June 30, 2019.

Sec. 13. RCW 9.96.060 and 2014 c 176 s 1 and 2014 c 109 s 1 are each reenacted and amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;

(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the

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offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5)(a) Once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Sec. 14. RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and 2016 c 6 s 1 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

| | |
|------|--|
| XVI | Aggravated Murder 1 (RCW 10.95.020) |
| XV | Homicide by abuse (RCW 9A.32.055) |
| | Malicious explosion 1 (RCW 70.74.280(1)) |
| | Murder 1 (RCW 9A.32.030) |
| XIV | Murder 2 (RCW 9A.32.050) |
| | Trafficking 1 (RCW 9A.40.100(1)) |
| XIII | Malicious explosion 2 (RCW 70.74.280(2)) |
| | Malicious placement of an explosive 1 (RCW 70.74.270(1)) |
| XII | Assault 1 (RCW 9A.36.011) |
| | Assault of a Child 1 (RCW 9A.36.120) |
| | Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) |
| | Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) |
| | Rape 1 (RCW 9A.44.040) |
| | Rape of a Child 1 (RCW 9A.44.073) |
| | Trafficking 2 (RCW 9A.40.100(3)) |
| XI | Manslaughter 1 (RCW 9A.32.060) |
| | Rape 2 (RCW 9A.44.050) |
| | Rape of a Child 2 (RCW 9A.44.076) |
| | Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) |
| | Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520) |
| X | Child Molestation 1 (RCW 9A.44.083) |
| | Criminal Mistreatment 1 (RCW 9A.42.020) |
| | Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) |
| | Kidnapping 1 (RCW 9A.40.020) |
| | Leading Organized Crime (RCW 9A.82.060(1)(a)) |
| | Malicious explosion 3 (RCW 70.74.280(3)) |
| | Sexually Violent Predator Escape (RCW 9A.76.115) |
| IX | Abandonment of Dependent Person 1 (RCW 9A.42.060) |
| | Assault of a Child 2 (RCW 9A.36.130) |
| | Explosive devices prohibited (RCW 70.74.180) |
| | Hit and Run—Death (RCW 46.52.020(4)(a)) |
| | Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) |
| | Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) |
| | Malicious placement of an explosive 2 (RCW 70.74.270(2)) |
| | Robbery 1 (RCW 9A.56.200) |
| | Sexual Exploitation (RCW 9.68A.040) |
| VIII | Arson 1 (RCW 9A.48.020) |
| | Commercial Sexual Abuse of a Minor (RCW 9.68A.100) |
| | Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) |
| | Manslaughter 2 (RCW 9A.32.070) |

- Promoting Prostitution 1 (RCW 9A.88.070)
- VII Theft of Ammonia (RCW 69.55.010)
- Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sale, install, ~~((or))~~ or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sale, install, ~~((or))~~ or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)

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- Escape 1 (RCW 9A.76.110)
 - Hit and Run—Injury (RCW 46.52.020(4)(b))
 - Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
 - Identity Theft 1 (RCW 9.35.020(2))
 - Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 - Influencing Outcome of Sporting Event (RCW 9A.82.070)
 - Malicious Harassment (RCW 9A.36.080)
 - Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
 - Residential Burglary (RCW 9A.52.025)
 - Robbery 2 (RCW 9A.56.210)
 - Theft of Livestock 1 (RCW 9A.56.080)
 - Threats to Bomb (RCW 9.61.160)
 - Trafficking in Stolen Property 1 (RCW 9A.82.050)
 - Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
 - Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
 - Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
 - Unlawful transaction of insurance business (RCW 48.15.023(3))
 - Unlicensed practice as an insurance professional (RCW 48.17.063(2))
 - Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 - Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
 - Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
 - Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
 - Willful Failure to Return from Furlough (RCW 72.66.060)
- III
- Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
 - Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
 - Assault of a Child 3 (RCW 9A.36.140)
 - Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 - Burglary 2 (RCW 9A.52.030)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Criminal Gang Intimidation (RCW 9A.46.120)
 - Custodial Assault (RCW 9A.36.100)
 - Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
 - Escape 2 (RCW 9A.76.120)
 - Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Malicious Injury to Railroad Property (RCW 81.60.070)
 - Mortgage Fraud (RCW 19.144.080)
 - Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
 - Organized Retail Theft 1 (RCW 9A.56.350(2))
 - Perjury 2 (RCW 9A.72.030)
 - Possession of Incendiary Device (RCW 9.40.120)
 - Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
 - Securities Act violation (RCW 21.20.400)
 - Tampering with a Witness (RCW 9A.72.120)
 - Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
 - Theft of Livestock 2 (RCW 9A.56.083)
 - Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
 - Trafficking in Stolen Property 2 (RCW 9A.82.055)
 - Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
 - Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
 - Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
 - Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
 - Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
 - Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
 - Willful Failure to Return from Work Release (RCW 72.65.070)
- II
- Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
 - Computer Trespass 1 (RCW 9A.90.040)
 - Counterfeiting (RCW 9.16.035(3))
 - Electronic Data Service Interference (RCW 9A.90.060)
 - Electronic Data Tampering 1 (RCW 9A.90.080)
 - Electronic Data Theft (RCW 9A.90.100)
 - Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
 - Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 9A.36.041, 9.94A.525, 43.43.754, and 43.43.830; reenacting and amending RCW 9.94A.411, 9.96.060, and 9.94A.515; adding a new section to chapter 7.36 RCW; creating new sections; prescribing penalties; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1163.

The motion by Senator Padden carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute House Bill No. 1163 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1163 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1163 as amended by the Senate

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and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE BILL NO. 5039,
- SUBSTITUTE SENATE BILL NO. 5069,
- SUBSTITUTE SENATE BILL NO. 5077,
- ENGROSSED SENATE BILL NO. 5128,
- SUBSTITUTE SENATE BILL NO. 5196,
- SENATE BILL NO. 5488,
- SUBSTITUTE SENATE BILL NO. 5514,
- SECOND SUBSTITUTE SENATE BILL NO. 5546,
- SENATE BILL NO. 5662,
- SUBSTITUTE SENATE BILL NO. 5835.

SECOND READING

ENGROSSED HOUSE BILL NO. 1322, by Representatives Kilduff, Harris, Kagi, Senn, Cody, Short, McDonald, Caldier, Dent, Tharinger, Dye, Robinson, Lovick, Appleton, Goodman, Fey, Hudgins, Sawyer, Muri, Jinkins, McBride and Doglio

Reducing training requirements for developmental disability respite providers working three hundred hours or less in any calendar year.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed House Bill No. 1322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1322.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1620, by Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri and Haler

Concerning the authority of local governments to require criminal history background checks.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 15. RCW 35.21.920 and 2010 c 47 s 2 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by city or town officials, cities or towns may(;;):

(a) By ordinance, require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by city or town officials));

(b) By ordinance, require a federal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state criminal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may

include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the city or town.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the city or town shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the city or town.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 16. RCW 35A.21.370 and 2010 c 47 s 3 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by code city officials, code cities may(~~(, by ordinance);~~);

(a) Require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance (~~(for the purpose of receiving criminal history record information by code city officials);~~);

(b) Require a federal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state criminal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. (~~These~~)

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the code city.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the code city shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the code city.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 17. RCW 36.01.300 and 2010 c 47 s 1 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by county officials, counties may(~~(, by ordinance);~~);

(a) Require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance (~~(for the purpose of receiving criminal history record information by county officials);~~);

(b) Require a federal background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. (~~These~~)

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the county.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the county shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the county.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 18. RCW 35.61.130 and 2006 c 222 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of

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property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

~~(4) ((For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions,))~~

(a) For the purpose of receiving criminal history record information by metropolitan park districts, metropolitan park districts;

(i) Shall establish by resolution the requirements for a state and federal record check of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may;

(A) Have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; or

(B) Be responsible for collecting or disbursing cash or processing credit/debit card transactions; and

(ii) May require a criminal background check conducted through a private organization of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults. A background check conducted through a private organization under this subsection is not required in addition to the requirement under (a)(i) of this subsection.

(b) The investigation under (a)(i) of this subsection shall consist of a background check as allowed through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, the Washington state criminal records act under RCW 10.97.030(7) and 10.97.050, and ((through)) the federal bureau of investigation((, including a fingerprint check

~~using a complete Washington state criminal identification fingerprint card)).~~

(c) The background checks conducted under (a)(i) of this subsection must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the metropolitan park district.

(d) The park district shall provide a copy of the record report to the employee, prospective employee, volunteer, vendor, or independent contractor.

(e) When necessary, as determined by the park district, prospective employees, volunteers, vendors, or independent contractors may be employed on a conditional basis pending completion of the investigation.

(f) If the employee, prospective employee, volunteer, vendor, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. ((The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.))

(g) For background checks conducted pursuant to (c) of this subsection, the metropolitan park district must transmit appropriate fees, as the Washington state patrol may require under RCW 10.97.100 and 43.43.838, to the Washington state patrol, unless alternately arranged.

(h) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law."

On page 1, line 2 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to Engrossed House Bill No. 1620.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed House Bill No. 1620 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1620 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1620 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs,

Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Bailey

ENGROSSED HOUSE BILL NO. 1620, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, by House Committee on Finance (originally sponsored by Representatives Nealey, Springer, Harris, Vick, MacEwen, Stokesbary, Orcutt, Haler and Condotta)

Consolidating and simplifying the annual report and annual survey used for economic development tax incentives.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute House Bill No. 1296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1296.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1296 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1530, by Representatives Gregerson, Morris and Appleton

Grandfathering the accrual of vacation leave above the statutory maximum for certain employees of the Washington state ferries.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1530.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1530 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Hans Van Dusen and Ms. Karen Fevold, parents of Senate Page Mr. Zachary Van Dusen, who were seated in the gallery.

SECOND READING

HOUSE BILL NO. 1721, by Representatives Cody, Haler, Muri, Goodman and Jinkins

Concerning obtaining required clinical experience for licensed practical nurses who complete a nontraditional registered nurse program.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1721.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1721 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias,

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McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

HOUSE BILL NO. 1721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1464, by House Committee on Judiciary (originally sponsored by Representatives Blake, Orcutt, Chapman and Tarleton)

Concerning the development of cooperative agreements to expand recreational access on privately owned lands.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 19. RCW 4.24.210 and 2012 c 15 s 1 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, aviation activities including, but not limited to, the operation of airplanes, ultra-light airplanes, hang gliders, parachutes, and paragliders, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, kayaking, canoeing, rafting, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4)(a) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent

condition for which warning signs have not been conspicuously posted.

(i) A fixed anchor used in rock climbing and put in place by someone other than a landowner is not a known dangerous artificial latent condition and a landowner under subsection (1) of this section shall not be liable for unintentional injuries resulting from the condition or use of such an anchor.

(ii) Releasing water or flows and making waterways or channels available for kayaking, canoeing, or rafting purposes pursuant to and in substantial compliance with a hydroelectric license issued by the federal energy regulatory commission, and making adjacent lands available for purposes of allowing viewing of such activities, does not create a known dangerous artificial latent condition and hydroelectric project owners under subsection (1) of this section shall not be liable for unintentional injuries to the recreational users and observers resulting from such releases and activities.

(b) Nothing in RCW 4.24.200 and this section limits or expands in any way the doctrine of attractive nuisance.

(c) Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under authority of chapter 79A.05 RCW or Title 77 RCW;

(b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040; ~~(and)~~

(c) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW 46.09.310, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use; and

(d) Payments to landowners for public access from state, local, or nonprofit organizations established under department of fish and wildlife cooperative public access agreements if the landowner does not charge a fee to access the land subject to the cooperative agreement."

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "and amending RCW 4.24.210."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Substitute House Bill No. 1464.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1464, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Van De Wege spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Palumbo was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1464 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1464 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SUBSTITUTE HOUSE BILL NO. 1464, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017, by House Committee on Environment (originally sponsored by Representatives McCaslin, Barkis, Blake, Holy, Pettigrew, Haler, Taylor, Shea, Harris, Chandler, Smith, Muri, Stokesbary, Nealey, Stambaugh, Griffey, Vick, Buys, Dye, Short, Pike, Wilcox, Van Werven, Hargrove, Young, Klippert, Kilduff and Sawyer)

Addressing the siting of schools and school facilities.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 20. The legislature recognizes the importance of providing public education to K-12 students, including those who reside in an urban area and those who reside in a rural area. As a part of implementing the growth management act, the legislature affirms that schools are public services that are necessary in both urban and rural areas. Schools are not urban or rural in nature. Instead, K-12 public education is a needed public service statewide. To address the need for additional classrooms, the legislature intends for school districts to be authorized to site schools in the rural area to serve all students and/or to site schools in the urban area to serve all students. To ensure consistency in counties planning under the multicounty planning policies, the legislature intends to create a framework for siting schools under this act. The legislature also intends to establish a policy regarding the extension of utilities and/or public facilities necessary to serve schools to protect public health and safety and the environment.

NEW SECTION. Sec. 21. A new section is added to chapter 36.70A RCW to read as follows:

(1) This chapter prohibits a county planning under RCW 36.70A.040 from authorizing the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area unless the following requirements are met:

(a) The applicable school district board of directors has adopted a policy addressing school service area and facility needs;

(b) The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be collocated on an existing school site, taking into consideration the policy adopted in (a) of this subsection and the extent to which vacant or developable land within the urban growth area meets those requirements;

(c) The county and any affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (b) of this subsection;

(d) If the public facility or utility is extended beyond the urban growth area to serve a school, the public facility or utility must serve the school and the costs of such extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school, except as provided in subsection (3) of this section; and

(e) Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

(2) This chapter does not prohibit or restrict the renovation, modernization, addition, expansion, or replacement of an existing school in the rural area or the placement of portable classrooms at an existing school in the rural area.

(3) Where a public facility or utility has been extended beyond the urban growth area to serve a school, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties in addition to the school if a property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility. In such an instance, the school district may, for a period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

NEW SECTION. Sec. 22. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) A county may only authorize the siting of a school in a rural area that serves students from an urban area and from a rural area, even when otherwise discouraged by a multicounty planning policy, and (b) any comprehensive plan provision or development regulation adopted to implement school siting under this chapter is not subject to the requirement for compliance under any multicounty planning policies or with any countywide planning policies or updates to such policies, if the following conditions are met:

(i) The county has a population of more than eight hundred forty thousand but fewer than one million five hundred thousand and that abuts at least six other counties;

(ii) A school district has made a determination of need for a new school in a rural area, taking into consideration the availability of developable land within the urban growth area and relevant service area suitable for the projected enrollment of the school that is consistent with locally adopted educational program requirements, and the financial impact of extending public services and utilities to such site;

(iii) If there is any land available for purchase within the urban growth area and in the specific service area of the school district that meets the school district's planned educational programs, a

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school district has determined that, following a review of the then-current zoning, site characteristics, and the overall acquisition and development costs of the alternative site in the urban growth area, the development of a school on such land in the urban growth area is not feasible as of the time the determination is made;

(iv) Any impacts associated with the siting of such a school are mitigated as required under the state environmental policy act, chapter 43.21C RCW;

(v) The county must be a participant in a multicounty planning policy as described in RCW 36.70A.210;

(vi) The school project is needed to meet projected student capacity needs in an identified service area that serves students residing in both the urban growth area and in the rural area, as demonstrated by a capital facilities plan adopted by a locally elected school board of directors;

(vii) The location and design of the school project provides a buffer between the school project and the rural area, thereby protecting the character of the rural area; and

(viii) The county must have adopted in its comprehensive plan a policy concerning the siting of schools in rural areas.

(2) A school sited under this section may not collect or impose the impact fees described in RCW 82.02.050.

(3) A determination of need made by a school district is presumed correct unless it is found to be clearly erroneous by a county within which the proposed new school is sited. For the county to assert that a determination is clearly erroneous, it must, at a minimum and in consideration of the decision made by the locally elected school board of directors, identify at least two sites that: Meet all of the school district's program requirements identified in the determination of need, are financially feasible, are available for purchase in arm's length transactions, and meet other criteria identified in sections 2 through 4 of this act. Citizens must have an opportunity to appeal the determination of need as described in this section.

(4) A multicounty planning policy in which any county referenced in subsection (1) of this section is a participant must be amended, at its next regularly scheduled update, to include a policy that addresses the siting of schools in rural areas of all counties subject to the multicounty planning policy.

(5) This section expires upon the adoption of, including final adjudication of any appeals concerning, the next regularly scheduled update of any multicounty planning policy referenced in subsection (4) of this section.

NEW SECTION. Sec. 23. A new section is added to chapter 36.70A RCW to read as follows:

In a county where a school district chooses to site schools under section 3 of this act, the school district siting a new school in the rural area is required to participate in the county's periodic updates by:

(1) Providing its enrollment forecasts and projections to the county;

(2) Providing school siting criteria to the county, cities, and regional transportation planning organizations;

(3) Reviewing with the county and affected cities the process the school district has used regarding the site selection process. The district shall confirm that the district has considered potential sites in areas where students can safely walk and bicycle to the school from their homes and that can effectively be served with transit, considering the district's educational service areas, and taking into consideration, at a minimum, the price and availability of, and whether there is a need to assemble land for suitable school sites, and whether a school district could purchase the necessary parcels. Sites or any portion of the sites that cannot be

acquired through arm's length transactions should not be considered.

Sec. 24. RCW 36.70A.030 and 2012 c 21 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(6) "Department" means the department of commerce.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, schools serving primarily rural students, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(18) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, schools, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(19) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary

use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(20) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 36.70A.030; adding new sections to chapter 36.70A RCW; creating a new section; and providing a contingent expiration date."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1017.

The motion by Senator Zeiger carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor striking amendment no. 247 by Senators Zeiger and Conway be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 25. A new section is added to chapter 36.70A RCW to read as follows:

(1) This chapter does not prohibit a county planning under RCW 36.70A.040 from authorizing the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area so long as the following requirements are met:

(a) The applicable school district board of directors has adopted a policy addressing school service area and facility needs and educational program requirements;

(b) The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be colocated on an existing school site, taking into consideration the policy adopted in (a) of this subsection and the extent to which vacant or developable land within the growth area meets those requirements;

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(c) The county and any affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (b) of this subsection;

(d) If the public facility or utility is extended beyond the urban growth area to serve a school, the public facility or utility must serve only the school and the costs of such extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school, except as provided in subsection (3) of this section; and

(e) Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

(2) This chapter does not prohibit either the expansion or modernization of an existing school in the rural area or the placement of portable classrooms at an existing school in the rural area.

(3) Where a public facility or utility has been extended beyond the urban growth area to serve a school, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties in addition to the school if a property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility. In such an instance, the school district may, for a period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

NEW SECTION. Sec. 26. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county may authorize the siting in a rural area of a school that serves students from an urban area, even where otherwise prohibited by a multicounty planning policy, under the following circumstances:

(a) The county has a population of more than eight hundred forty thousand but fewer than one million five hundred thousand and abuts at least six other counties;

(b) The county must have adopted in its comprehensive plan a policy concerning the siting of schools in rural areas;

(c) Any impacts associated with the siting of such a school are mitigated as required by the state environmental policy act, chapter 43.21C RCW; and

(d) The county must be a participant in a multicounty planning policy as described in RCW 36.70A.210.

(2) A multicounty planning policy in which any county referenced in subsection (1) of this section is a participant must be amended, at its next regularly scheduled update, to include a policy that addresses the siting of schools in rural areas of all counties subject to the multicounty planning policy.

(3) A school sited under this section may not collect or impose the impact fees described in RCW 82.02.050.

(4) This section expires June 30, 2031.

NEW SECTION. Sec. 27. A new section is added to chapter 36.70A RCW to read as follows:

In a county that chooses to site schools under section 2 of this act, each school district within the county must participate in the county's periodic updates required by RCW 36.70A.130(1)(b) by:

(1) Coordinating its enrollment forecasts and projections with the county's adopted population projections;

(2) Identifying school siting criteria with the county, cities, and regional transportation planning organizations;

(3) Identifying suitable school sites with the county and cities, with priority to siting urban-serving schools in existing cities and towns in locations where students can safely walk and bicycle to the school from their homes and that can effectively be served with transit; and

(4) Working with the county and cities to identify school costs and funding for the capital facilities plan element required by RCW 36.70A.070(3)."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 36.70A RCW; and providing an expiration date."

Senators Zeiger and Rolfes spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 247 by Senators Zeiger and Conway to Engrossed Substitute House Bill No. 1017.

The motion by Senator Zeiger carried and floor striking amendment no. 247 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1017 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Conway, Becker and Angel spoke in favor of passage of the bill.

Senator Rolfes spoke on passage of the bill.

Senator Ranker spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Will Senator Zeiger yield to a question?"

REPLY BY THE PRESIDENT

President Habib: "Senator Zeiger? He will."

POINT OF INQUIRY

Senator Conway: "Is it the intent of this bill that subsection 1 is not conditioned upon an amendment to the multicounty planning policies referenced in subsection 2?"

Senator Zeiger: "Yes, it is the intent that subsection 1 operates independently of subsection 2, and is not contingent upon an amendment to the multicounty planning policy. Subsection 2 is a directive to the multicounty planning jurisdiction to modify its plans to include policies allowing schools to be sited in rural areas that serve both urban and rural students."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1017 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1017 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Darneille, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Ericksen, Frockt, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Pedersen, Ranker, Rolfes, Saldaña and Wellman

Excused: Senator Palumbo

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

Concerning working connections child care eligibility for vulnerable children.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 28.** The legislature finds that children with the greatest needs benefit significantly from child care programs that promote stability, quality, and continuity of care. The legislature recognizes that empirical evidence supports the conclusion that high quality child care programs consistently yield more positive outcomes for children, with the strongest positive impacts on the most vulnerable children.

Children in the child welfare system are some of the most vulnerable children. The legislature finds that a child who experiences child abuse or neglect is over four times more likely to abuse substances as an adult and forty-three percent of youth in the juvenile justice system were involved in the child welfare system.

The legislature finds that the child care and development block grant act of 2014 allows the department of early learning to provide working connections child care to children in need of, or receiving, protective services. The legislature further understands that as of July 1, 2016, authorizations for the working connections child care subsidy are effective for twelve months.

The legislature finds that the children's mental health work group, in its December 2016 final report, recommended that state agencies provide at least twelve months of stable child care through the working connections child care program for certain children involved in the child welfare system, regardless of the employment status of their parents or guardians. Many of these child welfare-involved families are addressing chemical dependency issues, which require a significant amount of time to overcome. For these reasons, the legislature intends to allow certain populations of vulnerable children to be eligible for the working connections child care subsidy for a minimum of twelve months.

Sec. 29. RCW 43.215.135 and 2015 3rd sp.s. c 7 s 6 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by Public Law 113-186, authorizations for the working connections child care subsidy shall be effective for twelve months beginning July 1, 2016, ~~((unless an earlier date is provided in the omnibus appropriations act))~~ except that for a change in the ongoing status of the child's parent as working or attending a job training or education program that is not temporary, assistance shall be discontinued after a minimum of three months.

(3) As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate. For the purposes of this subsection, "good cause" includes consideration of the safety of domestic violence victims.

(4) Existing child care providers serving nonschool-age children and receiving state subsidy payments must complete the following requirements to be eligible for a state subsidy under this section:

(a) Enroll in the early achievers program by August 1, 2016;
(b) Complete level 2 activities in the early achievers program by August 1, 2017; and

(c) Rate at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider rates below a level 3 by December 31, 2019, the provider must complete remedial activities with the department, and rate at a level 3 or higher no later than June 30, 2020.

~~((4))~~ (5) Effective July 1, 2016, a new child care provider serving nonschool-age children and receiving state subsidy payments must complete the following activities to be eligible to receive a state subsidy under this section:

(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment;

(b) Complete level 2 activities in the early achievers program within twelve months of enrollment; and

(c) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider rates below a level 3 within thirty months from enrollment into the early achievers program, the provider must complete remedial activities with the department, and rate at a level 3 or higher within six months of beginning remedial activities.

~~((5))~~ (6) If a child care provider does not rate at a level 3 or higher following the remedial period, the provider is no longer eligible to receive state subsidy under this section.

~~((6))~~ (7) If a child care provider serving nonschool-age children and receiving state subsidy payments has successfully completed all level 2 activities and is waiting to be rated by the deadline provided in this section, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.

~~((7))~~ (8) The department shall implement tiered reimbursement for early achievers program participants in the working connections child care program rating at level 3, 4, or 5.

~~((8))~~ (9) The department shall account for a child care copayment collected by the provider from the family for each contracted slot and establish the copayment fee by rule.

(10) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(a) In the last six months have:

(i) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(ii) Received child welfare services as defined and used by chapter 74.13 RCW; or

(iii) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(b) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Are residing with a biological parent or guardian.

(11) Children who are eligible for working connections child care pursuant to subsection (10) of this section do not have to keep receiving services through the department of social and health services to maintain twelve-month authorization but the authorization shall be discontinued after a minimum of three months if there is a change in the ongoing status of the child's parent as working or attending a job training or education program that is not temporary. The department of social and health services' involvement with the family referred for working connections child care ends when the family's child protective services, child welfare services, or family assessment response case is closed.

NEW SECTION. Sec. 30. This act takes effect December 1, 2018.

NEW SECTION. Sec. 31. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.215.135; creating new sections; and providing an effective date."

MOTION

Senator Billig moved that the following floor amendment no. 216 by Senators Billig, Walsh, Rivers and Braun be adopted:

On page 4, line 2, after "twelve-month authorization" strike the remainder of line 2 through line 5 and insert the following: "and the authorization shall not be subject to the conditions specified in subsections (2) and (3) of this section."

Senator Billig spoke in favor of adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Fain, further consideration of Substitute House Bill No. 1624 was deferred and the bill held its place on the second reading calendar.

MOTION

At 4:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

EVENING SESSION

The Senate was called to order at 4:34 p.m. by President Habib.

The Senate resumed consideration of Substitute House Bill No. 1624 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

Concerning working connections child care eligibility for vulnerable children.

MOTION

Senator Billig moved that the following floor amendment no. 216 by Senators Billig, Walsh, Rivers and Brown be adopted:

On page 4, line 2, after "twelve-month authorization" strike the remainder of line 2 through line 5 and insert the following: "and the authorization shall not be subject to the conditions specified in subsections (2) and (3) of this section."

Senators Billig and O'Ban spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 216 by Senators Billig, Walsh, Rivers and Brown on page 4, line 2 to the committee striking amendment.

The motion by Senator Billig carried and floor amendment no. 216 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1624.

The motion by Senator O'Ban carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1624 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson,

O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Becker, Honeyford, Padden, Schoesler and Short

SUBSTITUTE HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1038, by House Committee on Commerce & Gaming (originally sponsored by Representatives Condotta, Stanford, Johnson, Vick, Haler and Sawyer)

Increasing the number of tasting rooms allowed under a domestic winery license.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee amendment by the Committee on Commerce, Labor & Sports be adopted:

On page 5, beginning on line 12, strike all of section 2

On page 1, beginning on line 2 of the title, after "license;" strike the remainder of the title and insert "and amending RCW 66.24.170."

Senator Baumgartner spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Commerce, Labor & Sports to Substitute House Bill No. 1038.

The motion by Senator Baumgartner carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 1038 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1038 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1038 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi,

Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Darneille, Padden, Pearson, Van De Wege and Wellman

SUBSTITUTE HOUSE BILL NO. 1038, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5741, by Senator King

Clarifying the collection of fuel taxes within tribal jurisdictions.

The measure was read the second time.

MOTION

Senator King moved that the following floor striking amendment no. 259 by Senator King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 32.** It is the legislature's intent to honor the treaty rights of the Yakama Nation, while protecting the state's interest in collecting and enforcing its fuel taxes.

Sec. 33. RCW 82.38.031 and 2007 c 515 s 33 are each amended to read as follows:

(1) It is the intent and purpose of this chapter that the tax (~~shall~~) must be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event (~~shall~~) does not prevent tax liability from arising by reason of a subsequent taxable event.

(2) It is the intent of the legislature that, in the absence of a tribal fuel tax agreement, as referenced in RCW 82.38.310, applicable taxes imposed by this chapter be collected on motor vehicle fuel sold by a business owned or operated by a tribe or an enrolled member of the tribe, when such sale is to any person who is not an enrolled member of the same tribe as the business owner or operator, consistent with collection of these taxes generally within the state. The legislature finds that applicable collection and enforcement measures under this chapter are reasonably necessary to prevent fraudulent transactions and place a minimal burden on the Indian tribal organization pursuant to the United States supreme court's decision in *Washington v. Confederated Tribes of the Colville Indian Reservation*, 447 U.S. 134 (1980).

Sec. 34. RCW 82.38.035 and 2013 c 225 s 105 are each amended to read as follows:

(1) A licensed supplier is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~(7)~~) (9) (a) and (i). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer (~~shall be~~) is liable for and pay the tax.

(2) A refiner is liable for and must pay tax on fuel removed from a refinery as provided in RCW 82.38.030(~~(7)~~) (9)(b).

(3) A licensed distributor is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~(7)~~) (9)(c).

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ROLL CALL

(4) A licensed blender is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~((7))~~) (9)(f).

(5) A licensed dyed special fuel user is liable for and must pay tax on fuel as provided in RCW 82.38.030(~~((7))~~) (9)(g).

(6) A terminal operator is jointly and severally liable for and must pay tax on fuel if, at the time of removal:

(a) The position holder of the fuel is a person other than the terminal operator and is not a licensee;

(b) The terminal operator is not a licensee;

(c) The position holder has an expired internal revenue notification certificate;

(d) The terminal operator has reason to believe that information on the internal revenue notification certificate is false.

(7) A terminal operator is jointly and severally liable for and must pay tax on special fuel if the special fuel is removed and is not dyed or marked in accordance with internal revenue service requirements, and the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating the special fuel is dyed or marked in accordance with internal revenue service requirements.

(8) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay tax on fuel used to operate motor vehicles on state highways.

(9) Dyed special fuel users are liable for and must pay tax on dyed special fuel used on state highways unless the use of the fuel is exempt from the tax.

(10) Any person who purchases fuel from a business that is owned or operated by a federally recognized Indian tribe or an enrolled member of such tribe and the tribe does not have a fuel tax agreement with the state as referenced in RCW 82.38.310, and who is not an enrolled member of the same tribe as the business owner or operator from whom the person purchases fuel, is liable for the applicable taxes imposed by this chapter if those taxes have not been paid by any of the entities listed under subsections (1) through (4) of this section.

NEW SECTION. Sec. 35. A new section is added to chapter 82.38 RCW to read as follows:

The department, in conjunction with the state patrol, must adopt rules to develop enforcement mechanisms for the collection of taxes owed under RCW 82.38.035(10)."

On page 1, line 1 of the title, after "taxes" strike the remainder of the title and insert "on motor vehicle fuel sold by businesses owned or operated by a tribe or member of the tribe; amending RCW 82.38.031 and 82.38.035; adding a new section to chapter 82.38 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 259 by Senator King to Senate Bill No. 5741.

The motion by Senator King carried and floor striking amendment no. 259 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5741.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on Appropriations (originally sponsored by Representatives McBride, Chapman, Haler, Ryu, Robinson, McDonald, Stambaugh, Frame, Senn, Riccelli, Dolan and Hudgins)

Authorizing specified local governments, including municipalities and federally recognized Indian tribes, that typically have limited access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission.

The measure was read the second time.

MOTION

Senator Warnick moved that the following committee striking amendment by the Committee on Agriculture, Water, Trade & Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 36. (1) The legislature finds that:

(a) A creative district is a designated, geographical, mixed-use area of a community in which a high concentration of cultural facilities, creative businesses, or arts-related businesses serve as a collective anchor of public attraction;

(b) In certain cases, multiple vacant properties in close proximity may exist within a community that would be suitable for redevelopment as a creative district;

(c) Creative districts are a highly adaptable economic development tool that is able to take a community's unique conditions, assets, needs, and opportunities into account and thereby address the needs of large, small, rural, and urban areas;

(d) Creative districts may be home to both nonprofit and for-profit creative industries and organizations;

(e) The arts and culture transcend boundaries of race, age, gender, language, and social status; and

(f) Creative districts promote and improve communities in particular and the state more generally in many ways. Specifically, such districts:

(i) Attract artists and creative entrepreneurs to a community and thereby infuse the community with energy and innovation and enhance the economic and civic capital of the community;

(ii) Create a hub of economic activity that helps an area become an appealing place to live, visit, and conduct business,

complements adjacent businesses, creates new economic opportunities and jobs in both the cultural sector and other local industries, and attracts new businesses and assists in the recruitment of employees;

(iii) Establish marketable tourism assets that highlight the distinct identity of communities, attract in-state, out-of-state, and international visitors, and become especially attractive destinations for cultural, recreational, and business travelers;

(iv) Revitalize and beautify neighborhoods, cities, and larger regions, reverse urban decay, promote the preservation of historic buildings, and facilitate a healthy mixture of business and residential activity that contributes to reduced vacancy rates and enhanced property values;

(v) Provide a focal point for celebrating and strengthening a community's unique cultural identity, providing communities with opportunities to highlight existing cultural amenities as well as mechanisms to recruit and establish new artists, creative industries, and organizations;

(vi) Provide artists with a creative area in which they can live and work, with living spaces that enable them to work in artistic fields and find affordable housing close to their place of employment; and

(vii) Enhance property values. Successful creative districts combine improvements to public spaces such as parks, waterfronts, and pedestrian corridors, alongside property development. The redevelopment of abandoned properties and historic sites and recruiting businesses to occupy vacant spaces can also contribute to reduced vacancy rates and enhanced property values.

(2) It is the intent of the legislature that the state provide leadership, technical support, and the infrastructure to local communities desirous of creating their own creative districts by, among other things, certifying districts, offering available incentives to encourage business development, exploring new incentives that are directly related to creative enterprises, facilitating local access to state assistance, enhancing the visibility of creative districts, providing technical assistance and planning help, ensuring broad and equitable program benefits, and fostering a supportive climate for the arts and culture, thereby contributing to the development of healthy communities across the state and improving the quality of life of the state's residents.

NEW SECTION. Sec. 37. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington state arts commission.

(2) "Coordinator" means the employee of the Washington state arts commission who is responsible for performing the specific tasks under section 5 of this act.

(3) "Creative district" means a land area designated by a local government in accordance with section 3 of this act that contains either a hub of cultural facilities, creative industries, or arts-related businesses, or multiple vacant properties in close proximity that would be suitable for redevelopment as a creative district.

(4) "Local government" means a city, county, or town.

(5) "State-certified creative district" means a creative district whose application for certification has been approved by the commission.

NEW SECTION. Sec. 38. (1) A local government may designate a creative district within its territorial boundaries subject to certification as a state-certified creative district by the commission. Two or more local governments may jointly apply for certification of a creative district that extends across a common boundary.

(2) In order to receive certification as a state-certified creative district, a creative district must:

(a) Be a geographically contiguous area;

(b) Be distinguished by physical, artistic, or cultural resources that play a vital role in the quality and life of a community, including its economic and cultural development;

(c) Be the site of a concentration of artistic or cultural activity, a major arts or cultural institution or facility, arts and entertainment businesses, an area with arts and cultural activities, or artistic or cultural production;

(d) Be engaged in the promotional, preservation, and educational aspects of the arts and culture of the community and contribute to the public through interpretive, educational, or recreational uses; and

(e) Satisfy any additional criteria required by the commission that in its discretion will further the purposes of sections 2 through 5 of this act. Any additional eligibility criteria must be posted by the commission on its public web site.

(3) The commission may grant certification to a creative district that does not qualify for certification under subsection (2) of this section if the land area proposed for certification contains multiple vacant properties in close proximity that would be suitable, as determined by the commission, for redevelopment as a creative district.

NEW SECTION. Sec. 39. (1) Subject to the availability of amounts appropriated for this specific purpose, the commission may create a process for review of applications submitted by local governments or federally recognized Indian tribes for certification of state-certified creative districts. The application must be submitted on a standard form developed and approved by the commission.

(2) After reviewing an application for certification, the commission must approve or reject the application or return it to the applicant with a request for changes or additional information. The commission may request that an applicant provide relevant information supporting an application. Rejected applicants may reapply at any time in coordination with program guidelines.

(3) Certification must be based upon the criteria specified in section 3 of this act.

(4) If the commission approves an application for certification, it must notify the applicant in writing and must specify the terms and conditions of the commission's approval, including the terms and conditions set forth in the application and as modified by written agreement between the applicant and the commission.

(5) Upon approval by the commission of an application for certification, a creative district becomes a state-certified creative district with all of the attendant benefits under sections 2 through 5 of this act.

(6) The commission may revoke a certification previously granted for failure by a local government to comply with the requirements of this section or an agreement executed pursuant to this section.

(7) In addition to any powers explicitly granted to the commission under sections 2 through 5 of this act, the commission is granted such additional powers as are necessary to carry out the purposes of sections 2 through 5 of this act. Where authorized by law, such powers may include offering incentives to state-certified creative districts to encourage business development, exploring new incentives that are directly related to creative enterprises, facilitating local access to state economic development assistance, enhancing the visibility of state-certified creative districts, providing state-certified creative districts with technical assistance and planning aid, ensuring broad and equitable program benefits, and fostering a supportive climate for the arts and culture within the state.

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(8) The creation of a district under this section may not be used to prohibit any particular business or the development of residential real property within the boundaries of the district or to impose a burden on the operation or use of any particular business or parcel of residential real property located within the boundaries of the district.

NEW SECTION. Sec. 40. Subject to the availability of amounts appropriated for this specific purpose, the commission may appoint a coordinator. The coordinator must:

(1) Review applications for certification and make a recommendation to the commission for action;

(2) Administer and promote the application process for the certification of creative districts;

(3) With the approval of the commission, develop standards and policies for the certification of state-certified creative districts. Any approved standards and policies must be posted on the commission's public web site;

(4) Require periodic written reports from any state-certified creative district for the purpose of reviewing the activities of the district, including the compliance of the district with the policies and standards developed under this section and with the conditions of an approved application for certification;

(5) Identify available public and private resources, including any applicable economic development incentives and other tools, that support and enhance the development and maintenance of creative districts and, with the assistance of the commission, ensure that such programs and services are accessible to creative districts; and

(6) With the approval of the commission, develop such additional procedures as may be necessary to administer this section. Any approved procedures must be posted on the commission's public web site.

NEW SECTION. Sec. 41. Sections 2 through 5 of this act are each added to chapter 43.46 RCW."

On page 1, line 1 of the title, after "governments" strike the remainder of the title and insert "to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission; adding new sections to chapter 43.46 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Trade & Economic Development to Substitute House Bill No. 1183.

The motion by Senator Warnick carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Substitute House Bill No. 1183 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Chase, Brown, Baumgartner and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1183 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Baumgartner, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Bailey, Braun, Ericksen, Padden, Schoesler and Wilson

SUBSTITUTE HOUSE BILL NO. 1183, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5915, by Senator Braun

Concerning central service functions, powers, and duties of state government.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5915 was substituted for Senate Bill No. 5915 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Baumgartner spoke in favor of passage of the bill.

Senator Hunt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5915.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5915 and the bill passed the Senate by the following vote:Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Lias, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Nelson, Ranker, Rolfes, Saldaña and Wellman

SUBSTITUTE SENATE BILL NO. 5915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Lovick, Dent, Kagi, Senn and Frame)

Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 42. RCW 43.215.090 and 2015 3rd sp.s. c 7 s 16 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning issues that ~~((would build))~~ contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families ~~((by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures)).~~

(2) The council shall work in conjunction with the department to ~~((develop a statewide early learning plan that guides))~~ assist in policy development and implementation that assist the department in promoting alignment of private and public sector actions, objectives, and resources, ~~((and))~~ ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of ~~((not more than twenty three))~~ members essential to coordinating services statewide prenatal through age five, as follows:

(a) In addition to being staffed and supported by the department, the governor shall appoint ~~((at least))~~ one representative from each of the following: The ~~((department, the office of financial management, the department of social and health services, the))~~ department of health, the student achievement council, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint ~~((seven))~~ leaders in early childhood education to represent critical service delivery and support sectors, with at least one ~~((representative with experience or expertise in one or more of the areas such as))~~ individual representing each of the following: ((The K-12 system, family day care providers, and child care centers with four of the seven governor's appointees made as follows:))

(i) The head start state collaboration office director or the director's designee;

(ii) A representative of a head start, early head start, or migrant/seasonal head start ~~((, or tribal head start))~~ program;

(iii) A representative of a local education agency; ~~((and))~~

(iv) A representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act;

(v) A representative of the early childhood education and assistance program;

(vi) A representative of licensed family day care providers;

(vii) A representative of child day care centers; and

(viii) A representative from the home visiting advisory committee established in RCW 43.215.130;

(d) Two members of the house of representatives, one from each caucus, ~~((and two members of the senate, one from each caucus))~~ to be appointed by the speaker of the house of representatives and ~~((the president of the senate, respectively))~~ two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate;

(e) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the governor;

(f) One representative of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative from the developmental disabilities community;

(h) Two representatives from early learning regional coalitions;

(i) Representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:

(i) The Washington state commission on Asian Pacific American affairs;

(ii) The Washington state commission on African-American affairs; and

(iii) The Washington state commission on Hispanic affairs;

~~((g) One))~~ (j) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program; ((and

~~((h))~~ (k) One representative from the Washington federation of independent schools;

(l) One representative from the Washington library association; and

(m) One representative from a statewide advocacy coalition of organizations that focuses on early learning.

(6) The council shall be cochaired by ~~((one representative of a state agency and one nongovernmental))~~ two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency.

(7) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

(8) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(9)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The review conducted by the subcommittee shall be a part of the annual progress report required in RCW 43.215.102. At a minimum the review shall address the following:

(i) Adequacy of data collection procedures;

- (ii) Coaching and technical assistance standards;
- (iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;
- (iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;
- (v) Status of the life circumstance exemption protocols; and
- (vi) Analysis of early achievers program data trends.

(b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early (~~achiever~~) achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

(10) The department shall provide staff support to the council.

Sec. 43. RCW 43.215.130 and 2013 c 165 s 1 are each amended to read as follows:

(1)(a) The home visiting services account is created in the state treasury. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited in the account. All federal funds received by the department for home visiting activities must be deposited into the account.

(b)(i) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section and federally funded activities for the home visiting program, including administrative expenses.

(ii) The department oversees the account and is the lead state agency for home visiting system development. The nongovernmental private-public partnership (~~administers~~) supports the home visiting service delivery system and provides (~~implementation~~) support functions to funded programs.

(iii) It is the intent of the legislature that state funds invested in the account be matched (~~at fifty percent~~) by the private-public partnership each fiscal year. (~~However, state funds in the account may be accessed in the event that the private-public partnership fails to meet the fifty percent match target. Should the private-public partnership not meet the fifty percent match target by the conclusion of the fiscal year ending on June 30th, the department and the private-public partnership, shall jointly submit a report to the relevant legislative committees detailing the reasons why the fifty percent match target was not met, the actual match rate achieved, and a plan to achieve fifty percent match in the subsequent fiscal year. This report shall be submitted as promptly as practicable, but the lack of receipt of this report shall not prevent state funds in the account from being accessed.~~)

(iv) Amounts used for program administration by the department may not exceed an average of (~~four~~) ten percent in any two consecutive fiscal years.

(v) Authorizations for expenditures may be given only after private funds are committed. The nongovernmental private-public partnership must report to the department quarterly to demonstrate (~~sufficient~~) investment of private match funds.

(c) Expenditures from the account are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to (~~administer~~) support programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the (~~use~~) uses and outcomes of the home visiting services account.

(5) The (~~nongovernmental private-public partnership~~) department shall, in the administration of the programs:

(a) Fund programs through a competitive bid process or in compliance with the regulations of the funding source; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs."

On page 1, line 3 of the title, after "improvements;" strike the remainder of the title and insert "and amending RCW 43.215.090 and 43.215.130."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1719.

The motion by Senator Zeiger carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1719 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1719 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1719 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet,

Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Honeyford, Padden and Short

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Doglio, Ryu, Pollet, Peterson, McBride, Wylie, Stonier, Goodman, Sawyer, Bergquist, Gregerson, Sullivan, Lytton, Tharinger, Chapman, Lovick, Senn, Hansen, Sells, Frame, Fitzgibbon, Riccelli, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Clibborn, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Ormsby, Pellicciotti, Kloba, Hudgins and Santos)

Concerning nursing staffing practices at hospitals.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute House Bill No. 1714 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1055, by House Committee on Appropriations (originally sponsored by Representatives Kilduff, Muri, Haler, Shea, Appleton, Klippert, Lovick, Stokesbary, Stanford, Jinkins, Reeves, MacEwen, Koster, Hayes, Barkis, Kloba, Frame, Ormsby, Bergquist, Goodman, Gregerson, Young, Kirby, Fey, Slatter, Sawyer and Tarleton)

Concerning pro bono legal services for military service members, veterans, and their families.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 44. (1) Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of military and veteran legal assistance within the office of the attorney general for the purpose of promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington state.

(2) For the purposes of sections 1 through 3 of this act, the following definitions apply:

(a) The term "service member" means an active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(b) The term "veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007.

(c) The term "family member" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent minor children under twenty-one years of age of a living or deceased service member or veteran for whom the service member or veteran provided at least one-half of that person's support in the previous one hundred eighty days before seeking assistance of the programs and services authorized by this chapter.

(3) The attorney general may not directly provide legal assistance, advice, or representation in any context, unless otherwise authorized by law, and the attorney general may not provide legal assistance programs, pro bono services, or self-help services to a service member, veteran, or family member being criminally prosecuted.

NEW SECTION. Sec. 45. The office of military and veteran legal assistance shall:

(1) Recruit and train volunteer attorneys and identify service programs willing to perform pro bono services for service members, veterans, and their family members, and create and maintain a registry of the same;

(2) Assess and assign requests for pro bono services to volunteer attorneys and service programs registered with the office; and

(3) Establish an advisory committee that will include, among others, representatives from legal assistance offices on military installations, the office of civil legal aid, the Washington state bar association's legal assistance to military personnel section, the Washington state veterans bar association, relevant office of military service and support organizations, and organizations involved in coordinating, supporting, and delivering civil legal aid and pro bono legal services in Washington state. The committee shall provide advice and assistance regarding program design, operation, volunteer recruitment and support strategies, service delivery objectives and priorities, and funding.

NEW SECTION. Sec. 46. The attorney general may apply for and receive grants, gifts, donations, bequests, or other contributions to help support and to be used exclusively for the operations of the office of military and veteran legal assistance.

NEW SECTION. Sec. 47. Sections 1 through 3 of this act are each added to chapter 43.10 RCW."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and adding new sections to chapter 43.10 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1055.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1055 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Pedersen and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1055 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1055 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1055, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1714 which had been deferred earlier in the day.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Doglio, Ryu, Pollet, Peterson, McBride, Wylie, Stonier, Goodman, Sawyer, Bergquist, Gregerson, Sullivan, Lytton, Tharinger, Chapman, Lovick, Senn, Hansen, Sells, Frame, Fitzgibbon, Riccelli, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Clibborn, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Ormsby, Pellicciotti, Kloba, Hudgins and Santos)

Concerning nursing staffing practices at hospitals.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 48. The legislature finds that:

- (1) Research demonstrates that registered nurses play a critical role in improving patient safety and quality of care;
- (2) Appropriate staffing of hospital personnel including registered nurses available for patient care assists in reducing errors, complications, and adverse patient care events and can improve staff safety and satisfaction and reduce incidences of workplace injuries;
- (3) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care;
- (4) Assuring sufficient staffing of hospital personnel, including registered nurses, is an urgent public policy priority in order to protect patients and support greater retention of registered nurses and safer working conditions; and
- (5) Steps should be taken to promote evidence-based nurse staffing and increase transparency of health care data and decision making based on the data.

Sec. 49. RCW 70.41.420 and 2008 c 47 s 3 are each amended to read as follows:

(1) By September 1, 2008, each hospital shall establish a nurse staffing committee, either by creating a new committee or assigning the functions of a nurse staffing committee to an existing committee. At least one-half of the members of the nurse staffing committee shall be registered nurses currently providing direct patient care and up to one-half of the members shall be determined by the hospital administration. The selection of the registered nurses providing direct patient care shall be according to the collective bargaining agreement if there is one in effect at the hospital. If there is no applicable collective bargaining agreement, the members of the nurse staffing committee who are registered nurses providing direct patient care shall be selected by their peers.

(2) Participation in the nurse staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. Nurse staffing committee members shall be relieved of all other work duties during meetings of the committee.

(3) Primary responsibilities of the nurse staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based nurse staffing plan, based on the needs of patients, to be used as the primary component of the staffing budget. Factors to be considered in the development of the plan should include, but are not limited to:

- (i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;
- (ii) Level of intensity of all patients and nature of the care to be delivered on each shift;
- (iii) Skill mix;
- (iv) Level of experience and specialty certification or training of nursing personnel providing care;
- (v) The need for specialized or intensive equipment;
- (vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment; ~~(and)~~
- (vii) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(viii) Availability of other personnel supporting nursing services on the unit; and

(ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff;

(b) Semiannual review of the staffing plan against patient need and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or concerns presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources ~~((may))~~ must be taken into account in the development of the nurse staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff.

(6) The committee will produce the hospital's annual nurse staffing plan. If this staffing plan is not adopted by the hospital, the chief executive officer shall provide a written explanation of the reasons why the plan was not adopted to the committee. The

chief executive officer must then either: (a) Identify those elements of the proposed plan being changed prior to adoption of the plan by the hospital or (b) prepare an alternate annual staffing plan that must be adopted by the hospital. Beginning January 1, 2019, each hospital shall submit its staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning January 1, 2019, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse may report to the staffing committee any variations where the nurse personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse on a patient care unit objects to a shift-to-shift adjustment, the registered nurse may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data.

(8) Each hospital shall post, in a public area on each patient care unit, the nurse staffing plan and the nurse staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

~~((8))~~ (9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the nurse staffing committee; or

(b) An employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.

~~((9))~~ (10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having nurse staffing committees work by telephone or ~~((electronic mail))~~ email.

NEW SECTION. Sec. 50. A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a staffing committee;

(ii) Conduct a semiannual review of a nurse staffing plan;

(iii) Submit a nurse staffing plan on an annual basis and any updates; or

(iv)(A) Follow the nursing personnel assignments in a patient care unit in violation of RCW 70.41.420(7)(a) or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b).

(B) Prior to investigating a complaint under this subsection (1)(a)(iv), the department shall examine any complaints that were submitted to the hospital's nurse staffing committee under RCW 70.41.420(7) (a) or (b) excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The department may only investigate a complaint under this subsection (1)(a)(iv) after making a preliminary finding that the aggregate data contained in the complaints submitted to the committee in a minimum sixty-day continuous period leading up to the receipt of the complaint by the department indicate a

continuing pattern of unresolved violations of RCW 70.41.420(7) (a) or (b).

(C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within forty-five days of the presentation of findings from the department to the hospital.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of one hundred dollars per day until the hospital submits or begins to follow a corrective plan of action or takes other action agreed to by the department.

(3) The department shall maintain for public inspection records of any civil penalties, administrative actions, or license suspensions or revocations imposed on hospitals under this section.

(4) For purposes of this section, "unforeseeable emergency circumstance" means:

(a) Any unforeseen national, state, or municipal emergency;

(b) When a hospital disaster plan is activated;

(c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or

(d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients from another hospital or hospitals.

(5) Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420.

NEW SECTION. Sec. 51. This act may be known and cited as the Washington state patient safety act."

On page 1, line of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.420; adding a new section to chapter 70.41 RCW; creating new sections; and prescribing penalties."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1714.

The motion by Senator Rivers carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor striking amendment no. 253 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 52. The legislature finds that:

(1) Research demonstrates that registered nurses play a critical role in improving patient safety and quality of care;

(2) Appropriate staffing of hospital personnel including registered nurses available for patient care assists in reducing errors, complications, and adverse patient care events and can

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improve staff safety and satisfaction and reduce incidences of workplace injuries;

(3) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care;

(4) Assuring sufficient staffing of hospital personnel, including registered nurses, is an urgent public policy priority in order to protect patients and support greater retention of registered nurses and safer working conditions; and

(5) Steps should be taken to promote evidence-based nurse staffing and increase transparency of health care data and decision making based on the data.

Sec. 53. RCW 70.41.420 and 2008 c 47 s 3 are each amended to read as follows:

(1) By September 1, 2008, each hospital shall establish a nurse staffing committee, either by creating a new committee or assigning the functions of a nurse staffing committee to an existing committee. At least one-half of the members of the nurse staffing committee shall be registered nurses currently providing direct patient care and up to one-half of the members shall be determined by the hospital administration. The selection of the registered nurses providing direct patient care shall be according to the collective bargaining agreement if there is one in effect at the hospital. If there is no applicable collective bargaining agreement, the members of the nurse staffing committee who are registered nurses providing direct patient care shall be selected by their peers.

(2) Participation in the nurse staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. Nurse staffing committee members shall be relieved of all other work duties during meetings of the committee.

(3) Primary responsibilities of the nurse staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based nurse staffing plan, based on the needs of patients, to be used as the primary component of the staffing budget. Factors to be considered in the development of the plan should include, but are not limited to:

(i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;

(ii) Level of intensity of all patients and nature of the care to be delivered on each shift;

(iii) Skill mix;

(iv) Level of experience and specialty certification or training of nursing personnel providing care;

(v) The need for specialized or intensive equipment;

(vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment; ~~(and)~~

(vii) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(viii) Availability of other personnel supporting nursing services on the unit; and

(ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff;

(b) Semiannual review of the staffing plan against patient need and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or concerns presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources ~~((may))~~ must be taken into account in the development of the nurse staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff.

(6) The committee will produce the hospital's annual nurse staffing plan. If this staffing plan is not adopted by the hospital, the chief executive officer shall provide a written explanation of the reasons why the plan was not adopted to the committee. The chief executive officer must then either: (a) Identify those elements of the proposed plan being changed prior to adoption of the plan by the hospital or (b) prepare an alternate annual staffing plan that must be adopted by the hospital. Beginning January 1, 2019, each hospital shall submit its staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning January 1, 2019, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse may report to the staffing committee any variations where the nurse personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse on a patient care unit objects to a shift-to-shift adjustment, the registered nurse may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data.

(8) Each hospital shall post, in a public area on each patient care unit, the nurse staffing plan and the nurse staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

~~((8))~~ (9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the nurse staffing committee; or

(b) An employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.

~~((9))~~ (10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having nurse staffing committees work by telephone or ~~((electronic mail))~~ email.

NEW SECTION. Sec. 54. A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a staffing committee;

(ii) Conduct a semiannual review of a nurse staffing plan;

(iii) Submit a nurse staffing plan on an annual basis and any updates; or

(iv)(A) Follow the nursing personnel assignments in a patient care unit in violation of RCW 70.41.420(7)(a) or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b).

(B) The department may only investigate a complaint under this subsection (1)(a)(iv) after making an assessment that the submitted evidence indicates a continuing pattern of unresolved violations of RCW 70.41.420(7) (a) or (b), that were submitted to the nurse staffing committee excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The submitted evidence must include the aggregate data contained in the complaints submitted to the hospital's nurse staffing committee that indicate a continuing pattern of unresolved violations for a minimum sixty-day continuous period leading up to receipt of the complaint by the department.

(C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within forty-five days of the presentation of findings from the department to the hospital.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of one hundred dollars per day until the hospital submits or begins to follow a corrective plan of action or takes other action agreed to by the department.

(3) The department shall maintain for public inspection records of any civil penalties, administrative actions, or license suspensions or revocations imposed on hospitals under this section.

(4) For purposes of this section, "unforeseeable emergency circumstance" means:

- (a) Any unforeseen national, state, or municipal emergency;
- (b) When a hospital disaster plan is activated;
- (c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or

(d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients who are from another hospital or hospitals.

(5) Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420.

(6) The department shall submit a report to the legislature on December 31, 2022. This report shall include the number of complaints submitted to the department under this section, the disposition of these complaints, the number of investigations conducted, the associated costs for complaint investigations, and recommendations for any needed statutory changes. The department shall also project, based on experience, the impact, if any, on hospital licensing fees over the next four years. Prior to the submission of the report, the secretary shall convene a stakeholder group consisting of the Washington state hospital association, the Washington state nurses association, service employees international union healthcare 1199NW, and united food and commercial workers 21. The stakeholder group shall review the report prior to its submission to review findings and

jointly develop any legislative recommendations to be included in the report.

(7) No fees shall be increased to implement this act prior to June 1, 2023.

NEW SECTION. **Sec. 55.** This act expires June 1, 2023.

NEW SECTION. **Sec. 56.** This act may be known and cited as the Washington state patient safety act."

On page 1, line 1 of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.420; adding a new section to chapter 70.41 RCW; creating new sections; prescribing penalties; and providing an expiration date."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 253 by Senator Rivers to Engrossed Substitute House Bill No. 1714.

The motion by Senator Rivers carried and floor striking amendment no. 253 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1714 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland, Conway and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1714 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1714 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Brown, Honeyford, Schoesler, Short, Warnick and Wilson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1747, by House Committee on Finance (originally sponsored by Representatives Taylor, McCaslin, Volz, Young and Shea)

Concerning the withdrawal of land from a designated classification.

The measure was read the second time.

MOTION

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On motion of Senator Warnick, the rules were suspended, Substitute House Bill No. 1747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1747.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1747 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, King, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa, Hunt, Keiser, Kuderer, Liias and Nelson

SUBSTITUTE HOUSE BILL NO. 1747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1815, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kilduff, Rodne, Senn, Muri, Lovick, Ortiz-Self, Orwall and Frame)

Concerning the rights of an alleged parent in dependency proceedings.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1815.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1815 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

SUBSTITUTE HOUSE BILL NO. 1815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

Exempting certain hospitals from certificate of need requirements for the addition of psychiatric beds until June 2019.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 57. RCW 70.38.111 and 2016 sp.s. c 31 s 4 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

- (i) Offers services only to contractual members;
- (ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;
- (iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under

the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the

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new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter (~~(70.38 RCW)~~).

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments, ~~((for fiscal year 2015))~~ for the period of time from the effective date of this section through June 30, 2019:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this ((section)) subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will dedicate at least one-third of its beds to provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

Sec. 58. RCW 70.38.260 and 2015 3rd sp.s. c 22 s 2 are each amended to read as follows:

(1) For a grant awarded during fiscal years 2016 and 2017 by the department of commerce under this section, hospitals licensed under chapter 70.41 RCW and psychiatric hospitals licensed as establishments under chapter 71.12 RCW are not subject to certificate of need requirements for the addition of the number of new psychiatric beds indicated in the grant. The department of commerce may not make a prior approval of a certificate of need application a condition for a grant application under this section. The period during which an approved hospital or psychiatric hospital project qualifies for a certificate of need exemption under this section is two years from the date of the grant award.

(2)(a) Until June 30, 2019, a hospital licensed under chapter 70.41 RCW is exempt from certificate of need requirements for the addition of new psychiatric beds.

(b) A hospital that adds new psychiatric beds under this subsection (2) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain psychiatric beds unless a certificate of need is granted to change their use or the hospital voluntarily reduces its licensed capacity.

(3)(a) Until June 30, 2019, a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements for the one-time addition of up to thirty new psychiatric beds, if it demonstrates to the satisfaction of the department:

(i) That its most recent two years of publicly available fiscal year-end report data as required under RCW 70.170.100 and 43.70.050 reported to the department by the psychiatric hospital, show a payer mix of a minimum of fifty percent medicare and medicaid based on a calculation using patient days; and

(ii) A commitment to maintaining the payer mix in (a) of this subsection for a period of five consecutive years after the beds are made available for use by patients.

(b) A psychiatric hospital that adds new psychiatric beds under this subsection (3) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the psychiatric hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain psychiatric beds unless a certificate of need is granted to change their use or the psychiatric hospital voluntarily reduces its licensed capacity.

(4)(a) Until June 30, 2019, an entity seeking to construct, develop, or establish a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements if the proposed psychiatric hospital will dedicate at least one-third of its beds to providing treatment to adults on ninety or one hundred eighty-day involuntary commitment orders. The psychiatric hospital may also provide treatment to adults on a seventy-two hour detention or fourteen-day involuntary commitment order.

(b) An entity that seeks to construct, develop, or establish a psychiatric hospital under this subsection (4) must:

(i) Notify the department of the construction, development, or establishment. The department shall provide the entity with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(5) This section expires June 30, ((2019)) 2022.

NEW SECTION. Sec. 59. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "2019;" strike the remainder of the title and insert "amending RCW 70.38.111 and 70.38.260; providing an expiration date; and declaring an emergency."

Senator Becker spoke in favor of adoption of the committee striking amendment.

Senator Cleveland spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Engrossed Substitute House Bill No. 1547.

The motion by Senator Rivers carried and the committee striking amendment was adopted by a rising vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1547 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland and Becker spoke in favor of passage of the bill.

Senators Keiser and Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1547 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1547 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Conway, Darneille, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Harmsworth, Smith, Tarleton and Stanford)

Concerning biometric identifiers.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following floor striking amendment no. 242 by Senators Pedersen and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 60. The legislature finds that citizens of Washington are increasingly asked to disclose sensitive biological information that uniquely identifies them for commerce, security, and convenience. The collection and marketing of biometric information about individuals, without consent or knowledge of the individual whose data is collected, is of increasing concern. The legislature intends to require a business that collects and can attribute biometric data to a specific uniquely identified individual to disclose how it uses that biometric data and either provide notice to or obtain consent from an individual before enrolling or changing the use of that individual's biometric identifiers in a database.

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NEW SECTION. Sec. 61. (1) A person may not enroll a biometric identifier in a database for a commercial purpose, without first providing notice, obtaining consent, or providing a mechanism to prevent the subsequent use of a biometric identifier for a commercial purpose.

(2) The exact notice and type of consent required to achieve compliance with subsection (1) of this section is context-dependent.

(3) Unless consent has been obtained from the individual, a person who has enrolled an individual's biometric identifier may not sell, lease, or otherwise disclose the biometric identifier to another person for a commercial purpose unless the disclosure:

(a) Is consistent with subsections (1), (2), and (4) of this section;

(b) Is necessary to provide a product or service subscribed to, requested, or expressly authorized by the individual;

(c) Is necessary to effect, administer, enforce, or complete a financial transaction that the individual requested, initiated, or authorized, and the third party to whom the biometric identifier is disclosed maintains confidentiality of the biometric identifier and does not further disclose the biometric identifier except as otherwise permitted under this subsection (3);

(d) Is required or expressly authorized by a federal or state statute, or court order;

(e) Is made to a third party who contractually promises that the biometric identifier will not be further disclosed and will not be enrolled in a database for a commercial purpose inconsistent with the notice and consent described in this subsection (3) and subsections (1) and (2) of this section; or

(f) Is made to prepare for litigation or to respond to or participate in judicial process.

(4) A person who knowingly possesses a biometric identifier of an individual that has been enrolled for a commercial purpose:

(a) Must take reasonable care to guard against unauthorized access to and acquisition of biometric identifiers that are in the possession or under the control of the person; and

(b) May retain the biometric identifier no longer than is reasonably necessary to:

(i) Comply with a court order, statute, or public records retention schedule specified under federal, state, or local law;

(ii) Protect against or prevent actual or potential fraud, criminal activity, claims, security threats, or liability; and

(iii) Provide the services for which the biometric identifier is retained.

(5) A person who enrolls a biometric identifier of an individual for a commercial purpose or obtains a biometric identifier of an individual from a third party for a commercial purpose pursuant to this section may not use or disclose it in a manner that is materially inconsistent with the terms under which the biometric identifier was originally provided without obtaining consent for the new terms of use or disclosure.

(6) The limitations on disclosure and retention of biometric identifiers provided in this section do not apply to disclosure or retention of biometric identifiers that have been unenrolled.

(7) Nothing in this section requires an entity to provide notice and obtain consent to collect, capture, or enroll a biometric identifier and store it in a biometric system, or otherwise, in furtherance of a security purpose.

NEW SECTION. Sec. 62. The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Biometric identifier" means data generated by automatic measurements of an individual's fingerprint, voiceprint, eye retinas, or irises, that is used to identify a specific individual. "Biometric identifier" does not include a physical or digital

photograph, video or audio recording, or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996.

(2) "Biometric system" means an automated identification system capable of capturing, processing, and storing a biometric identifier, comparing the biometric identifier to one or more references, and matching the biometric identifier to a specific individual.

(3) "Capture" means the process of collecting a biometric identifier from an individual in person.

(4) "Commercial purpose" means a purpose in furtherance of the sale or disclosure to a third party of a biometric identifier for the purpose of marketing of goods or services when such goods or services are unrelated to the initial transaction in which a person first gains possession of an individual's biometric identifier. "Commercial purpose" does not include a security or law enforcement purpose.

(5) "Enroll" means to capture a biometric identifier of an individual, convert it into a reference template that cannot be reconstructed into the original output image, and store it in a database that matches the biometric identifier to a specific individual.

(6) "Law enforcement officer" means a law enforcement officer as defined in RCW 9.41.010 or a federal peace officer as defined in RCW 10.93.020.

(7) "Notice" means a disclosure that is given through a procedure reasonably designed to be readily available to affected individuals.

(8) "Person" means an individual, partnership, corporation, limited liability company, organization, association, or any other legal or commercial entity, but does not include a government agency.

(9) "Security purpose" means the purpose of preventing shoplifting, fraud, or any other misappropriation or theft of a thing of value, including tangible and intangible goods, services, and other purposes in furtherance of protecting the security or integrity of software, accounts, applications, online services, or any person.

NEW SECTION. Sec. 63. (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 64. (1) Nothing in this act applies in any manner to a financial institution or an affiliate of a financial institution that is subject to Title V of the federal Gramm-Leach-Bliley act of 1999 and the rules promulgated thereunder.

(2) Nothing in this act applies to activities subject to Title V of the federal health insurance privacy and portability act of 1996 and the rules promulgated thereunder.

(3) Nothing in this act expands or limits the authority of a law enforcement officer acting within the scope of his or her authority including, but not limited to, the authority of a state law enforcement officer in executing lawful searches and seizures.

NEW SECTION. Sec. 65. Sections 2 through 5 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "identifiers;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and creating a new section."

Senator Pedersen spoke in favor of adoption of the striking amendment.

Senator Padden spoke against adoption of the striking amendment.

MOTION

Senator Rolfes demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute House Bill No. 1493 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1314, by House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Jinkins, DeBolt, Cody, Rodne, Griffey, Harris, Haler and Appleton)

Concerning health care authority auditing practices. Revised for 1st Substitute: Addressing health care authority auditing practices.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 66.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Audits of the records of health care providers performed under this chapter are subject to the following:

(a) The authority must provide at least thirty calendar days' notice before scheduling any on-site audit, unless there is evidence of danger to public health and safety or fraudulent activities;

(b) The authority must make a good faith effort to establish a mutually agreed upon time and date for the on-site audit;

(c) The authority must allow providers, at their request, to submit records requested as a result of an audit in electronic format, including compact disc, digital versatile disc, or other electronic formats deemed appropriate by the authority, or by facsimile transmission;

(d) The authority shall make reasonable efforts to avoid reviewing claims that are currently being audited by the authority, that have already been audited by the authority, or that are currently being audited by another governmental entity;

(e) A finding of overpayment to a provider in a program operated or administered by the authority may not be based on extrapolation unless there is a determination of sustained high level of payment error involving the provider or when documented educational intervention has failed to correct the level of payment error. Any finding that is based upon

extrapolation, and the related sampling, must be established to be statistically fair and reasonable in order to be valid. The sampling methodology used must be validated by a statistician or person with equivalent experience as having a confidence level of ninety-five percent or greater;

(f) The authority must provide a detailed explanation in writing to a provider for any adverse determination that would result in partial or full recoupment of a payment to the provider. The written notification shall, at a minimum, include the following: (i) The reason for the adverse determination; (ii) the specific criteria on which the adverse determination was based; (iii) an explanation of the provider's appeal rights; and (iv) if applicable, the appropriate procedure to submit a claims adjustment in accordance with subsection (3) of this section;

(g) The authority may not recoup overpayments until all informal and formal appeals processes have been completed;

(h) The authority must offer a provider with an adverse determination the option of repaying the amount owed according to a negotiated repayment plan of up to twelve months;

(i) The authority must produce a preliminary report or draft audit findings within one hundred twenty days from the receipt of all requested information as identified in writing by the authority; and

(j) In the event that the authority seeks to recoup funds from a provider who is no longer a contractor with the medical assistance program, the authority must provide a description of the claim, including the patient name, date of service, and procedure. A provider is not required to obtain a court order to receive such information.

(2) Any contractor that conducts audits of the medical assistance program on behalf of the authority must comply with the requirements in this subsection and must:

(a) In any appeal by a health care provider, employ or contract with a medical or dental professional who practices within the same specialty, is board certified, and experienced in the treatment, billing, and coding procedures used by the provider being audited to make findings and determinations;

(b) Compile, on an annual basis, metrics specified by the authority. The authority shall publish the metrics on its web site. The metrics must, at a minimum, include:

(i) The number and type of claims reviewed;

(ii) The number of records requested;

(iii) The number of overpayments and underpayments identified by the contractor;

(iv) The aggregate dollar amount associated with identified overpayments and underpayments;

(v) The duration of audits from initiation until time of completion;

(vi) The number of adverse determinations and the overturn rates of those determinations at each stage of the informal and formal appeal process;

(vii) The number of informal and formal appeals filed by providers categorized by disposition status;

(viii) The contractor's compensation structure and dollar amount of compensation; and

(ix) A copy of the authority's contract with the contractor.

(3) The authority shall develop and implement a procedure by which an improper payment identified by an audit may be resubmitted as a claims adjustment.

(4) The authority shall provide educational and training programs annually for providers. The training topics must include a summary of audit results, a description of common issues, problems and mistakes identified through audits and reviews, and opportunities for improvement."

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On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "and adding a new section to chapter 74.09 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 1314.

The motion by Senator Rivers carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1314 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1314 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1314 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1314, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1170, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet and Santos)

Maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 67. RCW 28A.225.015 and 1999 c 319 s 6 are each amended to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent

has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after ~~((two))~~ three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the ~~((second))~~ third unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

Sec. 68. RCW 28A.225.020 and 2016 c 205 s 4 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after ~~((two))~~ three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the ~~((second))~~

third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and

(c) At some point after the second and before the fifth unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

(i) In middle school and high school, these steps ((shall)) must include application of the Washington assessment of the risks and needs of students (WARNS) or other assessment by a school district's designee under RCW 28A.225.026((and)).

(ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

(iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.

(iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. ((If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.))

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a)(i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

((b)) (ii) Has failed to meet the school district's policy for excused absences; or

(b) Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending

school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

Sec. 69. RCW 28A.225.025 and 2016 c 205 s 5 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. ~~((All members of a))~~ Community truancy boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy ~~((, multisystemic therapy, and aggression replacement training))~~, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be ~~((referred to))~~ offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

Sec. 70. RCW 28A.225.026 and 2016 c 205 s 6 are each amended to read as follows:

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than

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one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than ~~((two))~~ three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy(~~(, multisystemic therapy, and aggression replacement training)~~). School districts with fewer than ~~((two))~~ three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

Sec. 71. RCW 28A.225.090 and 2016 c 205 s 9 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school

district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law(~~(, or~~

~~(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation)~~).

(2)(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail((s)) to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(c)(~~, or may impose alternatives to detention such as community restitution~~)). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the

parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 72. RCW 28A.225.030 and 2016 c 205 s 7 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document (~~signed by the parent and child~~) provided to the parent, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 73. RCW 28A.225.151 and 1996 c 134 s 5 are each amended to read as follows:

(1) As required under subsection (2) of this section, (~~each school shall document the actions taken under RCW 28A.225.030~~

~~and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction~~) the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;

(b) ((Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c)) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

((d)) (c) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; ((and

(e)) (d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:

(i) Referral to a community truancy board;

(ii) Other coordinated means of intervention;

(iii) A hearing in the juvenile court; or

(iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and

(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) ((The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.)) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030.

Sec. 74. RCW 28A.250.070 and 2013 2nd sp.s. c 18 s 508 are each amended to read as follows:

Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with

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RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in ((online courses or online school)) alternative learning experience programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an ((online course or online school)) alternative learning experience program.

NEW SECTION. Sec. 75. A new section is added to chapter 28A.232 RCW to read as follows:

The superintendent of public instruction may adopt rules to bring consistency and uniformity to attendance and truancy definitions in the alternative learning experience setting, establish procedures for addressing truancy in all alternative learning experience courses, leverage existing systems to facilitate truancy actions between school districts and courts when the student has transferred out of his or her resident district to enroll in an alternative learning experience course; and clarify the responsibility of school districts in the event of rescinding a student transfer.

NEW SECTION. Sec. 76. RCW 28A.225.115 (Educational services—Funding for children referred to community truancy board) and 1996 c 134 s 11 are each repealed.

NEW SECTION. Sec. 77. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "truancy;" strike the remainder of the title and insert "amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.090, 28A.225.030, 28A.225.151, and 28A.250.070; adding a new section to chapter 28A.232 RCW; creating a new section; and repealing RCW 28A.225.115."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1170.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Substitute House Bill No. 1170 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1170 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1170 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Short,

Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Schoesler

SECOND SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5646, by Senators Honeyford, King, Chase, Keiser and Conway

Concerning services provided by residential habilitation centers.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Cleveland and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5646.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5646 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Rossi

SENATE BILL NO. 5646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1612, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Harris, Jinkins, Goodman, Haler, Robinson, Fey, Kilduff and McBride)

Creating a suicide-safer homes project account to support prevention efforts and develop strategies for reducing access to lethal means.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 78. The legislature finds that over one thousand one hundred suicide deaths occur each year in Washington and these suicide deaths take an enormous toll on families and communities across the state. The legislature further finds that: Sixty-five percent of all suicides, and most suicide deaths and attempts for young people ages ten to eighteen, occur using firearms and prescription medications that are easily accessible in homes; firearms are the most lethal method used in suicide and almost entirely account for more men dying by suicide than women; sixty-seven percent of all veteran deaths by suicide are by firearm; and nearly eighty percent of all deaths by firearms in Washington are suicides. The legislature further finds that there is a need for a robust public education campaign designed to raise awareness of suicide and to teach everyone the role that he or she can play in suicide prevention. The legislature further finds that important suicide prevention efforts include: Motivating households to improve safe storage practices to reduce deaths from firearms and prescription medications; decreasing barriers to prevent access to lethal means by allowing for temporary and voluntary transfers of firearms when individuals are at risk for suicide; increasing access to drug take-back sites; and making the public aware of suicide prevention steps, including recognizing warning signs, empathizing and listening, asking directly about suicide, removing dangers to ensure immediate safety, and getting help. The legislature intends by this act to create a public-private partnership fund to implement a suicide-safer home public education campaign in the coming years.

Sec. 79. RCW 43.70.445 and 2016 c 90 s 2 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, a ~~((safe))~~ suicide-safer homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the University of Washington school of social work. To the extent possible, the task force membership should include representatives from geographically diverse and priority populations, including tribal populations.

(b) The ~~((safe))~~ suicide-safer homes task force ~~((shall consist of the members comprised of))~~ comprises a suicide prevention and firearms subcommittee and a suicide prevention and ~~((pharmacy))~~ health care subcommittee, as follows:

(i) The suicide prevention and firearms subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(i)(A) of this subsection (1):

(A) A representative of the national rifle association and a representative of the second amendment foundation;

(B) Two representatives of suicide prevention organizations, selected by the cochaurs of the subcommittee;

(C) Two representatives of the firearms industry, selected by the cochaurs of the subcommittee;

(D) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochaurs of the subcommittee;

(E) Two representatives of law enforcement agencies, selected by the cochaurs of the subcommittee;

(F) One representative from the department of health;

(G) One representative from the department of veterans affairs, and one other individual representing veterans to be selected by the cochaurs of the subcommittee; and

(H) No more than two other interested parties, selected by the cochaurs of the subcommittee.

(ii) The suicide prevention and ~~((pharmacy))~~ health care subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(ii)(A) of this subsection (1):

(A) Two representatives of the Washington state pharmacy association;

(B) Two representatives of retailers who operate pharmacies, selected by the cochaurs of the subcommittee;

(C) One faculty member from the University of Washington school of pharmacy and one faculty member from the Washington State University school of pharmacy;

(D) One representative of the department of health;

(E) One representative of the pharmacy quality assurance commission;

(F) Two representatives of the Washington state poison control center;

(G) One representative of the department of veterans affairs, and one other individual representing veterans to be selected by the cochaurs of the subcommittee; ~~((and))~~

(H) Three members representing health care professionals providing suicide prevention training in the state, selected by the cochaurs of the subcommittee; and

(I) No more than two other interested parties, selected by the cochaurs of the subcommittee.

(c) The University of Washington school of social work shall convene the initial meeting of the task force.

(2) The task force shall:

(a) Develop and prepare to disseminate online trainings on suicide awareness and prevention for firearms dealers and their employees and firearm range owners and their employees;

(b) In consultation with the department of fish and wildlife, review the firearm safety pamphlet produced by the department of fish and wildlife under RCW 9.41.310 and, by January 1, 2017, recommend changes to the pamphlet to incorporate information on suicide awareness and prevention;

(c) Develop and approve suicide awareness and prevention messages for posters and brochures that are tailored to be effective for firearms owners for distribution to firearms dealers and ~~((firearms))~~ firearms ranges;

(d) Develop suicide awareness and prevention messages for posters and brochures for distribution to pharmacies;

(e) In consultation with the department of fish and wildlife, develop strategies for creating and disseminating suicide awareness and prevention information for hunting safety classes, including messages to parents that can be shared during online registration, in either follow-up ~~((electronic mail \email))~~ email communications, or in writing, or both;

(f) Develop suicide awareness and prevention messages for training for the schools of pharmacy and provide input on trainings being developed for community pharmacists;

(g) ~~((Provide input to the department of health on the implementation of the safe homes project established in section 3 of this act;~~

~~((h)))~~ Create a web site that will be a clearinghouse for the newly created suicide awareness and prevention materials developed by the task force; ~~((and~~

~~((i)))~~ (h) Conduct a survey of firearms dealers and firearms ranges in the state to determine the types and amounts of incentives that would be effective in encouraging those entities to participate in ~~((the safe))~~ suicide-safer homes projects ~~((created in section 3 of this act));~~

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~~((f))~~ (i) Gather input on collateral educational materials that will help health care professionals in suicide prevention work; and

(i) Create, implement, and evaluate a suicide awareness and prevention pilot program in two counties, one rural and one urban, that have high suicide rates. The pilot program shall include:

(i) Developing and directing advocacy efforts with firearms dealers to pair suicide awareness and prevention training with distribution of safe storage devices;

(ii) Developing and directing advocacy efforts with pharmacies to pair suicide awareness and prevention training with distribution of medication disposal kits and safe storage devices;

(iii) Training health care providers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices; and

(iv) Training local law enforcement officers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices.

(3) The task force shall ~~((consult with)), in consultation with the department of health, develop and prioritize a list of projects to carry out the task force's purposes and submit the prioritized list to the department of health ((to develop timelines for the completion of the necessary tasks identified in subsection (2) of this section so that the department of health is able to implement the safe homes project under)) for funding from the suicide-safer homes project account created in section 3 of this act ((by January 1, 2018)).~~

(4) Beginning December 1, 2016, the task force shall annually report to the legislature on the status of its work. The task force shall submit a final report by December 1, 2019, that includes the findings of the suicide awareness and prevention pilot program evaluation under subsection (2) of this section and recommendations on possible continuation of the program. The task force shall submit its reports in accordance with RCW 43.01.036.

(5) This section expires July 1, 2020.

NEW SECTION. **Sec. 80.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The suicide-safer homes project is created within the department of health for the purpose of accepting private funds for use by the suicide-safer homes task force created in RCW 43.70.445 in developing and providing suicide education and prevention materials, training, and outreach programs to help create suicide-safer homes. The secretary may accept gifts, grants, donations, or moneys from any source for deposit in the suicide-safer homes project account created in subsection (2) of this section.

(2) The suicide-safer homes project account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature for the suicide-safer homes project account and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the suicide-safer homes project. Only the secretary of the department of health, or the secretary's designee, may authorize expenditures from the account to fund projects identified and prioritized by the suicide-safer homes task force. Funds deposited in the suicide-safer homes project account may be used for the development and production of suicide prevention materials and training programs, for providing financial incentives to encourage firearms dealers and others to participate in suicide prevention training, and to implement pilot programs involving community outreach on creating suicide-safer homes.

(3) The suicide-safer homes project account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 81. RCW 43.70.442 and 2016 c 90 s 5 are each amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A chemical dependency professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate—~~independent clinical~~ licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(b) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

- (ii) A naturopath licensed under chapter 18.36A RCW;
 - (iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;
 - (iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;
 - (v) An osteopathic physician assistant licensed under chapter 18.57A RCW;
 - (vi) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;
 - (vii) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);
 - (viii) A physician assistant licensed under chapter 18.71A RCW;
 - (ix) A pharmacist licensed under chapter 18.64 RCW; ~~((and))~~
 - (x) A dentist licensed under chapter 18.32 RCW;
 - (xi) A dental hygienist licensed under chapter 18.29 RCW; and
 - (xii) A person holding a retired active license for one of the professions listed in (a)(i) through ((i-x)) (xi) of this subsection.
- (b)(i) A professional listed in (a)(i) through (viii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (viii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).
- (ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.
- (iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after the effective date of this section, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and the effective date of this section that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).
- (c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.
- (d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.
- (6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.
- (b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. Sec. 82. A new section is added to chapter 43.70 RCW to read as follows:

(1) By July 1, 2020, the school of dentistry at the University of Washington shall develop a curriculum on suicide assessment, treatment, and management for dental students and licensed dentists. The curriculum must meet the minimum standards established under RCW 43.70.442 and must include material on identifying at-risk patients and limiting access to lethal means. When developing the curriculum, the school of dentistry must consult with experts on suicide assessment, treatment, and management and with the suicide-safer homes task force established in RCW 43.70.445. The school of dentistry shall submit a progress report to the governor and the relevant committees of the legislature by July 1, 2019.

(2) The dental quality assurance commission shall, for purposes of RCW 43.70.442(4)(a), consider a dentist who has successfully completed the curriculum developed under subsection (1) of this section prior to licensure as possessing the minimum training and experience necessary to be exempt from the training requirements in RCW 43.70.442.

Sec. 83. RCW 9.41.113 and 2015 c 1 s 3 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

- (a) The person is a licensed dealer;
- (b) The purchaser or transferee is a licensed dealer; or
- (c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal

and state law requirements and fulfilling all federal and state recordkeeping requirements.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The temporary transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the temporary transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

~~((e))~~ (f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

~~((f))~~ (g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under eighteen years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; or (v) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law; or

~~((g))~~ (h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of

the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding sixty days. At the end of the sixty-day period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws.

NEW SECTION. Sec. 84. Section 4 of this act takes effect August 1, 2020.

NEW SECTION. Sec. 85. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "means;" strike the remainder of the title and insert "amending RCW 43.70.445, 43.70.442, and 9.41.113; adding new sections to chapter 43.70 RCW; creating new sections; and providing an effective date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1612.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute House Bill No. 1612 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1612 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1612 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Short and Warnick

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1612, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1676, by Representatives Sullivan, Hansen, Goodman, Rodne, Shea, Ortiz-Self and Tarleton

Concerning crimes involving a dog guide or service animal.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1676.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1493 which had been deferred earlier in the day.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Harmsworth, Smith, Tarleton and Stanford)

Concerning biometric identifiers.

The measure was again read the second time.

REMARKS BY THE PRESIDENT

President Habib: "The President's practice will be when returning to a bill on which we have deferred consideration, all of those motions have been undone, those motions need to be made again. We had that happen earlier today, we will do that again right now. The bill has been read, the striking amendment by Senator Pedersen has been read. Senator Pedersen would you like to move your amendment?"

MOTION

Senator Pedersen moved that the following floor striking amendment no. 242 by Senators Pedersen and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 86. The legislature finds that citizens of Washington are increasingly asked to disclose sensitive biological information that uniquely identifies them for

NINETY THIRD DAY, APRIL 11, 2017

2017 REGULAR SESSION

commerce, security, and convenience. The collection and marketing of biometric information about individuals, without consent or knowledge of the individual whose data is collected, is of increasing concern. The legislature intends to require a business that collects and can attribute biometric data to a specific uniquely identified individual to disclose how it uses that biometric data and either provide notice to or obtain consent from an individual before enrolling or changing the use of that individual's biometric identifiers in a database.

NEW SECTION. Sec. 87. (1) A person may not enroll a biometric identifier in a database for a commercial purpose, without first providing notice, obtaining consent, or providing a mechanism to prevent the subsequent use of a biometric identifier for a commercial purpose.

(2) The exact notice and type of consent required to achieve compliance with subsection (1) of this section is context-dependent.

(3) Unless consent has been obtained from the individual, a person who has enrolled an individual's biometric identifier may not sell, lease, or otherwise disclose the biometric identifier to another person for a commercial purpose unless the disclosure:

(a) Is consistent with subsections (1), (2), and (4) of this section;

(b) Is necessary to provide a product or service subscribed to, requested, or expressly authorized by the individual;

(c) Is necessary to effect, administer, enforce, or complete a financial transaction that the individual requested, initiated, or authorized, and the third party to whom the biometric identifier is disclosed maintains confidentiality of the biometric identifier and does not further disclose the biometric identifier except as otherwise permitted under this subsection (3);

(d) Is required or expressly authorized by a federal or state statute, or court order;

(e) Is made to a third party who contractually promises that the biometric identifier will not be further disclosed and will not be enrolled in a database for a commercial purpose inconsistent with the notice and consent described in this subsection (3) and subsections (1) and (2) of this section; or

(f) Is made to prepare for litigation or to respond to or participate in judicial process.

(4) A person who knowingly possesses a biometric identifier of an individual that has been enrolled for a commercial purpose:

(a) Must take reasonable care to guard against unauthorized access to and acquisition of biometric identifiers that are in the possession or under the control of the person; and

(b) May retain the biometric identifier no longer than is reasonably necessary to:

(i) Comply with a court order, statute, or public records retention schedule specified under federal, state, or local law;

(ii) Protect against or prevent actual or potential fraud, criminal activity, claims, security threats, or liability; and

(iii) Provide the services for which the biometric identifier is retained.

(5) A person who enrolls a biometric identifier of an individual for a commercial purpose or obtains a biometric identifier of an individual from a third party for a commercial purpose pursuant to this section may not use or disclose it in a manner that is materially inconsistent with the terms under which the biometric identifier was originally provided without obtaining consent for the new terms of use or disclosure.

(6) The limitations on disclosure and retention of biometric identifiers provided in this section do not apply to disclosure or retention of biometric identifiers that have been unenrolled.

(7) Nothing in this section requires an entity to provide notice and obtain consent to collect, capture, or enroll a biometric

identifier and store it in a biometric system, or otherwise, in furtherance of a security purpose.

NEW SECTION. Sec. 88. The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Biometric identifier" means data generated by automatic measurements of an individual's fingerprint, voiceprint, eye retinas, or irises, that is used to identify a specific individual. "Biometric identifier" does not include a physical or digital photograph, video or audio recording, or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996.

(2) "Biometric system" means an automated identification system capable of capturing, processing, and storing a biometric identifier, comparing the biometric identifier to one or more references, and matching the biometric identifier to a specific individual.

(3) "Capture" means the process of collecting a biometric identifier from an individual in person.

(4) "Commercial purpose" means a purpose in furtherance of the sale or disclosure to a third party of a biometric identifier for the purpose of marketing of goods or services when such goods or services are unrelated to the initial transaction in which a person first gains possession of an individual's biometric identifier. "Commercial purpose" does not include a security or law enforcement purpose.

(5) "Enroll" means to capture a biometric identifier of an individual, convert it into a reference template that cannot be reconstructed into the original output image, and store it in a database that matches the biometric identifier to a specific individual.

(6) "Law enforcement officer" means a law enforcement officer as defined in RCW 9.41.010 or a federal peace officer as defined in RCW 10.93.020.

(7) "Notice" means a disclosure that is given through a procedure reasonably designed to be readily available to affected individuals.

(8) "Person" means an individual, partnership, corporation, limited liability company, organization, association, or any other legal or commercial entity, but does not include a government agency.

(9) "Security purpose" means the purpose of preventing shoplifting, fraud, or any other misappropriation or theft of a thing of value, including tangible and intangible goods, services, and other purposes in furtherance of protecting the security or integrity of software, accounts, applications, online services, or any person.

NEW SECTION. Sec. 89. (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 90. (1) Nothing in this act applies in any manner to a financial institution or an affiliate of a financial institution that is subject to Title V of the federal Gramm-Leach-Bliley act of 1999 and the rules promulgated thereunder.

(2) Nothing in this act applies to activities subject to Title V of the federal health insurance privacy and portability act of 1996 and the rules promulgated thereunder.

(3) Nothing in this act expands or limits the authority of a law enforcement officer acting within the scope of his or her authority including, but not limited to, the authority of a state law enforcement officer in executing lawful searches and seizures.

NEW SECTION. **Sec. 91.** Sections 2 through 5 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "identifiers;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and creating a new section."

Senator Frockt spoke in favor of adoption of the striking amendment.

Senator Padden spoke against adoption of the striking amendment.

PARLIAMENTARY INQUIRY

Senator Lias: "Mr. President, at the beginning of this redeliberation you said that the actions we had taken had been wiped out, and I wanted to find out about the request for a roll call on this amendment."

REPLY BY THE PRESIDENT

President Habib: "That motion has also been unraveled. If you would like to make that motion, you can make that motion anew."

MOTION

Senator Lias demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

Senator Hasegawa spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 242 by Senators Pedersen and Rivers to Engrossed Substitute House Bill No. 1493.

ROLL CALL

The Secretary called the roll on the motion to adopt floor striking amendment no. 242 by Senators Pedersen and Rivers and the motion did not carry by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Hunt, Keiser, Kuderer, Lias, McCoy, Nelson,

Pedersen, Rivers, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Ranker, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senators Pedersen and Wellman spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1493.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1493 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Conway, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Kuderer, Lias, McCoy, Palumbo, Pedersen, Saldaña, Takko and Wellman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

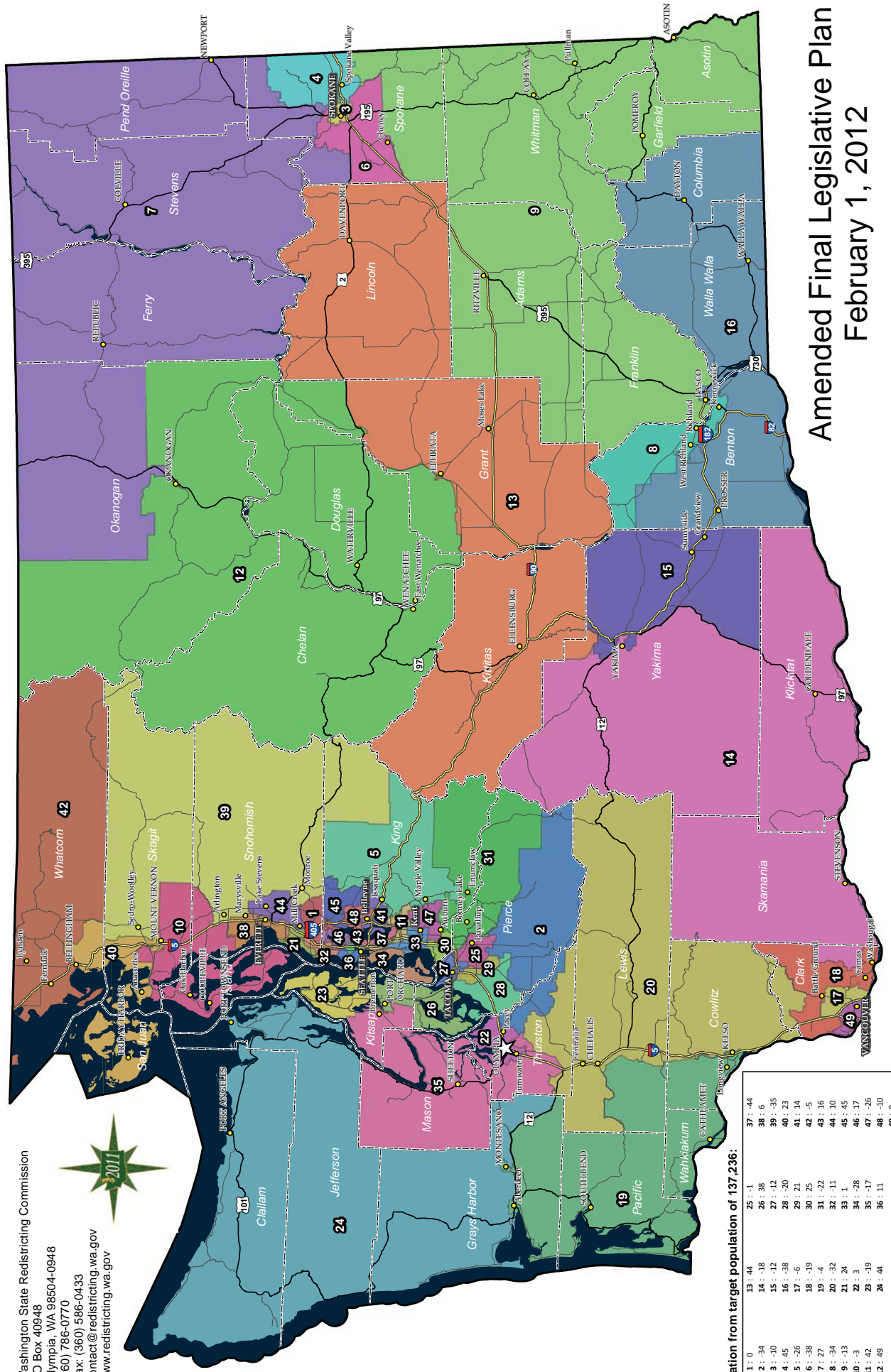
MOTION

At 6:32 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, April 12, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

Washington State Redistricting Commission
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 Fax: (360) 586-0433
 contact@redistricting.wa.gov
 www.redistricting.wa.gov



Deviation from target population of 137,236:

| | | | |
|--------|---------|---------|---------|
| 1: 0 | 13: 44 | 25: -1 | 37: -44 |
| 2: -34 | 14: -18 | 26: -38 | 38: 6 |
| 3: -10 | 15: -12 | 27: -12 | 39: -35 |
| 4: 45 | 16: -38 | 28: -20 | 40: 23 |
| 5: -28 | 17: -6 | 29: 21 | 41: 14 |
| 6: -38 | 18: -19 | 30: 25 | 42: -5 |
| 7: 27 | 19: -4 | 31: -22 | 43: 16 |
| 8: -34 | 20: -32 | 32: -11 | 44: 10 |
| 9: -13 | 21: 24 | 33: 1 | 45: 45 |
| 10: -3 | 22: 3 | 34: -28 | 46: 17 |
| 11: 42 | 23: -19 | 35: -17 | 47: -26 |
| 12: 49 | 24: 44 | 36: 11 | 48: -10 |
| | | | 49: 8 |

Amended Final Legislative Plan February 1, 2012

SENATE JOURNAL
SIXTY-FIFTH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2017 Regular Session
Convened January 9, 2017
Adjourned Sine Die April 23, 2017

2017 Second Extraordinary Session
Convened May 23, 2017
Adjourned Sine Die June 21, 2017

2017 First Extraordinary Session
Convened April 24, 2017
Adjourned Sine Die May 23, 2017

2017 Third Extraordinary Session
Convened June 21, 2017
Adjourned Sine Die July 20, 2017

Volume 2



Official Record of All Senate Actions Compiled, Edited and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of Washington

Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Tim Sheldon, *President Pro Tempore*
Senator Jim Honeyford, *Vice President Pro Tempore*
Hunter G. Goodman, *Secretary of the Senate*

SENATE CAUCUS OFFICERS

2017

MAJORITY COALITION CAUCUS

Majority Leader..... Mark Schoesler
Majority Caucus Chair..... Randi Becker
Majority Floor Leader..... Joe Fain
Majority Whip..... Barbara Bailey
Majority Caucus Deputy Leader..... Sharon Brown
Majority Caucus Vice Chair..... Judy Warnick
Majority Assistant Floor Leader..... Brad Hawkins
Majority Assistant Whip..... Maureen Walsh

DEMOCRATIC CAUCUS

Democratic Leader..... Sharon Nelson
Democratic Caucus Chair..... John McCoy
Democratic Vice Caucus Chair..... Lisa Wellman
Democratic Floor Leader..... Marko Liias
Democratic Whip Rebecca Saldana
Deputy Minority Leader..... Andy Billig
Democratic Assistant Floor Leader Christine Rolfes
Democratic Assistant Whip..... Mark Mullet

=====

Secretary of the Senate Hunter G. Goodman
Deputy Secretary Pablo G. (Paul) Campos

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NINETY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, April 12, 2017

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Trentyn Tennant and Miss Stephanie Young, presented the Colors. Page Miss Jane Greene led the Senate in the Pledge of Allegiance. The prayer was offered by Imam Benjamin Shabazz of Al Islam Center, Seattle.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:
The Speaker has signed:

- HOUSE BILL NO. 1018,
- HOUSE BILL NO. 1064,
- HOUSE BILL NO. 1071,
- SECOND SUBSTITUTE HOUSE BILL NO. 1120,
- SUBSTITUTE HOUSE BILL NO. 1346,
- SUBSTITUTE HOUSE BILL NO. 1626,
- HOUSE BILL NO. 1794,
- HOUSE BILL NO. 2052,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 11, 2017

MR. PRESIDENT:
The House has passed:

- SUBSTITUTE SENATE BILL NO. 5133,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5293,
- SENATE BILL NO. 5331,
- SECOND SUBSTITUTE SENATE BILL NO. 5347,
- SUBSTITUTE SENATE BILL NO. 5366,
- SUBSTITUTE SENATE BILL NO. 5537,
- SENATE BILL NO. 5736,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 11, 2017

MR. PRESIDENT:
The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5031,

- SENATE BILL NO. 5036,
- SUBSTITUTE SENATE BILL NO. 5051,
- SENATE BILL NO. 5085,
- SECOND SUBSTITUTE SENATE BILL NO. 5107,
- SENATE BILL NO. 5122,
- SENATE BILL NO. 5125,
- SENATE BILL NO. 5129,
- SENATE BILL NO. 5144,
- SENATE BILL NO. 5200,
- SENATE BILL NO. 5227,
- SUBSTITUTE SENATE BILL NO. 5235,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,
- SENATE BILL NO. 5261,
- SENATE BILL NO. 5270,
- SUBSTITUTE SENATE BILL NO. 5277,
- SUBSTITUTE SENATE BILL NO. 5301,
- SENATE BILL NO. 5306,
- SUBSTITUTE SENATE BILL NO. 5322,
- SUBSTITUTE SENATE BILL NO. 5356,
- SUBSTITUTE SENATE BILL NO. 5357,
- SUBSTITUTE SENATE BILL NO. 5372,
- SENATE BILL NO. 5382,
- SUBSTITUTE SENATE BILL NO. 5435,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
- SUBSTITUTE SENATE BILL NO. 5481,
- SENATE BILL NO. 5543,
- SUBSTITUTE SENATE BILL NO. 5573,
- SENATE BILL NO. 5595,
- SENATE BILL NO. 5631,
- SENATE BILL NO. 5640,
- SENATE BILL NO. 5649,
- SUBSTITUTE SENATE BILL NO. 5675,
- SENATE BILL NO. 5734,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5751,
- ENGROSSED SENATE BILL NO. 5761,
- SUBSTITUTE SENATE BILL NO. 5764,
- SENATE BILL NO. 5813,
- SENATE BILL NO. 5826,
- SUBSTITUTE SENATE BILL NO. 5837,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5922 by Senators Schoesler, Honeyford, Miloscia, Becker, Wilson, Angel, Bailey, Sheldon, Fain, Warnick and Zeiger

AN ACT Relating to the management and oversight of the state capitol campus; amending RCW 43.19.008, 43.19.125, 43.34.040, and 43.34.080; and adding a new section to chapter 43.34 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Sheldon moved that MICHAEL R. DELLER, Gubernatorial Appointment No. 9230, be confirmed as a member of the Recreation and Conservation Funding Board.

Senator Sheldon spoke in favor of the motion.

APPOINTMENT OF MICHAEL R. DELLER

The President declared the question before the Senate to be the confirmation of MICHAEL R. DELLER, Gubernatorial Appointment No. 9230, as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of MICHAEL R. DELLER, Gubernatorial Appointment No. 9230, as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

MICHAEL R. DELLER, Gubernatorial Appointment No. 9230, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

MOTION

Senator Hawkins moved that DANICA READY, Gubernatorial Appointment No. 9232, be confirmed as a member of the Recreation and Conservation Funding Board.

Senator Hawkins spoke in favor of the motion.

APPOINTMENT OF DANICA READY

The President declared the question before the Senate to be the confirmation of DANICA READY, Gubernatorial Appointment No. 9232, as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of DANICA READY, Gubernatorial Appointment No. 9232, as a member of the Recreation and Conservation Funding Board and the

appointment was confirmed by the following vote:Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

DANICA READY, Gubernatorial Appointment No. 9232, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

MOTION

Senator Zeiger moved that JANIS AVERY, Gubernatorial Appointment No. 9059, be confirmed as a member of the State Board of Education.

Senators Zeiger and Carlyle spoke in favor of the motion.

APPOINTMENT OF JANIS AVERY

The President declared the question before the Senate to be the confirmation of JANIS AVERY, Gubernatorial Appointment No. 9059, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of JANIS AVERY, Gubernatorial Appointment No. 9059, as a member of the State Board of Education and the appointment was confirmed by the following vote:Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

JANIS AVERY, Gubernatorial Appointment No. 9059, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

MOTION

Senator Pearson moved that BRIAN BLAKE, Gubernatorial Appointment No. 9097, be confirmed as a member of the Pacific States Marine Fisheries Commission.

Senators Pearson, Takko, Rivers, Liias and Rolfes spoke in favor of passage of the motion.

APPOINTMENT OF BRIAN BLAKE

The President declared the question before the Senate to be the confirmation of BRIAN BLAKE, Gubernatorial Appointment No. 9097, as a member of the Pacific States Marine Fisheries Commission.

The Secretary called the roll on the confirmation of BRIAN BLAKE, Gubernatorial Appointment No. 9097, as a member of the Pacific States Marine Fisheries Commission and the appointment was confirmed by the following vote:Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

BRIAN BLAKE, Gubernatorial Appointment No. 9097, having received the constitutional majority was declared confirmed as a member of the Pacific States Marine Fisheries Commission.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115, by House Committee on Education (originally sponsored by Representatives Bergquist, Muri, Ortiz-Self, Harris, Stanford, Stambaugh, Gregerson and Kilduff)

Concerning paraeducators.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 92. INTENT. Paraeducators provide the majority of instruction in programs designed by the legislature to reduce the opportunity gap. By setting common statewide standards, requiring training in the standards, and offering career development for paraeducators, as well as training for teachers and principals who work with paraeducators, students in these programs have a better chance of succeeding.

NEW SECTION. Sec. 93. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced paraeducator certificate" means a credential earned by a paraeducator who may have the following duties: Assisting in highly impacted classrooms, assisting in specialized instructional support and instructional technology applications, mentoring and coaching other paraeducators, and acting as a short-term emergency substitute teacher.

(2) "Board" means the paraeducator board established in section 3 of this act.

(3) "English language learner programs" means the English language learners program, the transitional bilingual instruction program, and the federal limited English proficiency program.

(4) "English language learner certificate" means a credential earned by a paraeducator working with students in English language learner programs.

(5) "Paraeducator" means a classified public school or school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional and other services to students and their

families. Paraeducators are not considered certificated instructional staff as that term and its meaning are used in this title.

(6) "Special education certificate" means a credential earned by a paraeducator working with students in special education programs.

NEW SECTION. Sec. 94. PARAEDUCATOR BOARD CREATED. (1)(a) The paraeducator board is created, consisting of nine members to be appointed to four-year terms.

(b) Vacancies on the board must be filled by appointment or reappointment as described in subsection (2) of this section to terms of four years.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor must biennially appoint the chair of the board. No board member may serve as chair for more than four consecutive years.

(2) Appointments to the board must be made as follows, subject to confirmation by the senate:

(a) The superintendent of public instruction shall appoint a basic education paraeducator, a special education paraeducator, an English language learner paraeducator, a teacher, a principal, and a representative of the office of the superintendent of public instruction;

(b) The Washington state parent teacher association shall appoint a parent whose child receives instructional support from a paraeducator;

(c) The state board for community and technical colleges shall appoint a representative of the community and technical college system; and

(d) The student achievement council shall appoint a representative of a four-year institution of higher education as defined in RCW 28B.10.016.

(3) The professional educator standards board shall administer the board.

(4) Each member of the board must be compensated in accordance with RCW 43.03.240 and must be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(5) Members of the board may create informal advisory groups as needed to inform the board's work.

(6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from the board, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

NEW SECTION. Sec. 95. POWERS AND DUTIES OF PARAEDUCATOR BOARD. (1) The paraeducator board has the following powers and duties:

(a) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, adopt: (i) Minimum employment requirements for paraeducators, as described in section 5 of this act; and (ii) paraeducator standards of practice, as described in section 6 of this act;

(b) Establish requirements and policies for a general paraeducator certificate, as described in section 8 of this act;

(c) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for subject matter certificates in English language learner and special education, as described in section 9 of this act;

(d) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for an advanced paraeducator certificate, as described in section 10 of this act;

(e) By September 1, 2018, approve, and develop if necessary, courses required to meet the provisions of this chapter, where the courses are offered in a variety of means that will limit cost and improve access;

(f) Make policy recommendations, as necessary, for a paraeducator career ladder that will increase opportunities for paraeducator advancement through advanced education, professional learning, and increased instructional responsibility;

(g) Collaborate with the office of the superintendent of public instruction to adapt the electronic educator certification process to include paraeducator certificates; and

(h) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any paraeducator certificates and revoke the same in accordance with board rules.

NEW SECTION. Sec. 96. PARAEDUCATOR MINIMUM EMPLOYMENT REQUIREMENTS. Effective September 1, 2017, the minimum employment requirements for paraeducators are as provided in this section. The paraeducator must:

(1) Be at least eighteen years of age and hold a high school diploma or its equivalent; and

(2)(a) Have received a passing grade on the education testing service paraeducator assessment; or

(b) Hold an associate of arts degree; or

(c) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

(d) Have completed a registered apprenticeship program.

NEW SECTION. Sec. 97. PARAEDUCATOR STANDARDS OF PRACTICE. The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

(1) Supporting instructional opportunities;

(2) Demonstrating professionalism and ethical practices;

(3) Supporting a positive and safe learning environment;

(4) Communicating effectively and participating in the team process; and

(5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

NEW SECTION. Sec. 98. FUNDAMENTAL COURSE OF STUDY. (1) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019, school districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection (2) of this section.

(2) School districts must provide the fundamental course of study required in subsection (1) of this section as follows:

(a) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and

(b) For paraeducators hired after September 1st:

(i) For districts with ten thousand or more students, within four months of the date of hire; and

(ii) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(3) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

NEW SECTION. Sec. 99. GENERAL PARAEDUCATOR CERTIFICATE. (1)(a) Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study, as required under section 7 of this act, and an additional ten days of general courses, as defined by the board, on the state paraeducator standards of practice, described in section 6 of this act.

(b) Paraeducators are not required to meet the general paraeducator certificate requirements under this subsection (1) unless amounts are appropriated for the specific purposes of subsection (2) of this section and section 7 of this act.

(2) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general certification requirements of this section within three years of completing the four-day fundamental course of study.

(3) The general paraeducator certificate does not expire.

NEW SECTION. Sec. 100. PARAEDUCATOR SUBJECT MATTER CERTIFICATES. (1) The board shall adopt requirements and policies for paraeducator subject matter certificates in special education and in English language learner that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014.

(2) The rules adopted by the board must include the following requirements:

(a) A subject matter certificate is not a prerequisite for a paraeducator working in any program;

(b) Paraeducators may become eligible for a subject matter certificate by completing twenty hours of professional development in the subject area of the certificate; and

(c) Subject matter certificates expire after five years.

NEW SECTION. Sec. 101. ADVANCED PARAEDUCATOR CERTIFICATE. (1) The board shall adopt requirements and policies for an advanced paraeducator certificate that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014.

(2) The rules adopted by the board must include the following requirements:

(a) An advanced paraeducator certificate is not a prerequisite for a paraeducator working in any program;

(b) Paraeducators may become eligible for an advanced paraeducator certificate by completing seventy-five hours of professional development in topics related to the duties of an advanced paraeducator; and

(c) Advanced paraeducator certificates expire after five years.

NEW SECTION. Sec. 102. PILOTS. (1) By September 1, 2018, and subject to the availability of amounts appropriated for this specific purpose, the board shall distribute grants to a diverse set of school districts that volunteer to pilot the state paraeducator standards of practice, the paraeducator certificates, and the courses described in this chapter.

(2) By September 1, 2019, the volunteer districts must report to the board with the outcomes of the pilot and any recommendations for implementing the paraeducator standards of practice, paraeducator certificates, and courses statewide. The outcomes reported must include:

(a) An analysis of the costs to the district to implement the state standards of practice by making available the required four-day fundamental course of study;

(b) The number of paraeducators who completed the course of study in the state standards of practice;

(c) The number of paraeducators who earned an advanced paraeducator certificate, or a special education or English language learner certificate;

(d) Any cost to the district and the paraeducator to earn a certificate; and

(e) The impact on the size and assignment of the paraeducator workforce as a result of the pilot.

(3) By November 1, 2019, and in compliance with RCW 43.01.036, the board shall submit a report to the appropriate committees of the legislature that summarizes the outcomes of the pilots and recommends any statutory changes necessary to improve the statewide standards of practice, paraeducator certificate requirements, and courses of study necessary to meet these standards and requirements, among other things.

(4) This section expires July 1, 2020.

NEW SECTION. **Sec. 103.** STUDY ON EFFECTIVENESS OF PARAEDUCATORS. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington state. The study must examine variation in the use of paraeducators across public schools and school districts and analyze whether and the extent that any differences in students' academic progress can be attributed to the use of paraeducators. The office of the superintendent of public instruction and the education data center shall provide the data necessary to conduct the analysis. The study must also include a review of the national research literature on the effectiveness of paraeducators in improving student outcomes.

(2) By December 15, 2017, and in compliance with RCW 43.01.036, the institute must submit a final report to the appropriate committees of the legislature.

(3) This section expires July 1, 2020.

NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.300 RCW to read as follows:

TEACHER AND ADMINISTRATOR PROFESSIONAL LEARNING.

(1) The superintendent of public instruction, in consultation with the paraeducator board created in section 3 of this act and the professional educator standards board, shall design a training program for teachers and administrators as it relates to their role working with paraeducators. Teacher training must include how to direct a paraeducator working with students in the paraeducators' classroom. Administrator training must include how to supervise and evaluate paraeducators.

(2) Subject to the availability of amounts appropriated for this specific purpose, the training program designed under subsection (1) of this section must be made available to public schools, school districts, and educational service districts.

NEW SECTION. **Sec. 105.** A new section is added to chapter 28A.410 RCW to read as follows:

TEACHER AND ADMINISTRATOR PREPARATION.

The professional educator standards board, in consultation with the paraeducator board created in section 3 of this act and the office of the superintendent of public instruction, shall incorporate into the content required to complete a professional educator standards board-approved teacher or administrator preparation program the following:

(1) For teachers, information on how to direct a paraeducator working with students in the paraeducators' classroom; and

(2) For administrators, information on how to supervise and evaluate paraeducators.

Sec. 106. RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

CLASSIFIED EMPLOYEE MEANS PARAEDUCATOR.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8), except for paraeducators.

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who is employed as a paraeducator and a person who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of ~~(the)~~ directors of the district that may be used by teachers for instruction-related

activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 107. RCW 28A.410.062 and 2011 1st sp.s. c 23 s 1 are each amended to read as follows:

PARAEDUCATOR CERTIFICATE FEES.

(1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

(2) In addition to the certification fee established under RCW 28A.410.060 for certificated instructional staff as defined in RCW 28A.150.203, the superintendent of public instruction shall charge an application processing fee for initial educator certificates and subsequent actions, and paraeducator certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9) and the paraeducator certificate program under the chapter created in section 21 of this act. Revenue generated through the processing fee shall be deposited in the educator certification processing account.

(3) The educator certification processing account is established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator certificates and subsequent actions and paraeducator certificates and subsequent actions. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 108. RCW 28A.630.400 and 2011 1st sp.s. c 11 s 132 are each amended to read as follows:

PARAEDUCATOR ASSOCIATE OF ARTS.

(1) The professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3)(a) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for

children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(b) Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the training program for a paraeducator associate of arts degree must incorporate the state paraeducator standards of practice adopted by the paraeducator board under section 6 of this act.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

Sec. 109. RCW 28A.660.040 and 2010 c 235 s 504 are each amended to read as follows:

TEACHER ALTERNATIVE ROUTE PROGRAMS FOR PARAEDUCATORS.

Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate has successfully completed the program.

(1) Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with ~~((endorsements in special education, bilingual education, or English as a second language))~~ an endorsement in subject matter shortage areas, as defined by the professional educator standards board. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via videoconference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam.

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(3) Alternative route programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts and approved preparation program providers shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam.

(5) Applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program for which application is made shall be given preference in admission.

Sec. 110. RCW 28A.660.042 and 2007 c 396 s 6 are each amended to read as follows:

PIPELINE FOR PARAEDUCATORS SCHOLARSHIP.

(1) The pipeline for paraeducators conditional scholarship program is created. Participation is limited to paraeducators without a college degree who have at least three years of classroom experience. It is anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college in two years or less and become eligible for ~~((a mathematics, special education, or English as a second language endorsement))~~ an endorsement in a subject matter shortage area, as defined by the professional educator

standards board, via route one in the alternative routes to teacher certification program provided in this chapter.

(2) Entry requirements for candidates include district or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee.

Sec. 111. RCW 28B.50.891 and 2014 c 136 s 4 are each amended to read as follows:

PARAEDUCATOR APPRENTICESHIP AND CERTIFICATE.

Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by the professional educator standards board under RCW 28A.410.270. Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the paraeducator apprenticeship and certificate programs must also incorporate the state paraeducator standards of practice adopted by the paraeducator board under section 6 of this act.

NEW SECTION. **Sec. 112.** Sections 1 through 12 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec. 113.** RCW 28A.415.310 (Paraprofessional training program) and 1993 c 336 s 408 are each repealed."

On page 1, line of the title, after "paraeducators;" strike the remainder of the title and insert "amending RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new chapter to Title 28A RCW; repealing RCW 28A.415.310; and providing expiration dates."

MOTION

Senator Rivers moved that the following floor amendment no. 213 by Senator Rivers be adopted:

On page 4, line 6 of the amendment, after "1," strike "2017" and insert "2018"

Senators Rivers and Rolfes spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 213 by Senator Rivers on page 4, line 6 to Engrossed Substitute House Bill No. 1115.

The motion by Senator Rivers carried and floor amendment no. 213 was adopted by voice vote.

Senators Zeiger and Rolfes spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education as amended to Engrossed Substitute House Bill No. 1115.

The motion by Senator Zeiger carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1115 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Rolfes and Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1115 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1115 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1352, by Representatives Barkis, Chapman, J. Walsh, Shea, Koster, Wilcox, McCabe, Harmsworth, Cody, Tarleton, Kretz, Schmick, Short, Vick, Harris, Manweller, Smith, Stokesbary, MacEwen, Nealey, Condotta, Orcutt, Lytton, Springer, Kirby, Blake, Caldier, Jinkins, Taylor, Pike, Hayes, Muri, Holy, Haler, Steele, Kilduff and Tharinger

Concerning licensing and regulatory requirements of small business owners.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Wilson and Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1352.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1352 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias,

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1477, by House Committee on Health Care & Wellness (originally sponsored by Representatives Kilduff, Muri, Lytton, Stambaugh, Orwall, McDonald, Robinson, Lovick, Goodman, Sells, Appleton and Fey)

Concerning disclosure of health-related information with persons with a close relationship with a patient.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 114. A new section is added to chapter 70.02 RCW to read as follows:

(1)(a) A health care provider or health care facility may use or disclose the health care information of a patient without obtaining an authorization from the patient or the patient's personal representative if the conditions in (b) of this subsection are met and:

(i) The disclosure is to a family member, including a patient's state registered domestic partner, other relative, a close personal friend, or other person identified by the patient, and the health care information is directly relevant to the person's involvement with the patient's health care or payment related to the patient's health care; or

(ii) The use or disclosure is for the purpose of notifying, or assisting in the notification of, including identifying or locating, a family member, a personal representative of the patient, or another person responsible for the care of the patient of the patient's location, general condition, or death.

(b) A health care provider or health care facility may make the uses and disclosures described in (a) of this subsection if:

(i) The patient is not present or obtaining the patient's authorization or providing the opportunity to agree or object to the use or disclosure is not practicable due to the patient's incapacity or an emergency circumstance, the health care provider or health care facility may in the exercise of professional judgment, determine whether the use or disclosure is in the best interests of the patient; or

(ii) The patient is present for, or otherwise available prior to, the use or disclosure and has the capacity to make health care decisions, the health care provider or health care facility may use or disclose the information if it:

(A) Obtains the patient's agreement;

(B) Provides the patient with the opportunity to object to the use or disclosure, and the patient does not express an objection; or

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(C) Reasonably infers from the circumstances, based on the exercise of professional judgment, that the patient does not object to the use or disclosure.

(2) With respect to information and records related to mental health services provided to a patient by a health care provider, the health care information disclosed under this section may include, to the extent consistent with the health care provider's professional judgment and standards of ethical conduct:

(a) The patient's diagnoses and the treatment recommendations;

(b) Issues concerning the safety of the patient, including risk factors for suicide, steps that can be taken to make the patient's home safer, and a safety plan to monitor and support the patient;

(c) Information about resources that are available in the community to help the patient, such as case management and support groups; and

(d) The process to ensure that the patient safely transitions to a higher or lower level of care, including an interim safety plan.

(3) Any use or disclosure of health care information under this section must be limited to the minimum necessary to accomplish the purpose of the use or disclosure.

(4) A health care provider or health care facility is not subject to any civil liability for making or not making a use or disclosure in accordance with this section.

Sec. 115. RCW 70.02.050 and 2014 c 220 s 6 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases which are addressed in RCW 70.02.220, about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any person if the health care provider or health care facility ~~((reasonably))~~ believes, in good faith, that use or disclosure ((will avoid or minimize an imminent danger)) is necessary to prevent or lessen a serious and imminent threat to the health or safety of ((the patient or any other individual, however)) a person or the public, and the information is disclosed only to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat. There is no obligation under this chapter on the part of the provider or facility to so disclose ~~((The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies is not subject to disclosure unless disclosure is permitted in RCW 70.02.230))~~; or

(d) For payment, including information necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(2) A health care provider shall disclose health care information, except for information and records related to sexually transmitted diseases, unless otherwise authorized in RCW 70.02.220, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW; or

(b) When needed to protect the public health.

Sec. 116. RCW 70.02.200 and 2015 c 267 s 7 are each amended to read as follows:

(1) In addition to the disclosures authorized by RCW 70.02.050 and 70.02.210, a health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases and information related to mental health services which are addressed by RCW 70.02.220 through 70.02.260, about a patient without the patient's authorization, to:

(a) Any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(b) ~~((Immediate family members of the patient, including a patient's state registered domestic partner, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure.))~~ Persons under section 1 of this act if the conditions in section 1 of this act are met;

(c) A health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(d) A person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(e) Provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(f) Fire, police, sheriff, or other public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(g) Federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the

premises of the health care provider, health care facility, or third-party payor;

(h) Another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(17) (a) and (b);

(i) An official of a penal or other custodial institution in which the patient is detained; and

(j) Any law enforcement officer, corrections officer, or guard supplied by a law enforcement or corrections agency who is accompanying a patient pursuant to RCW 10.110.020, only to the extent the disclosure is incidental to the fulfillment of the role of the law enforcement officer, corrections officer, or guard under RCW 10.110.020.

(2) In addition to the disclosures required by RCW 70.02.050 and 70.02.210, a health care provider shall disclose health care information, except for information related to sexually transmitted diseases and information related to mental health services which are addressed by RCW 70.02.220 through 70.02.260, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(b) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

- (i) The name of the patient;
 - (ii) The patient's residence;
 - (iii) The patient's sex;
 - (iv) The patient's age;
 - (v) The patient's condition;
 - (vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;
 - (vii) Whether the patient was conscious when admitted;
 - (viii) The name of the health care provider making the determination in (b)(v), (vi), and (vii) of this subsection;
 - (ix) Whether the patient has been transferred to another facility; and
 - (x) The patient's discharge time and date;
- (c) Pursuant to compulsory process in accordance with RCW 70.02.060.

Sec. 117. RCW 70.02.220 and 2013 c 200 s 6 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

(2) No person may disclose or be compelled to disclose information and records related to sexually transmitted diseases, except as authorized by this section, RCW 70.02.210, section 1 of this act, or chapter 70.24 RCW. A person may disclose information related to sexually transmitted diseases about a

patient without the patient's authorization, to the extent a recipient needs to know the information, if the disclosure is to:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor fourteen years of age or over and otherwise competent;

(b) The state public health officer as defined in RCW 70.24.017, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(c) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that was provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(d) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, so long as the record was obtained by means of court-ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(e) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure must: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services;

(f) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(g) A law enforcement officer, firefighter, health care provider, health care facility staff person, department of correction's staff person, jail staff person, or other persons as defined by the board of health in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test;

(h) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection must be confidential and may not be released or available to persons who are not involved in handling or determining medical claims payment; and

(i) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a

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licensed child placing agency. This information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(d) of this section, is governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by department of corrections health care providers and local public health officers to the department of corrections health care administrator or infection control coordinator of the facility in which the offender is housed. The information made available to the health care administrator or the infection control coordinator under this subsection (4)(a) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of corrections' jurisdiction according to the provisions of (d) and (e) of this subsection.

(b) The sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the local public health officer to a jail health care administrator or infection control coordinator. The information made available to a health care administrator under this subsection (4)(b) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving facilities according to the provisions of (d) and (e) of this subsection.

(c) Information regarding the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional health care administrator or infection control coordinator or local jail health care administrator or infection control coordinator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of a jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370, must be immediately disclosed to the staff person in accordance with the Washington Administrative Code rules governing employees' occupational exposure to blood-borne pathogens. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing and treatment. Disclosure must also include notice that subsequent disclosure of the information in violation of this chapter or use of the information to harass or discriminate against the offender or detainee may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080, and imposition of other penalties prescribed by law.

(e) The staff member must also be informed whether the offender or detained person had any other communicable disease, as defined in RCW 72.09.251(3), when the staff person was substantially exposed to the offender's or detainee's bodily fluids.

(f) The test results of voluntary and anonymous HIV testing or HIV-related condition, as defined in RCW 70.24.017, may not be disclosed to a staff person except as provided in this section and RCW 70.02.050(1)((~~e~~)) (d) and 70.24.340(4). A health care administrator or infection control coordinator may provide the staff member with information about how to obtain the offender's or detainee's test results under this section and RCW 70.02.050(1)((~~e~~)) (d) and 70.24.340(4).

(5) The requirements of this section do not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor do they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(6) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW must be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. The disclosure must be accompanied by appropriate counseling, including information regarding follow-up testing.

(7) A person, including a health care facility or health care provider, shall disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease and information and records related to sexually transmitted diseases to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal certification or registration rules or laws; or when needed to protect the public health. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW.

Sec. 118. RCW 70.02.230 and 2014 c 225 s 71 and 2014 c 220 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, ((70.96A.150,)) 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated mental health professional;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs

and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the

threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(ii)~~) (iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(ii)~~) (iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without

written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary;

(aa) To any person if the conditions in section 1 of this act are met.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(~~((3))~~) (4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(~~((3))~~) (4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
 - (ii) Three times the amount of actual damages sustained, if any.
- (b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.
- (c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 119. RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

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(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed

under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the

facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary;

(aa) To any person if the conditions in section 1 of this act are met.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

NEW SECTION. **Sec. 120.** Section 6 of this act takes effect April 1, 2018.

NEW SECTION. **Sec. 121.** Section 5 of this act expires April 1, 2018."

On page 1, line 2 of the title, after "patient;" strike the remainder of the title and insert "amending RCW 70.02.050, 70.02.200, 70.02.220, and 70.02.230; reenacting and amending RCW 70.02.230; adding a new section to chapter 70.02 RCW; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Mental Health & Housing to Substitute House Bill No. 1477.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1477 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1477 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1477 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

SUBSTITUTE HOUSE BILL NO. 1477, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2064, by Representatives Shea, Blake, Taylor, Condotta, Buys, Kloba and Ormsby

Removing industrial hemp from the scope of the uniform controlled substances act.

The measure was read the second time.

MOTION

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On motion of Senator Padden, the rules were suspended, House Bill No. 2064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Pedersen and Hasegawa spoke in favor of passage of the bill.

Senator Warnick spoke on the passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2064.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2064 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, by House Committee on Appropriations (originally sponsored by Representatives Blake and Wilcox)

Creating a community-based approach to provide assistance with nonlethal management methods to reduce livestock depredations by wolves.

The measure was read the second time.

MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 122. The legislature finds that there is a need to provide resources to help livestock producers adapt their operations in light of the recovery of wolves on the landscape and a desire by many to increase use of nonlethal deterrence measures to reduce the probability of livestock depredations by wolves. The application of resources in support of these goals must respect livestock producers' values of independence, privacy, and local decision making. The legislature further recognizes that the recent recolonization of wolves places a relatively large time and monetary burden on livestock producers, and that livestock producers have unique and valuable knowledge, occupy an important place in their local communities and the state's social fabric, and are critical partners in creating sound natural resource policies.

NEW SECTION. Sec. 123. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture.

(2) "Director" means the director of the department of agriculture.

(3) "Northeast Washington" means Okanogan, Ferry, Stevens, and Pend Oreille counties.

NEW SECTION. Sec. 124. (1) The northeast Washington wolf-livestock management grant is created within the department. Funds from the grant program must be used only for the deployment of nonlethal deterrence resources in any Washington county east of the crest of the Cascade mountain range that shares a border with Canada, including human presence, and locally owned and deliberately located equipment and tools.

(2)(a) A four-member advisory board is established to advise the department on the expenditure of the northeast Washington wolf-livestock management grant funds. Advisory board members must be knowledgeable about wolf depredation issues, and have a special interest in the use of nonlethal wolf management techniques. Board members are unpaid, are not state employees, and are not eligible for reimbursement for subsistence, lodging, or travel expenses incurred in the performance of their duties as board members. The director must appoint each member to the board for a term of two years. Board members may be reappointed for subsequent two-year terms. The following board members must be appointed by the director in consultation with each applicable conservation district and the legislators in the legislative district encompassing each county:

- (i) One Ferry county conservation district board member;
- (ii) One Stevens county conservation district board member;
- (iii) One Pend Oreille conservation district board member; and
- (iv) One Okanogan conservation district board member.

(b) If no board member qualifies under this section, the director must appoint a resident of the applicable county to serve on the board.

(c) Board members may not:

- (i) Directly benefit, in whole or in part, from any contract entered into or grant awarded under this section; or
- (ii) Directly accept any compensation, gratuity, or reward in connection with such a contract from any other person with a beneficial interest in the contract.

(3) The board must help direct funding for the deployment of nonlethal deterrence resources, including human presence, and locally owned and deliberately located equipment and tools. Funds may only be distributed to nonprofit community-based collaborative organizations that have advisory boards that include personnel from relevant agencies including, but not limited to, the United States forest service and the Washington department of fish and wildlife, or to individuals that are willing to receive technical assistance from the same agencies.

NEW SECTION. Sec. 125. (1) The northeast Washington wolf-livestock management account is created as a nonappropriated account in the custody of the state treasurer. All receipts, any legislative appropriations, private donations, or any other private or public source directed to the northeast Washington wolf-livestock management grant must be deposited into the account. Expenditures from the account may be used only for the deployment of nonlethal wolf deterrence resources as described in section 3 of this act. Only the director may authorize expenditures from the account in consultation with the advisory board created in section 3 of this act. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Interest earned by deposits in the account must be retained in the account.

(2) The advisory board created in section 3 of this act may solicit and receive gifts and grants from public and private sources for the purposes of section 3 of this act.

Sec. 126. RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 127. Sections 1 through 4 of this act constitute a new chapter in Title 16 RCW."

On page 1, line 3 of the title, after "wolves;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 16 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Engrossed Substitute House Bill No. 2126.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 2126 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2126 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2126 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SUBSTITUTE HOUSE BILL NO. 2037, by House Committee on Higher Education (originally sponsored by Representatives Frame, Haler, Ryu, Pollet, Stambaugh, Kagi, Kilduff, Tarleton, Fitzgibbon, Jinkins, Bergquist and McDonald)

MOTION

On motion of Senator Fain, further consideration of House Bill No. 1709 was deferred and the bill held its place on the second reading calendar.

Reauthorizing the work group concerned with removing obstacles for higher education students with disabilities.

SECOND READING

The measure was read the second time.

SUBSTITUTE HOUSE BILL NO. 1462, by House Committee on Commerce & Gaming (originally sponsored by Representatives Kloba, Condotta, Sawyer, Appleton and Ormsby)

MOTION

On motion of Senator Wilson, the rules were suspended, Substitute House Bill No. 2037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Adding authority to the department of agriculture to regulate sanitary processing of marijuana-infused edibles.

Senator Wilson spoke in favor of passage of the bill.

The measure was read the second time.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2037.

MOTION

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2037 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On motion of Senator Warnick, the rules were suspended, Substitute House Bill No. 1462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Senators Warnick and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1462.

ROLL CALL

SUBSTITUTE HOUSE BILL NO. 2037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Secretary called the roll on the final passage of Substitute House Bill No. 1462 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

HOUSE BILL NO. 1018,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1071,
SECOND SUBSTITUTE HOUSE BILL NO. 1120,
SUBSTITUTE HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1626,
HOUSE BILL NO. 1794,
HOUSE BILL NO. 2052.

SUBSTITUTE HOUSE BILL NO. 1462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed action on House Bill No. 1709 which had been deferred earlier in the day.

SECOND READING

SECOND READING

HOUSE BILL NO. 1709, by Representatives Chandler, Ormsby and Stanford

HOUSE BILL NO. 1709, by Representatives Chandler, Ormsby and Stanford

Authorizing the transfer of public employees' retirement system service credit to the public safety employees' retirement system due to differing definitions of full-time.

Authorizing the transfer of public employees' retirement system service credit to the public safety employees' retirement system due to differing definitions of full-time.

MOTION

The measure was read the second time.

On motion of Senator Braun, the rules were suspended, House Bill No. 1709 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Ranker and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1709.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1709 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1091, by Representatives Appleton, Ormsby, Stanford, McDonald, Dolan, Doglio, Gregerson, Kilduff, Santos, Tarleton, Pollet and Peterson

Authorizing tribal court judges to solemnize marriages.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 128.** RCW 26.04.050 and 2012 c 3 s 4 are each amended to read as follows:

The following named officers and persons, active or retired, are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, supreme court commissioners, court of appeals commissioners, superior court commissioners, judges of courts of limited jurisdiction as defined in RCW 3.02.010, judges of tribal courts from a federally recognized tribe, and any regularly licensed or ordained minister or any priest, imam, rabbi, or similar official of any religious organization(~~(, and judges of courts of limited jurisdiction as defined in RCW 3.02.010)).~~ The solemnization of a marriage by a tribal court judge pursuant to authority under this section does not create tribal court jurisdiction and does not affect state court authority as otherwise provided by law to enter a judgment for purposes of any dissolution, legal separation, or other proceedings related to the marriage that is binding on the parties and entitled to full faith and credit."

On page 1, line 1 of the title, after "marriages;" strike the remainder of the title and insert "and amending RCW 26.04.050."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1091.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1091 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1091 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1091 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1091, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1273, by House Committee on Transportation (originally sponsored by Representatives Ryu, Farrell, Fey and Ortiz-Self)

Concerning the alignment of state statutes with federal standards for the issuance of nondomiciled commercial drivers' licenses and nondomiciled commercial learners' permits.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 129.** RCW 46.25.010 and 2013 c 224 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

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(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued to an individual under chapter 46.20 RCW that has been endorsed in accordance with the requirements of this chapter to authorize the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to 49 U.S.C. Sec. 31309 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial learner's permit" (CLP) means a permit issued under RCW 46.25.052 for the purposes of behind-the-wheel training.

(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of ~~((a))~~ any towed unit ~~((or units))~~ or units with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds or more), whichever is greater; or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials as defined in this section; or

(e) Is a school bus regardless of weight or size.

(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, entry into a deferred prosecution program under chapter 10.05 RCW, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R. Sec. 40.3.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units. If the GVWR of any unit cannot be determined, the actual gross weight will be used. If a

vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or less) has been structurally modified to carry a heavier load, then the actual gross weight capacity of the modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will be used as the GVWR.

(13) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American uniform out-of-service criteria.

(16) "Positive alcohol confirmation test" means an alcohol confirmation test that:

(a) Has been conducted by a breath alcohol technician under 49 C.F.R. Part 40; and

(b) Indicates an alcohol concentration of 0.04 or more.

A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R. Part 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.

(17) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(18) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) Driving while using a handheld wireless communications device handheld mobile telephone.doc, defined as a violation of RCW 46.61.667(1)(b) or an equivalent administrative rule or local law, ordinance, rule, or resolution;

(d) Texting, defined as a violation of RCW 46.61.668(1)(b) or an equivalent administrative rule or local law, ordinance, rule, or resolution;

(e) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

(f) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(g) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic violation";

(h) Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and

(i) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(19) "State" means a state of the United States and the District of Columbia.

(20) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. Sec. 40.281.

(21) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

(22) "Type of driving" means one of the following:

(a) "Nonexcepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(b) "Excepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, from all or parts of the qualification requirements of 49 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is therefore not required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(c) "Nonexcepted intrastate," which means the CDL or CLP holder or applicant operates only in intrastate commerce and is therefore subject to state driver qualification requirements; or

(d) "Excepted intrastate," which means the CDL or CLP holder or applicant operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.

(23) "United States" means the fifty states and the District of Columbia.

(24) "Verified positive drug test" means a drug test result or validity testing result from a laboratory certified under the authority of the federal department of health and human services that:

(a) Indicates a drug concentration at or above the cutoff concentration established under 49 C.F.R. Sec. 40.87; and

(b) Has undergone review and final determination by a medical review officer.

A report that a person has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. Part 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this chapter.

(25)(a) "Nondomiciled CLP or CDL" means a permit or license, respectively, issued under section 3 of this act to a person who meets one of the following criteria:

(i) Is domiciled in a foreign country as provided in 49 C.F.R. Sec. 383.23(b)(1) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(ii) Is domiciled in another state as provided in 49 C.F.R. Sec. 383.23(b)(2) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(b) The definition in this subsection (25) applies exclusively to the use of the term in this chapter and is not to be applied in any other chapter of the Revised Code of Washington.

Sec. 130. RCW 46.25.070 and 2013 c 224 s 7 are each amended to read as follows:

(1) The application for a commercial driver's license or commercial learner's permit must include the following:

(a) The full name and current mailing and residential address of the person;

(b) A physical description of the person, including sex, height, weight, and eye color;

(c) Date of birth;

(d) Except in the case of an applicant for a nondomiciled CLP or CDL who is domiciled in a foreign country and who has not been issued a social security number, the applicant's social security number;

(e) The person's signature;

(f) Certifications including those required by 49 C.F.R. Sec. 383.71;

(g) The names of all states where the applicant has previously been licensed to drive any type of motor vehicle during the previous ten years;

(h) Any other information required by the department; and

(i) A consent to release driving record information to parties identified in chapter 46.52 RCW and this chapter.

(2) An applicant for a commercial driver's license or commercial learner's permit, and every licensee seeking to renew his or her license, must meet the requirements of 49 C.F.R. Sec. 383.71 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(3) An applicant for a hazardous materials endorsement must submit an application and comply with federal transportation security administration requirements as specified in 49 C.F.R. Part 1572.

(4) When a licensee changes his or her name, mailing address, or residence address, the person shall notify the department as provided in RCW 46.20.205.

(5) No person who has been a resident of this state for thirty days may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

NEW SECTION. **Sec. 131.** A new section is added to chapter 46.25 RCW to read as follows:

(1) The department may issue a nondomiciled CLP or CDL to a person who meets one of the following criteria:

(a) Is domiciled in a foreign country as provided in 49 C.F.R. Sec. 383.23(b)(1) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(b) Is domiciled in another state as provided in 49 C.F.R. Sec. 383.23(b)(2) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(2) A person applying for a nondomiciled CLP or CDL must:

(a) Surrender any nonresident or nondomiciled CLP or CDL issued by another state;

(b) Be in possession of a valid driver's license issued by this state or by his or her jurisdiction of domicile;

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(c) Meet the requirements of 49 C.F.R. Sec. 383.71(f) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; and

(d) Be otherwise eligible and meet the applicable requirements for the issuance of a CLP or CDL under this chapter, including the payment of all appropriate fees.

(3) Before issuing a nondomiciled CLP or CDL, the department must establish the practical capability of disqualifying the person under the conditions applicable to a CLP or CDL issued to a resident of this state.

(4) A nondomiciled CLP or CDL issued under this section:

(a) Must be marked "non-domiciled" on the face of the document;

(b) Must include the information, be issued with the appropriate classifications, endorsements, and restrictions, and, except as may be limited under subsection (5) of this section, expire and be subject to renewal in the same manner as required for a CLP or CDL issued under this chapter;

(c) Permits operation of a commercial motor vehicle to the same extent as a CLP or CDL issued under this section; and

(d) Is valid only when accompanied by a valid driver's license issued by this state or by the person's jurisdiction of domicile.

(5) A nondomiciled CLP or CDL issued to an individual who has temporary lawful status or valid employment authorization in the United States:

(a) Is valid only when accompanied by an unexpired employment authorization document issued by the United States citizenship and immigration services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States;

(b) Must expire no later than the first anniversary of the individual's birthdate that occurs after the expiration of the individual's employment authorization document or authorized stay in the United States, or if there is no expiration date for the employment authorization or authorized stay, one year from the first anniversary of the individual's birthdate that occurs after issuance; and

(c) May be renewed if the individual presents valid documentary evidence that the employment authorization document or temporary lawful status in the United States is still in effect or has been extended.

(6) A person who has been issued a nondomiciled CLP or CDL:

(a) Is subject to all applicable requirements for and disqualifications from operating a commercial motor vehicle as provided under this chapter and is subject to the withdrawal of driving privileges as provided by this title; and

(b) Must notify the department of the issuance of any disqualifications or license suspensions or revocations, whether in the United States or in the person's jurisdiction of domicile.

Sec. 132. RCW 46.25.--- and 2017 c ... s 3 (section 3 of this act) are each amended to read as follows:

(1) The department may issue a nondomiciled CLP or CDL to a person who meets one of the following criteria:

(a) Is domiciled in a foreign country as provided in 49 C.F.R. Sec. 383.23(b)(1) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; or

(b) Is domiciled in another state as provided in 49 C.F.R. Sec. 383.23(b)(2) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(2) A person applying for a nondomiciled CLP or CDL must:

(a) Surrender any nonresident or nondomiciled CLP or CDL issued by another state;

(b) Be in possession of a valid driver's license issued by this state or by his or her jurisdiction of domicile;

(c) Meet the requirements of 49 C.F.R. Sec. 383.71(f) as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section; and

(d) Be otherwise eligible and meet the applicable requirements for the issuance of a CLP or CDL under this chapter, including the payment of all appropriate fees.

(3) Before issuing a nondomiciled CLP or CDL, the department must establish the practical capability of disqualifying the person under the conditions applicable to a CLP or CDL issued to a resident of this state.

(4) A nondomiciled CLP or CDL issued under this section:

(a) Must be marked "non-domiciled" on the face of the document;

(b) Must include the information, be issued with the appropriate classifications, endorsements, and restrictions, and, except as may be limited under subsection (5) of this section, expire and be subject to renewal in the same manner as required for a CLP or CDL issued under this chapter;

(c) Permits operation of a commercial motor vehicle to the same extent as a CLP or CDL issued under this section; and

(d) Is valid only when accompanied by a valid driver's license issued by this state or by the person's jurisdiction of domicile.

(5) A nondomiciled CLP or CDL issued to an individual who has temporary lawful status or valid employment authorization in the United States:

(a) Is valid only when accompanied by an unexpired employment authorization document issued by the United States citizenship and immigration services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States;

(b) Must expire no later than the ~~((first anniversary of the individual's birthdate that occurs after the))~~ expiration of the individual's employment authorization document or authorized stay in the United States, or if there is no expiration date for the employment authorization or authorized stay, one year from the ~~((first anniversary of the individual's birthdate that occurs after))~~ date of issuance; and

(c) May be renewed if the individual presents valid documentary evidence that the employment authorization document or temporary lawful status in the United States is still in effect or has been extended.

(6) A person who has been issued a nondomiciled CLP or CDL:

(a) Is subject to all applicable requirements for and disqualifications from operating a commercial motor vehicle as provided under this chapter and is subject to the withdrawal of driving privileges as provided by this title; and

(b) Must notify the department of the issuance of any disqualifications or license suspensions or revocations, whether in the United States or in the person's jurisdiction of domicile.

NEW SECTION. Sec. 133. Except for section 4 of this act, this act takes effect October 1, 2017.

NEW SECTION. Sec. 134. Section 4 of this act takes effect June 1, 2018."

On page 1, line 3 of the title, after "permits;" strike the remainder of the title and insert "amending RCW 46.25.010, 46.25.070, and 46.25.---; adding a new section to chapter 46.25 RCW; and providing effective dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1273.

The motion by Senator King carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1273 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1273 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1273 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Ericksen, Hasegawa, Padden, Pearson and Short

SUBSTITUTE HOUSE BILL NO. 1273, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1521, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Dolan, Doglio, Ormsby, Appleton, Bergquist and Pollet)

Removing the requirement that an employee must work at least six months before taking vacation leave. Revised for 1st Substitute: Addressing vacation leave.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Substitute House Bill No. 1521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1521.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1521 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Padden, Short and Wilson

SUBSTITUTE HOUSE BILL NO. 1521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5133,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5293,
SENATE BILL NO. 5331,
SECOND SUBSTITUTE SENATE BILL NO. 5347,
SUBSTITUTE SENATE BILL NO. 5366,
SUBSTITUTE SENATE BILL NO. 5537,
SENATE BILL NO. 5736,

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1526, by House Committee on Finance (originally sponsored by Representatives Griffey, Kilduff, MacEwen, Muri, Dent, Hayes, Haler, Smith and Pollet)

Exempting multipurpose senior citizen centers from property taxation.

The measure was read the second time.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute House Bill No. 1526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1526.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1526 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

NINETY FOURTH DAY, APRIL 12, 2017

2017 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 1526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1507, by Representatives Holy and Hudgins

Enhancing election reconciliation reports.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed House Bill No. 1507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1507.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1507 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 1507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1200, by House Committee on Public Safety (originally sponsored by Representatives McCabe, Goodman, Klippert, Orwall, Hayes, Johnson, Griffey, Caldier, Dye, Sells, McDonald, Kilduff and Smith)

Concerning the crime of voyeurism.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.115 and 2003 c 213 s 1 are each amended to read as follows:

(1) As used in this section:

(a) "Intimate areas" means any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view;

(b) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording or transmission of the image of a person;

(c) "Place where he or she would have a reasonable expectation of privacy" means:

(i) A place where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed or filmed by another; or

(ii) A place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance;

(d) "Surveillance" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person;

(e) "Views" means the intentional looking upon of another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or with a device designed or intended to improve visual acuity.

(2)(a) A person commits the crime of voyeurism in the first degree if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

~~((a))~~ (i) Another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or

~~((b))~~ (ii) The intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

~~((3))~~ (b) Voyeurism in the first degree is a class C felony.

(3)(a) A person commits the crime of voyeurism in the second degree if he or she intentionally photographs or films another person for the purpose of photographing or filming the intimate areas of that person with the intent to distribute or disseminate the photograph or film, without that person's knowledge and consent, and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

(b) Voyeurism in the second degree is a gross misdemeanor.

(c) Voyeurism in the second degree is not a sex offense for the purposes of sentencing or sex offender registration requirements under this chapter.

(4) This section does not apply to viewing, photographing, or filming by personnel of the department of corrections or of a local jail or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the department of corrections or the local jail or correctional facility.

(5) If a person is convicted of a violation of this section, the court may order the destruction of any photograph, motion picture film, digital image, videotape, or any other recording of an image that was made by the person in violation of this section.

Sec. 2. RCW 13.40.070 and 2013 c 179 s 3 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Except as provided in RCW 13.40.213 and subsection (7) of this section, where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.411(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(2)(a)(~~iii~~) (iv); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has three or more diversion agreements on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) Either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case; or

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the

current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 3. RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and 2016 c 6 s 1 are each reenacted and amended to read as follows:

| TABLE 2 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL | |
|---|--|
| XVI | Aggravated Murder 1 (RCW 10.95.020) |
| XV | Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030) |
| XIV | Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1)) |
| XIII | Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1)) |
| XII | Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(3)) |
| XI | Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520) |
| X | Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115) |
| IX | Abandonment of Dependent Person 1 (RCW 9A.42.060) |

- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run—Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sale, install, ~~((or))~~ or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9A.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sale, install, ~~((or))~~ or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
- Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
- Vehicle Prowl 1 (RCW 9A.52.095)
- Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "voyeurism;" strike the remainder of the title and insert "amending RCW 9A.44.115 and 13.40.070; reenacting and amending RCW 9.94A.515; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1200.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1200 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1200 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1200 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1200, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:37 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

AFTERNOON SESSION

The Senate was called to order at 2:20 p.m. by President Habib.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1358, by House Committee on Appropriations (originally sponsored by Representatives Griffey and Cody)

Concerning reimbursement for services provided pursuant to community assistance referral and education services programs.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 135. A new section is added to chapter 74.09 RCW to read as follows:

The authority shall adopt standards for the reimbursement of health care services provided to eligible clients by fire departments pursuant to a community assistance referral and education services program under RCW 35.21.930. The standards must allow payment for covered health care services provided to individuals whose medical needs do not require ambulance transport to an emergency department.

Sec. 136. RCW 35.21.930 and 2015 c 93 s 1 are each amended to read as follows:

(1) Any fire department may develop a community assistance referral and education services program to provide community outreach and assistance to residents of its jurisdiction in order to improve population health and advance injury and illness prevention within its community. The program should identify members of the community who use the 911 system or emergency department for low acuity assistance calls (calls that are nonemergency or nonurgent) and connect them to their primary care providers, other health care professionals, low-cost medication programs, and other social services. The program may partner with hospitals to reduce readmissions. The program may also provide nonemergency contact information in order to provide an alternative resource to the 911 system. The program may hire or contract with health care professionals as needed to provide these services, including emergency medical technicians certified under chapter 18.73 RCW and advanced emergency medical technicians and paramedics certified under chapter 18.71 RCW. The services provided by emergency medical technicians, advanced emergency medical technicians, and paramedics must be under the responsible supervision and direction of an approved medical program director. Nothing in this section authorizes an emergency medical technician, advanced emergency medical technician, or paramedic to perform medical procedures they are not trained and certified to perform.

(2) ~~((A participating fire department may seek grant opportunities and private gifts))~~ In order to support its community assistance referral and education services program, a participating fire department may seek grant opportunities and private gifts, and, by resolution or ordinance, establish and collect reasonable charges for these services.

(3) In developing a community assistance referral and education services program, a fire department may consult with the health workforce council to identify health care professionals capable of working in a nontraditional setting and providing assistance, referral, and education services.

(4) Community assistance referral and education services programs implemented under this section must, at least annually, measure any reduction of repeated use of the 911 emergency system and any reduction in avoidable emergency room trips attributable to implementation of the program. Results of findings under this subsection must be reportable to the legislature or other local governments upon request. Findings should include estimated amounts of Medicaid dollars that would have been spent on emergency room visits had the program not been in existence.

(5) For purposes of this section, "fire department" includes city and town fire departments, fire protection districts organized under Title 52 RCW, regional fire protection service authorities organized under chapter 52.26 RCW, providers of emergency

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medical services ~~((that))~~ eligible to levy a tax under RCW 84.52.069, and federally recognized Indian tribes.

NEW SECTION. Sec. 137. A new section is added to chapter 43.70 RCW to read as follows:

The department of health must review the professional certification and training of health professionals participating in a community assistance referral and education program, review the certification and training requirements in other states with similar programs, and coordinate with the health care authority to link the certification requirements with the covered health care services recommended for payment in section 1 of this act. The department shall submit recommendations to the appropriate committees of the legislature for any changes and suggestions for implementation within six months of the development of the payment standards.

NEW SECTION. Sec. 138. (1) The joint legislative audit and review committee shall conduct a cost-effectiveness review, in consultation with the health care authority, of the standards for reimbursement established in section 1 of this act. The review must evaluate the amount paid on behalf of eligible clients under chapter 74.09 RCW by the health care authority to fire departments for health care services that did not require an ambulance transport and the amount that would have been paid had the services been provided in a different care setting.

(2) The cost-effectiveness review must consider the savings realized by medical assistance programs under chapter 74.09 RCW as a result of fire departments providing health care services and make any recommendations for improving the cost-effectiveness of the standards for reimbursement and reducing the potential for excessive billing or billing for unnecessary services. If the review finds that the standards of reimbursement have not resulted in savings to the state's medical assistance programs, the joint legislative audit and review committee shall recommend the repeal of section 1 of this act.

(3) The joint legislative audit and review committee shall submit the cost-effectiveness review, including its findings and recommendations, to the fiscal committees and health policy committees of the legislature by December 1, 2021.

NEW SECTION. Sec. 139. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 35.21.930; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.70 RCW; and creating new sections."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1358.

The motion by Senator Rivers carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Second Substitute House Bill No. 1358 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1358 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1358 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1358, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1802, by House Committee on Appropriations (originally sponsored by Representatives Reeves, Springer, Kilduff, Farrell, Appleton, Stonier, Stanford, Kloba, Frame, Ryu, Tharinger, Pellicciotti, Macri, Chapman, Fitzgibbon, Jinkins, Orwall, Doglio, Lovick, Riccelli, Peterson, Gregerson, Blake, Ortiz-Self, Ormsby, Bergquist, Fey and Pollet)

Increasing the access of veterans, military service members, and military spouses to shared leave in state employment.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed Second Substitute House Bill No. 1802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1802.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1802 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1495, by House Committee on Finance (originally sponsored by Representatives Fey, Muri, Sawyer, Sells, Jinkins and Doglio)

Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 140. The legislature finds that the cost of developing high-quality, commercial office space is prohibitive in cities located outside of a major metropolitan area. The legislature finds these cities have designated urban centers and plan to locate high-quality, commercial office space within those urban centers. The legislature also finds that solely planning for commercial office space within urban centers is inadequate and an incentive should be created to stimulate the development of new commercial office space in urban centers. The legislature intends to provide these cities with local options to incentivize the development of commercial office space in urban centers with access to transit, transportation systems, and other amenities.

NEW SECTION. Sec. 141. (1) A governing authority of a city may adopt a local sales and use tax exemption program to incentivize the development of commercial office space in urban centers with access to transit, transportation systems, and other amenities.

(2) A governing authority of a city may adopt a local property tax exemption program to incentivize the development of commercial office space in urban centers with access to transit, transportation systems, and other amenities.

NEW SECTION. Sec. 142. In order to use the sales and use tax exemption authorized in section 2 of this act, a city must:

(1) Obtain written agreement for the use of the local sales and use tax exemption from any taxing authority that imposes a sales or use tax under chapter 82.14 RCW. The agreement must be authorized by the governing body of such participating taxing authorities. If a taxing authority does not provide written agreement, the sales and use tax for that taxing authority shall not be exempted. Other taxing authorities may proceed forward with exempting portions of the local sales and use tax where written agreement is provided;

(2) Hold a public hearing on the proposed use of the exemption.

(a) Notice of the hearing must be published in a legal newspaper of general circulation at least ten days before the public hearing and posted in at least six conspicuous public places located within one mile of the proposed location of a qualifying project.

(b) Notices must describe the qualifying project and estimate the amount of sales and use tax revenue exempted under this section.

(c) The public hearing may be held by the city legislative authority;

(3)(a) Establish criteria for a qualifying project exempted under section 6 of this act. Criteria must include:

(i) The estimated number of new family living wage jobs for location within the qualifying project; and

(ii) The physical characteristics, features, and amenities necessary for a qualifying project to be defined as commercial office space.

(b) Criteria may also include height, density, public benefit features, quality of amenities, number and size of proposed development, parking, employment targets, percent occupied, or other adopted requirements indicated necessary by the city; and

(4) Adopt an ordinance announcing the use of the sales and use tax exemption under section 6 of this act. The ordinance must:

(a) Describe the qualifying project, including a physical description of proposed building or buildings, a list of features and amenities, cost of construction, and length that the qualifying project will be under construction;

(b) Estimate the amount of local sales and use tax revenue that will be exempted under section 6 of this act;

(c) Provide the approximate date that the local sales and use tax revenue will be remitted to a taxpayer; and

(d) Certify the criteria under this section by which a qualifying project can later receive certification under section 6(3) of this act confirming that a taxpayer is eligible for the remittance.

NEW SECTION. Sec. 143. (1) In order to use the property tax exemption authorized under section 2 of this act, a city must:

(a) Establish the criteria under which property can qualify for the exemption under section 7 of this act. Criteria:

(i) Must include: (A) An estimated minimum number of new family living wage jobs for location within the qualifying project;

(B) The physical characteristics, features, and amenities necessary for a qualifying project to be defined as commercial office space;

(C) A location in a designated commercial office development targeted area; and

(ii) May also include height, density, public benefit features, quality of amenities, number and size of proposed development, parking, employment targets, percent occupied, or other adopted requirements indicated necessary by the city;

(b) Designate an area as a commercial office development targeted area. The following criteria must be met before an area may be designated as a commercial office development targeted area:

(i) The area must be within an urban center, as determined by the governing authority;

(ii) The area must lack, as determined by the governing authority, sufficient available, desirable, high-quality, and convenient commercial office space to provide jobs in the urban center, if the desirable, attractive, and convenient commercial office space was available;

(iii) The providing of additional commercial office space development opportunities in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter; and

(iv) The use of the incentive in this chapter is not expected to be used for the purpose of relocating a business from outside of the commercial office development targeted area, but within the state, to within the commercial office development targeted area. The incentive may be used for the expansion of a business, including the development of additional offices or satellite facilities.

(2) For the purpose of designating a commercial office development targeted area or areas, the governing authority must adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and must include, at a minimum, findings as to the number of commercial office buildings that will be newly constructed or rehabilitated within the proposed commercial office development targeted areas, estimated construction costs of the new construction or rehabilitation, estimated local taxes generated, and estimated family living wage jobs produced within the targeted area in a period of ten years from the date of the hearing, and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed commercial office development targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a commercial office development targeted area.

(4) Following the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a commercial office development targeted area if it finds, in its sole discretion, that the criteria in subsections (1) and (2) of this section have been met.

(5) After designation of a commercial office development targeted area, the governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under section 10 of this act. The standards and guidelines must establish basic requirements for both new construction and rehabilitation, which must include:

- (a) Application process and procedures;
- (b) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep commercial tenants and that will properly enhance the commercial office development targeted area in which they are to be located; and
- (c) Guidelines regarding individual units that are part of a qualifying project that may meet the requirements of the exemption in chapter 84.--- RCW (the new chapter created in section 21 of this act).

(c) Guidelines regarding individual units that are part of a qualifying project that may meet the requirements of the exemption in chapter 84.--- RCW (the new chapter created in section 21 of this act).

NEW SECTION. Sec. 144. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means a city with a population of greater than thirty-five thousand and located in a county with a population of less than one million five hundred thousand.

(2) "Commercial office development targeted area" means an area within an urban center that has been designated by the governing authority as a commercial office development targeted area in accordance with this chapter.

(3) "Commercial office space" means among the most competitive and highest quality building or buildings in the local market, as determined by a city's governing authority. High quality must be reflected in the finishes, construction, and infrastructure of the project building. The building or buildings must be at least fifty thousand square feet, and at least three stories. The building must be centrally located in a city, provide

close access to public transportation and freeways, be managed professionally, and offer amenities and advanced technology options to tenants.

(4) "County" means a county with a population of less than one million five hundred thousand.

(5) "Family living wage job" means a job with a wage that is sufficient for raising a family. A family living wage job must have an average wage of eighteen dollars an hour or more, working two thousand eighty hours per year, as adjusted annually by the consumer price index. The family living wage may be increased by the local authority based on regional factors and wage conditions.

(6) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(7) "Mixed use" means any building or buildings containing a combination of residential and commercial units, whether title to the entire property is held in single or undivided ownership or title to individual units is held by owners who also, directly or indirectly through an association, own real property in common with the other unit owners.

(8) "Qualifying project" means new construction or rehabilitation of a building or group of buildings intended for use as commercial office space, as defined in this section. Projects may include mixed use buildings, not solely intended to be used as office space, but does not include any portion of a project intended for residential use.

(9) "Rehabilitation" means modifications to an existing building or buildings made to achieve substantial improvements such that the building or buildings can be categorized as commercial office space, as defined in this section.

(10) "Rehabilitation improvements" means modifications to an existing building or buildings made to achieve substantial improvements in quality, features, or amenities, such that the building or buildings can be categorized as commercial office space, as defined in this section.

(11) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(12) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

- (a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, and governmental agencies;
- (b) Adequate public facilities including streets, sidewalks, lighting transit, domestic water, and sanitary sewer systems; and
- (c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office use, or both commercial and office use.

NEW SECTION. Sec. 145. A new section is added to chapter 82.14 RCW to read as follows:

(1) Subject to the requirements of this section and section 3 of this act, a project is eligible for an exemption from the taxes imposed under the authority of this chapter on:

(a) The sale of or charge made for labor and services rendered in respect to construction or rehabilitation of a qualifying project located in a city; and

(b) The sales or use of tangible personal property that will be incorporated as an ingredient or component of a qualifying project located in a city during the course of the constructing or rehabilitating.

(2)(a) The exemption in this section is in the form of a remittance. A qualifying project owner claiming an exemption under this section must pay all applicable state and local sales and use taxes imposed or authorized under RCW 82.08.020, 82.12.020, and this chapter on all purchases and uses qualifying for the exemption.

(b) The amount of the exemption is one hundred percent of the local sales and use taxes paid under an ordinance or resolution enacted under the authority of this chapter for purchases or uses qualifying under subsection (1) of this section, if the taxing authorities imposing taxes under the authority of this chapter have authorized the use of the exemption to the governing authority of a city as provided under section 3(1) of this act.

(3)(a) After the qualifying project has been operationally complete for four years, but not later than five years after all local sales and use taxes for purchases and uses qualifying under subsection (1) of this section have been paid, a qualifying project owner who submits an application for a building permit for that qualifying project prior to July 1, 2027, may apply to the department for a remittance of local sales and use taxes.

(b) A qualifying project owner requesting a remittance under this section must obtain certification from the governing authority of a city verifying that the qualifying project has satisfied the criteria in section 3 of this act.

(c) The qualifying project owner must specify the amount of exempted tax claimed and the qualifying purchases or uses for which the exemption is claimed. The qualifying project owner must retain, in adequate detail, records to enable the department to determine whether the qualifying project owner is entitled to an exemption under this section, including invoices, proof of tax paid, and construction contracts.

(d) The department must determine eligibility under this section based on information provided by the qualifying project owner, which is subject to audit verification by the department.

(4)(a) A person otherwise eligible for a remittance under this section that transfers the ownership of the qualifying project before the requirements in subsection (3) of this section are met may assign the right to the remittance under this section to the subsequent owner of the qualifying project.

(b) Persons applying for the remittance as an assignee must provide the department the following documentation in a form and manner as provided by the department:

(i) The agreement that transfers the right to the remittance to the assignee;

(ii) Proof of payment of sales and use tax on the qualifying project; and

(iii) Any other documentation the department requires.

(5) The definitions in section 5 of this act apply to this section.

NEW SECTION. Sec. 146. (1) In a city that has met the requirements of section 4 of this act, the value of new construction and rehabilitation improvements of real property qualifying under this chapter is exempt from the city share of ad valorem property taxation for a period of ten successive years beginning January 1st of the calendar year immediately following the calendar year in which a certificate of tax exemption is filed with the county assessor in accordance with section 13 of this act.

(2)(a) The exemption in this section does not apply to any county share of property tax unless the legislative authority of the county adopts a resolution and notifies the governing authority,

that has established a tax exempt program under section 4 of this act, of its intent to allow the property to be exempt.

(b) Upon approval by a county legislative authority, the value of new construction and rehabilitation improvements of real property qualifying under this chapter is exempt from the county share of ad valorem property taxation for a period of ten successive years beginning January 1st of the calendar year immediately following the calendar year in which a certificate of tax exemption is filed with the county assessor in accordance with section 13 of this act.

(3) The exemptions provided in subsections (1) and (2) of this section do not include the value of land or improvements not qualifying under this chapter.

(4) When a city adopts guidelines pursuant to section 4 of this act and includes conditions that must be satisfied with respect to individual commercial units, rather than with respect to the qualifying project as a whole or some minimum portion thereof, the exemption may, at the local government's discretion, be limited to the value of the improvements allocable to those individual commercial units that meet the local guidelines.

(5) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter.

(6) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(7) At the conclusion of the exemption period, the new or rehabilitated property must be considered new construction for the purposes of chapter 84.55 RCW.

(8) The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

NEW SECTION. Sec. 147. An owner of property making application under this chapter must meet the following requirements:

(1) The qualifying project must be located in an urban center as designated by a city;

(2) The qualifying project must meet criteria as adopted by the governing authority under section 4 of this act that may include height, density, public benefit features, quality of amenities, number and size of proposed development, parking, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) New construction or rehabilitation of a qualifying project must be completed within three years from the date of approval of the application;

(4) The applicant must enter into a contract with the city approved by the governing authority, or an administrative official or commission authorized by the governing authority, under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

NEW SECTION. Sec. 148. An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition is required, the owner must secure from the governing authority or duly authorized representative, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building codes;

(2) In the case of new construction or rehabilitation of a qualifying project, the owner must apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A statement of the expected number of new family living wage jobs to be created;

(c) A description of the project and site plan; and

(d) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application may be accompanied by the application fee, if any, required under section 12 of this act. The governing authority may permit the applicant to revise an application before final action by the governing authority.

NEW SECTION. Sec. 149. The duly authorized administrative official or committee of the city may approve the application if it finds that:

(1) The proposed qualifying project meets the criteria as defined by the city in section 4 of this act, including the estimated minimum number of new family living wage jobs to be created for permanent location in the qualifying project within one year of building occupancy;

(2) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The owner has complied with all standards and guidelines adopted by the city under section 4 of this act; and

(4) The site is located in a commercial office development targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated under section 4 of this act.

NEW SECTION. Sec. 150. (1) The governing authority or an administrative official or commission authorized by the governing authority must approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city must issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in section 10 of this act.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority must be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final.

NEW SECTION. Sec. 151. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee must be paid at the time the

application for limited exemption is filed. If the application is approved, the governing authority shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority may retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

NEW SECTION. Sec. 152. (1) Upon completion of rehabilitation or new construction for which an application for a limited tax exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner must file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made;

(b) A statement of the estimated new family living wage jobs to be created for location at the qualifying project;

(c) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter;

(d) If applicable, a statement that the project meets the local requirements as described in section 8 of this act; and

(e) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city must determine whether the work completed, and the affordability of the units, is consistent with the application and the contract approved by the city and is qualified for a limited tax exemption under this chapter. The city must also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation or new construction is completed within three years of the date the application for a limited tax exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements, and the owner's property is qualified for a limited tax exemption under this chapter, the city must file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city must notify the applicant that a certificate of tax exemption is not going to be filed if the authorized representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The rehabilitation or new construction is not constructed consistent with the application or other applicable requirements;

(c) If applicable, the additional criteria related to a qualifying project under section 4 of this act were not met; or

(d) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of a qualifying project was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

NEW SECTION. Sec. 153. (1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for the tax exemption period, the owner of the rehabilitated or newly constructed property must file with a designated authorized representative of the city an annual report indicating the following:

(a) A statement of the family living wage jobs at the qualifying project as of the anniversary date;

(b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with all criteria under sections 4 and 9 of this act since the date of the certificate approved by the city;

(c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city in regards to the units receiving a tax exemption.

(2) All cities, which issue certificates of tax exemption for qualifying projects that conform to the requirements of this chapter, must publish on the city's web site, or in another format that is easily available to the public, annually by December 31st of each year, beginning in 2018, the following information:

(a) The number of tax exemption certificates granted;

(b) A description of the new construction and rehabilitation improvements of any qualifying projects;

(c) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted;

(d) The number of family living wage jobs located at the qualifying project; and

(e) A comparison of the data required in this section with the data included in the findings developed when the commercial office development targeted area was established.

NEW SECTION. Sec. 154. (1) If improvements have been exempted under this chapter, the improvements continue to be exempted for the applicable period under this chapter, so long as they are not converted to another use and continue to satisfy all applicable conditions. If the owner intends to convert the qualifying project to another use or, if applicable, if the owner intends to discontinue compliance with criteria established under section 4(1) of this act or any other condition to exemption, the owner must notify the assessor within sixty days of the change in use or intended discontinuance. If, after a certificate of tax exemption has been filed with the county assessor, the authorized representative of the governing authority discovers that the property or a portion of the property no longer qualifies according to the requirements of this chapter as previously approved or agreed upon by contract between the city and the owner and that the qualifying project, or a portion of the qualifying project, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated

based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a use that no longer qualifies them for the exemption;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time that the property or portion of the property no longer qualifies for the exemption, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority or authorized representative must notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority or authorized representative, within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to cancel an exemption, the county officials having possession of the assessment and tax rolls must correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor must make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new construction and rehabilitation improvements added to the rolls is considered as new construction for the purposes of chapter 84.55 RCW. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1st of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

NEW SECTION. Sec. 155. (1) If a property exempted under section 7 of this act changes ownership, the property will continue to qualify for the exemption provided that the new owner complies with all application procedures, terms, conditions, and reporting requirements under this chapter, and meets all criteria established by a city under section 4 of this act.

(2) The exemption is limited to ten successive years, beginning the January 1st immediately following the calendar year in which

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a certificate of tax exemption is filed by the city with the county assessor in accordance with section 13 of this act.

NEW SECTION. Sec. 156. (1) The joint legislative audit and review committee must study the effectiveness of the local sales and use tax exemption and the local property tax exemption programs and submit a report with recommendations to the appropriate committees of the legislature.

(2) The study must include, but is not limited to, an assessment of the local sales and use tax exemption and the property tax exemption programs authorized under this chapter and an evaluation of:

- (a) The availability of quality office space;
- (b) The effects on affordable housing;
- (c) The effects on transportation, traffic congestion, and greenhouse gas emissions; and
- (d) Job creation.

(3) By October 1, 2025, and in compliance with RCW 43.01.036, the joint legislative audit and review committee must submit to the appropriate committees of the legislature a final study with findings and recommendations.

(4) This section expires December 31, 2025.

NEW SECTION. Sec. 157. The definitions in section 5 of this act apply to this chapter.

NEW SECTION. Sec. 158. Sections 2 through 5 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 159. Sections 7 through 18 of this act constitute a new chapter in Title 84 RCW.

NEW SECTION. Sec. 160. Section 6 of this act applies to sales and use taxes paid on or after October 1, 2017.

NEW SECTION. Sec. 161. Sections 7 through 18 of this act apply to taxes levied for collection in 2018 and thereafter."

On page 1, line 2 of the title, after "than" strike "fifty" and insert "thirty-five"

On page 1, line 4 of the title, after "thousand;" strike the remainder of the title and insert "adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; adding a new chapter to Title 84 RCW; creating new sections; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1495.

The motion by Senator Short carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Second Substitute House Bill No. 1495 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Angel and O'Ban spoke in favor of passage of the bill.

Senator Carlyle spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1495 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1495 as amended by the Senate

and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Darneille, Erickson, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Conway, Frockt, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Pedersen, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish to state for the record that my vote on Engrossed Second Substitute House Bill No. 1495 was incorrectly recorded. I voted "aye" and was recorded as voting "nay." Recorded votes cannot be changed once the gavel has fallen on the vote unless the audio recording definitively demonstrates the error. Unfortunately in this case, the recording is not definitive. I would like the journal of the Senate to reflect that I voted "aye" on final passage of this measure and should have been recorded as such.

SENATOR CONWAY, 29th Legislative District

MOTION

On motion of Senator Fain, the rules were suspended and Substitute House Bill No. 2138, which had been received from the House on the previous day and held held at the desk, was placed on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538, by House Committee on Capital Budget (originally sponsored by Representatives Stambaugh, Doglio, Vick, Hayes, Sells and Pike)

Requiring prime contractors to bond the subcontractors portion of retainage upon request.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee striking amendment by the Committee on Commerce, Labor & Sports be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 162.** RCW 60.28.011 and 2015 c 280 s 1 are each amended to read as follows:

- (1)(a) Except as provided in (b) of this subsection, public improvement contracts must provide, and public bodies must reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (i) The claims of any person arising under the contract; and (ii) the state with respect to taxes, increases, and

penalties imposed pursuant to Titles 50, 51, and 82 RCW which may be due from such contractor.

(b) Public improvement contracts funded in whole or in part by federal transportation funds must rely upon the contract bond as referred to in chapter 39.08 RCW for the protection and payment of: (i) The claims of any person or persons arising under the contract to the extent such claims are provided for in RCW 39.08.010; and (ii) the state with respect to taxes, increases, and penalties incurred on the public improvement project under Titles 50, 51, and 82 RCW which may be due. The contract bond must remain in full force and effect until, at a minimum, all claims filed in compliance with chapter 39.08 RCW are resolved.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract has a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant must be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapter ~~(§)~~ 39.12 ~~((and 60.28))~~ RCW and this chapter.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapter ~~(§)~~ 39.12 ~~((and 60.28))~~ RCW and this chapter.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, must be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract must be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body must issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check must be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities must be held in escrow. Interest on the bonds and securities must be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor must pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from an authorized surety insurer. The public body may require that the authorized surety have a minimum A.M. Best financial strength rating so long as that minimum rating does not exceed

A-. The public body must comply with the provisions of RCW 48.28.010. ~~((This))~~ At any time prior to final formal acceptance of the project, a subcontractor may request the contractor to submit a bond to the public owner for that portion of the contractor's retainage pertaining to the subcontractor in a form acceptable to the public body and from a bonding company meeting standards established by the public body. Within thirty days of receipt of the request, the contractor shall provide and the public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it or the subcontractor refuses to pay the subcontractor's portion of the bond premium and to provide the contractor with a like bond. The contractor's bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body must release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor must accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor must then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section must be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.021 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes may be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue, the employment security department, the department of labor and industries, and the material suppliers and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration

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regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW 39.10.210. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or material person who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.210."

On page 1, line 2 of the title, after "request," strike the remainder of the title and insert "and amending RCW 60.28.011."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Commerce, Labor & Sports to Engrossed Substitute House Bill No. 1538.

The motion by Senator Baumgartner carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Baumgartner, further consideration of Engrossed Substitute House Bill No. 1538 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2038, by Representatives Jenkin, Ryu, McBride, Condotta, Vick, Sawyer and Harris

Clarifying the applicability of RCW 70.345.080 to only vapor products.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 2038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Keiser, Erickson and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2038.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2038 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 2038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1538 which had been deferred earlier in the day.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538, by House Committee on Capital Budget (originally sponsored by Representatives Stambaugh, Doglio, Vick, Hayes, Sells and Pike)

Requiring prime contractors to bond the subcontractors portion of retainage upon request.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed Substitute House Bill No. 1538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Pedersen: "Mr. President, apart from my duties as a legislator, I am an officer, employee, and owner of McKinstry Co., LLC, which is a large mechanical and electrical subcontractor. Engrossed Substitute House Bill 1538 would require prime contractors to bond the subcontractor portion of retainage for public works projects upon request. My job description specifically prohibits me from involvement in lobbying the state legislature and neither my job nor my salary will be affected by the passage of this bill or its failure to pass. Like all subcontractors that perform work on public projects, however, McKinstry does have an interest in the bill. Under Senate Rule 22, Legislators are prohibited from voting on matters in which they have a personal or direct interest. My question therefore is whether I have a personal or direct interest in the proposed legislation which requires my recusal from voting?"

RULING BY THE PRESIDENT

President Habib: "Senator Pedersen, the President believes that you are not prohibited from voting because you are not personally or directly impacted by the outcome of this bill."

Senator Hasegawa spoke in favor of passage of the bill.

Senators Liias and Palumbo spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1538.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1538 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Conway, Darneille, Erickson, Fain, Fortunato, Hasegawa, Honeyford, Hunt, Keiser, King, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rolfes, Rossi, Saldaña, Schoesler, Short, Walsh, Warnick and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Frockt, Hawkins, Hobbs, Kuderer, Liias, Palumbo, Rivers, Sheldon, Takko, Van De Wege, Wellman and Wilson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2005, by Representatives Lytton, Nealey, Kagi and Ormsby

Improving the business climate in this state by simplifying the administration of municipal general business licenses.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 163. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Business licensing service," "business licensing system," and "business license" have the same meaning as in RCW 19.02.020.

(2) "City" means a city, town, or code city.

(3) "Department" means the department of revenue.

(4) "General business license" means a license, not including a regulatory license or a temporary license, that a city requires all or most businesses to obtain to conduct business within that city.

(5) "Partner" means the relationship between a city and the department under which general business licenses are issued and renewed through the business licensing service in accordance with chapter 19.02 RCW.

(6) "Regulatory business license" means a license, other than a general business license, required for certain types of businesses that a city has determined warrants additional regulation, such as taxicab or other for-hire vehicle operators, adult entertainment

businesses, amusement device operators, massage parlors, debt collectors, door-to-door sales persons, trade-show operators, and home-based businesses.

NEW SECTION. Sec. 164. (1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection (iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the department in writing of its intent to do so at least ninety days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within sixty days of the date that the city appears on the department's biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

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(b) By January 1, 2018, and January 1st of each even-numbered year thereafter, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate agriculture, water, trade and economic development committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of thirty days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7) A city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020. For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

(8) By January 1, 2019, and each January 1st thereafter through January 1, 2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:

(a) A list of cities that have partnered with the department as required in subsection (1) of this section;

(b) A list of cities that have not partnered with the department;

(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;

(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;

(e) An explanation of lessons learned and any process efficiencies incorporated by the department;

(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and

(g) Any other information the department considers relevant.

NEW SECTION. Sec. 165. (1) A general business license that must be issued and renewed through the business licensing service in accordance with chapter 19.02 RCW is subject to the provisions of this section.

(2)(a) A city has broad authority to impose a fee structure as provided by RCW 35.22.280, 35.23.440, and 35A.82.020. However, any fee structure selected by a city must be within the department's technical ability to administer. The department has the sole discretion to determine if it can administer a city's fee structure.

(b) If the department is unable to administer a city's fee structure, the city must work with the department to adopt a fee structure that is administrable by the department. If a city fails to comply with this subsection (2)(b), it may not enforce its general

business licensing requirements on any person until the effective date of a fee structure that is administrable by the department.

(3) A general business license may not be renewed more frequently than once per year except that the department may require a more frequent renewal date as may be necessary to synchronize the renewal date for the general business license with the business's business license expiration date.

(4) The business licensing system need not accommodate any monetary penalty imposed by a city for failing to obtain or renew a general business license. The penalty imposed in RCW 19.02.085 applies to general business licenses that are not renewed by their expiration date.

(5) The department may refuse to administer any provision of a city business license ordinance that is inconsistent with this chapter.

NEW SECTION. Sec. 166. The department is not authorized to enforce a city's licensing laws except to the extent of issuing or renewing a license in accordance with this chapter and chapter 19.02 RCW or refusing to issue a license due to an incomplete application, nonpayment of the appropriate fees as indicated by the license application or renewal application, or the nonpayment of any applicable penalty for late renewal.

NEW SECTION. Sec. 167. Cities whose general business licenses are issued through the business licensing system retain the authority to set license fees, provide exemptions and thresholds for these licenses, approve or deny license applicants, and take appropriate administrative actions against licensees.

NEW SECTION. Sec. 168. Cities may not require a person to obtain or renew a general business license unless the person engages in business within its respective city. For the purposes of this section, a person may not be considered to be engaging in business within a city unless the person is subject to the taxing jurisdiction of a city under the standards established for interstate commerce under the commerce clause of the United States Constitution.

NEW SECTION. Sec. 169. A general business license change enacted by a city whose general business license is issued through the business licensing system takes effect no sooner than seventy-five days after the department receives notice of the change if the change affects in any way who must obtain a license, who is exempt from obtaining a license, or the amount or method of determining any fee for the issuance or renewal of a license.

NEW SECTION. Sec. 170. (1)(a) The cities, working through the association of Washington cities, must form a model ordinance development committee made up of a representative sampling of cities that impose a general business license requirement. This committee must work through the association of Washington cities to adopt a model ordinance on general business license requirements by July 1, 2018. The model ordinance and subsequent amendments developed by the committee must be adopted using a process that includes opportunity for substantial input from business stakeholders and other members of the public. Input must be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that require a person that conducts business in the city to obtain a general business license.

(b) The department, association of Washington cities, and municipal research and services center must post copies of, or links to, the model ordinance on their internet web sites. Additionally, a city that imposes a general business license requirement must make copies of its general business license ordinance or ordinances available for inspection and copying as provided in chapter 42.56 RCW.

(c) The definitions in the model ordinance may not be amended more frequently than once every four years, except that the model ordinance may be amended at any time to comply with changes in state law or court decisions. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a general business license requirement must adopt the mandatory provisions of the model ordinance by January 1, 2019. The following provisions are mandatory:

(a) A definition of "engaging in business within the city" for purposes of delineating the circumstances under which a general business license is required;

(b) A uniform minimum licensing threshold under which a person would be relieved of the requirement to obtain a city's general business license. A city retains the authority to create a higher threshold for the requirement to obtain a general business license but must not deviate lower than the level required by the model ordinance.

(3)(a) A city may require a person that is under the uniform minimum licensing threshold as provided in subsection (2) of this section to obtain a city registration with no fee due to the city.

(b) A city that requires a city registration as provided in (a) of this subsection must partner with the department to have such registration issued through the business licensing service in accordance with chapter 19.02 RCW. This subsection (3)(b) does not apply to a city that is excluded from the requirement to partner with the department for the issuance and renewal of general business licenses as provided in section 2 of this act.

NEW SECTION. Sec. 171. Cities that impose a general business license must adopt the mandatory provisions of the model ordinance as provided in section 8 of this act by January 1, 2019. A city that has not complied with the requirements of this section by January 1, 2019, may not enforce its general business licensing requirements on any person until the date that the mandatory provisions of the model ordinance take effect within the city.

NEW SECTION. Sec. 172. Cities must coordinate with the association of Washington cities to submit a report to the governor; legislative fiscal committees; house local government committee; and the senate agriculture, water, trade and economic development committee by January 1, 2019. The report must:

(1) Provide information about the model ordinance adopted by the cities as required in section 8 of this act;

(2) Identify cities that have and have not adopted the mandatory provisions of the model ordinance; and

(3) Incorporate comments from statewide business organizations concerning the process and substance of the model ordinance. Statewide business organizations must be allowed thirty days to submit comments for inclusion in the report.

NEW SECTION. Sec. 173. (1) The legislature directs cities, towns, and identified business organizations to partner in recommending changes to simplify the two factor apportionment formula provided in RCW 35.102.130.

(2)(a) The local business and occupation tax apportionment task force is established. The task force must consist of the following seven representatives:

(i) Three voting representatives selected by the association of Washington cities that are tax managers representing municipalities that impose a local business and occupation tax, including at least one jurisdiction that has performed an audit where apportionment errors were discovered.

(ii) Three voting representatives selected by the association of Washington business, including at least one tax practitioner or legal counsel with experience representing business clients during municipal audits that involved apportionment errors or disputes.

(iii) One nonvoting representative from the department.

(b) The task force may seek input or collaborate with other parties, as it deems necessary. The department must serve as the task force chair and must staff the task force.

(c) Beginning in the first month following the effective date of this section, the task force must meet no less frequently than once per month until it reports to the legislature as provided under subsection (3) of this section.

(3) By October 31, 2018, the task force established in subsection (2) of this section must prepare a report to the legislature to recommend changes to RCW 35.102.130 and related sections, as needed, to develop a method for assigning gross receipts to a local jurisdiction using a market-based model. The task force must focus on methods that rely on information typically available in commercial transaction receipts and captured by common business recordkeeping systems.

(4) The task force terminates January 1, 2019, unless legislation is enacted to extend such termination date.

NEW SECTION. Sec. 174. Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW."

On page 1, line 3 of the title, after "licenses;" strike the remainder of the title and insert "adding a new chapter to Title 35 RCW; and creating a new section."

Senator Baumgartner spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2005.

The motion by Senator Baumgartner carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed House Bill No. 2005 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Brown, Keiser and Saldaña spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2005 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2005 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 2005, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SECOND SUBSTITUTE HOUSE BILL NO. 1402, by House Committee on Appropriations (originally sponsored by Representatives Jinkins, Griffey, Rodne, Goodman, Muri, Kilduff, Orwall, Haler, Kirby, Hansen, Frame, Johnson, Appleton, Ortiz-Self and Cody)

Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 175. A new section is added to chapter 11.92 RCW to read as follows:

(1) Except as otherwise provided in this section, an incapacitated person retains the right to associate with persons of the incapacitated person's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the incapacitated person is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, a guardian of the incapacitated person, whether full or limited, must:

(a) Personally inform the incapacitated person of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the incapacitated person;

(b) Maximize the incapacitated person's participation in the decision-making process to the greatest extent possible, consistent with the incapacitated person's abilities; and

(c) Give substantial weight to the incapacitated person's preferences, both expressed and historical.

(2) A guardian or limited guardian may not restrict an incapacitated person's right to communicate, visit, interact, or otherwise associate with persons of the incapacitated person's choosing, unless:

(a) The restriction is specifically authorized by the guardianship court in the court order establishing or modifying the guardianship or limited guardianship under chapter 11.88 RCW;

(b) The restriction is pursuant to a protection order issued under chapter 74.34 RCW, chapter 26.50 RCW, or other law, that limits contact between the incapacitated person and other persons; or

(c)(i) The guardian or limited guardian has good cause to believe that there is an immediate need to restrict an incapacitated person's right to communicate, visit, interact, or otherwise associate with persons of the incapacitated person's choosing in order to protect the incapacitated person from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the incapacitated person from activities that unnecessarily impose significant distress on the incapacitated person; and

(ii) Within fourteen calendar days of imposing the restriction under (c)(i) of this subsection, the guardian or limited guardian files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition.

(3) A protection order under chapter 74.34 RCW issued to protect an incapacitated person as described in subsection (2)(c)(ii) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the incapacitated person from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020; and

(c) May not deny communication, visitation, interaction, or other association between the incapacitated person and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the incapacitated person from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020.

Sec. 176. RCW 74.34.020 and 2015 c 268 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) "Mental abuse" means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the

safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(11) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(12) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(13)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller

that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(14) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

~~((14))~~ (15) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

~~((15))~~ (16) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

~~((16))~~ (17) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

~~((17))~~ (18) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

~~((18))~~ (19) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

~~((19))~~ (20) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

~~((20))~~ (21) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

~~((2+))~~ (22) "Vulnerable adult" includes a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (b) Found incapacitated under chapter 11.88 RCW; or
- (c) Who has a developmental disability as defined under RCW 71A.10.020; or
- (d) Admitted to any facility; or
- (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (f) Receiving services from an individual provider; or
- (g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

Sec. 177. RCW 11.92.043 and 2011 c 329 s 3 are each amended to read as follows:

(1) It ~~((shall be))~~ is the duty of the guardian or limited guardian of the person:

~~((+))~~ (a) To file within three months after appointment a personal care plan for the incapacitated person, which ~~((shall))~~ must include ~~((+))~~ (i) an assessment of the incapacitated person's physical, mental, and emotional needs and of such person's ability to perform or assist in activities of daily living, and ~~((+))~~ (ii) the guardian's specific plan for meeting the identified and emerging personal care needs of the incapacitated person.

~~((2))~~ (b) To file annually or, where a guardian of the estate has been appointed, at the time an account is required to be filed under RCW 11.92.040, a report on the status of the incapacitated person, which shall include:

~~((+))~~ (i) The address and name of the incapacitated person and all residential changes during the period;

~~((+))~~ (ii) The services or programs ~~((which))~~ that the incapacitated person receives;

~~((+))~~ (iii) The medical status of the incapacitated person;

~~((4))~~ (iv) The mental status of the incapacitated person, including reports from mental health professionals on the status of the incapacitated person, if any exist;

~~((+))~~ (v) Changes in the functional abilities of the incapacitated person;

~~((+))~~ (vi) Activities of the guardian for the period;

~~((5))~~ (vii) Any recommended changes in the scope of the authority of the guardian;

~~((+))~~ (viii) The identity of any professionals who have assisted the incapacitated person during the period;

~~((+))~~ (ix)(A) Evidence of the guardian or limited guardian's successful completion of any standardized training video or web cast for guardians or limited guardians made available by the administrative office of the courts and the superior court when the guardian or limited guardian: ~~((+))~~ (I) Was appointed prior to July 22, 2011; ~~((B))~~ (II) is not a certified professional guardian or financial institution authorized under RCW 11.88.020; and ~~((C))~~ (III) has not previously completed the requirements of RCW 11.88.020(3). The training video or web cast must be provided at no cost to the guardian or limited guardian.

~~((+))~~ (B) The superior court may, upon ~~((+))~~ petition by the guardian or limited guardian(~~(s)~~) or ~~((B))~~ any other method as provided by local court rule:

(I) For good cause, waive this requirement for guardians appointed prior to July 22, 2011. Good cause ~~((shall))~~ requires evidence that the guardian already possesses the requisite

knowledge to serve as a guardian without completing the training. When determining whether there is good cause to waive the training requirement, the court ~~((shall))~~ must consider, among other facts, the length of time the guardian has been serving the incapacitated person; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian; or

(II) Extend the time period for completion of the training requirement for ninety days; and

~~((+))~~ (x) Evidence of the guardian or limited guardian's successful completion of any additional or updated training video or web cast offered by the administrative office of the courts and the superior court as is required at the discretion of the superior court unless the guardian or limited guardian is a certified professional guardian or financial institution authorized under RCW 11.88.020. The training video or web cast must be provided at no cost to the guardian or limited guardian.

~~((3))~~ (c) To report to the court within thirty days any substantial change in the incapacitated person's condition, or any changes in residence of the incapacitated person.

~~((4))~~ (d) To inform any person entitled to special notice of proceedings under RCW 11.92.150 and any other person designated by the incapacitated person as soon as possible, but in no case more than five business days, after the incapacitated person:

(i) Makes a change in residence that is intended or likely to last more than fourteen calendar days;

(ii) Has been admitted to a medical facility for acute care in response to a life-threatening injury or medical condition that requires inpatient care;

(iii) Has been treated in an emergency room setting or kept for hospital observation for more than twenty-four hours; or

(iv) Dies, in which case the notification must be made in person, by telephone, or by certified mail.

(e) Consistent with the powers granted by the court, to care for and maintain the incapacitated person in the setting least restrictive to the incapacitated person's freedom and appropriate to the incapacitated person's personal care needs, assert the incapacitated person's rights and best interests, and if the incapacitated person is a minor or where otherwise appropriate, to see that the incapacitated person receives appropriate training and education and that the incapacitated person has the opportunity to learn a trade, occupation, or profession.

~~((5))~~ (f) Consistent with RCW 7.70.065, to provide timely, informed consent for health care of the incapacitated person, except in the case of a limited guardian where such power is not expressly provided for in the order of appointment or subsequent modifying order as provided in RCW 11.88.125 as now or hereafter amended, the standby guardian or standby limited guardian may provide timely, informed consent to necessary medical procedures if the guardian or limited guardian cannot be located within four hours after the need for such consent arises. No guardian, limited guardian, or standby guardian may involuntarily commit for mental health treatment, observation, or evaluation an alleged incapacitated person who is unable or unwilling to give informed consent to such commitment unless the procedures for involuntary commitment set forth in chapter 71.05 or 72.23 RCW are followed. Nothing in this section ~~((shall))~~ may be construed to allow a guardian, limited guardian, or standby guardian to consent to:

~~((+))~~ (i) Therapy or other procedure which induces convulsion;

~~((+))~~ (ii) Surgery solely for the purpose of psychosurgery;

((e)) (iii) Other psychiatric or mental health procedures that restrict physical freedom of movement, or the rights set forth in RCW 71.05.217.

(2) A guardian, limited guardian, or standby guardian who believes these procedures are necessary for the proper care and maintenance of the incapacitated person shall petition the court for an order unless the court has previously approved the procedure within the past thirty days. The court may order the procedure only after an attorney is appointed in accordance with RCW 11.88.045 if no attorney has previously appeared, notice is given, and a hearing is held in accordance with RCW 11.88.040.

NEW SECTION. Sec. 178. A new section is added to chapter 2.72 RCW to read as follows:

The office of public guardianship, in partnership with the office of the state long-term care ombuds, must develop and offer training targeted to the legal community and persons working in long-term care facilities regarding the different kinds of decision-making authority, including guardianship, authority granted under power of attorney, and surrogate health care decision-making authority. The training must include, at a minimum, information regarding: The roles, duties, and responsibilities of different kinds of decision makers; the scope of authority and limitations on authority with respect to different kinds of decision makers; and any relevant remedial measures provided in law for activity that exceeds the scope of decision-making authority.

NEW SECTION. Sec. 179. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 74.34.020 and 11.92.043; adding a new section to chapter 11.92 RCW; adding a new section to chapter 2.72 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services, Mental Health & Housing to Second Substitute House Bill No. 1402.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Substitute House Bill No. 1402 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1402 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1402 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 1402, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Appropriations (originally sponsored by Representatives Ortiz-Self, Stambaugh, Santos, Orwall, Harris, Caldier, Springer, Appleton, Lytton, Condotta, Fey, Pollet, Goodman, Slatter, Bergquist, Macri, Doglio and Kagi)

Concerning dual language in early learning and K-12 education.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 180. (1) The legislature finds that it should review and revise the K-12 educational program taking into consideration the needs of students as they evolve. In Washington state, immigrant students whose first language is not English represent a significant part of evolving and more diverse school demographics. The legislature finds that Washington's educator workforce in school districts has not evolved in a manner consistent with changing student demographics. Thus, more and more schools are without the capacity to meet the needs of English language learners and without the capacity to communicate effectively with parents whose first language is not English.

(2) The legislature finds that:

(a) Between 1986 and 2016, the number of students served in the state's transitional bilingual instruction program increased from fifteen thousand twenty-four to one hundred eighteen thousand five hundred twenty-six, an increase of six hundred eighty-nine percent, and that two-thirds of the students were native Spanish speakers; the next ten most common languages were Russian, Vietnamese, Somali, Chinese, Arabic, Ukrainian, Tagalog, Korean, Marshallese, and Punjabi;

(b) In the 2015-16 school year, forty-six percent of instructors in the state's transitional bilingual instruction program were instructional aides, not certificated teachers; and

(c) Eleven percent of students in the transitional bilingual instruction program received instruction in their native tongue in the 2015-16 school year, and research shows that non-English speaking students develop academic proficiency in English more quickly when they are provided instruction in their native language initially.

(3) Accordingly, the legislature finds it is necessary to better serve non-English speaking students by addressing and closing the significant language and instructional gaps that hinder English language learners from meeting the state's rigorous educational standards. Thus, the legislature finds it necessary to implement a long-term, grow-your-own bilingual educator initiative to

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enhance teaching and learning in Washington's K-12 educational system.

(4) It is the intent of the legislature to provide funds for a pilot project for the bilingual educator initiative in the 2017-2019 biennium and to expand the program to other regions of the state upon successful demonstration of pilot projects.

NEW SECTION. Sec. 181. A new section is added to chapter 28A.180 RCW to read as follows:

(1) In 2017, funds must be appropriated for the purposes in this subsection (1).

(a) The professional educator standards board, beginning in the 2017-2019 biennium, shall administer the bilingual educator initiative, which is a long-term program to recruit, prepare, and mentor bilingual high school students to become future bilingual teachers and counselors. Pilot projects must be implemented in two school districts east of the crest of the Cascade mountains and two school districts west of the crest of the Cascade mountains, where immigrant students are shown to be rapidly increasing. Districts selected by the professional educator standards board must partner with at least one two-year and one four-year college in planning and implementing the program. The professional educator standards board shall provide oversight.

(b) Participating school districts must implement programs, including: (i) An outreach plan that exposes the program to middle school students and recruits them to enroll in the program when they begin their ninth grade of high school; (ii) activities in ninth and tenth grades that help build student agency, such as self-confidence and awareness, while helping students to develop academic mind-sets needed for high school and college success; the value and benefits of teaching and counseling as careers; and introduction to leadership, civic engagement, and community service; (iii) credit-bearing curricula in grades eleven and twelve that include mentoring, shadowing, best practices in teaching in a multicultural world, efficacy and practice of dual language instruction, social and emotional learning, enhanced leadership, civic engagement, and community service activities.

(c) There must be a pipeline to college using two-year and four-year college faculty and consisting of continuation services for program participants, such as advising, tutoring, mentoring, financial assistance, and leadership.

(d) High school and college teachers and counselors must be recruited and compensated to serve as mentors and trainers for participating students.

(2) After obtaining a high school diploma, students qualify to receive conditional loans to cover the full cost of college tuition, fees, and books. To qualify for funds, students must meet program requirements as developed by their local implementation team, which consists of staff from their school district and the partnering two-year and four-year college faculty.

(3) In order to avoid loan repayment, students must (a) earn their baccalaureate degree and certification needed to serve as a teacher or professional guidance counselor; and (b) teach or serve as a counselor in their educational service district region for at least five years. Students who do not meet the repayment terms in this subsection are subject to repaying all or part of the financial aid they receive for college unless students are recipients of funding provided through programs such as the state need grant program or the college bound scholarship program.

(4) The professional educator standards board may consult with the department of early learning to determine whether it is feasible to add early learning professionals to the program described in this section.

NEW SECTION. Sec. 182. If specific funding for the purposes of this act, referencing this act by bill or chapter number,

is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 28A.180 RCW; and creating new sections."

MOTION

On motion of Senator Fain, further consideration of Substitute House Bill No. 1445 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1056, by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

Concerning consumer protections for military service members on active duty.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of House Bill No. 1056 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739, by House Committee on Public Safety (originally sponsored by Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford and Jinkins)

Concerning the crime victims' compensation program.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1739.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1739 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1738, by House Committee on Environment (originally sponsored by Representatives Doglio, Jenkin and Tarleton)

Continuing to protect water quality by aligning state brake friction material restrictions with the requirements of a similar nationwide agreement.

The measure was read the second time.

MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

MOTION

On motion of Senator Rolfes, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1738.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1738 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Honeyford and Wilson

SUBSTITUTE HOUSE BILL NO. 1738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:23 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:56 p.m. by President Habib.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1816, by House Committee on Early Learning & Human Services (originally sponsored by

Representatives Frame, Goodman, Lovick, Ortiz-Self, Kilduff, Muri, Doglio, Macri and Fey)

Concerning information sharing related to implementation of the homeless youth prevention and protection act of 2015.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Darneille and without objection, the following floor amendment no. 187 by Senator Darneille on page 15, line 34 to Substitute House Bill No. 1816 was withdrawn.

On page 15, line 34 after "chapter 13.34 RCW.)" insert on line 35,

"Sec. 9. RCW 43.185C.180 and 2011 c 239 s 1 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement the Washington homeless client management information system for the ongoing collection and updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census and from state agencies and community organizations providing services to homeless individuals and families.

(a) Personally identifying information about homeless individuals for the Washington homeless client management information system may only be collected after having obtained informed, reasonably time limited (i) written consent from the homeless individual to whom the information relates, or (ii) telephonic consent from the homeless individual, provided that written consent is obtained at the first time the individual is physically present at an organization with access to the Washington homeless client management information system. Safeguards consistent with federal requirements on data collection must be in place to protect homeless individuals' rights regarding their personally identifying information.

(b) Data collection under this subsection shall be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals receive:

(i) Information about the expected duration of their participation in the Washington homeless client management information system;

(ii) An explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information;

(iii) An explanation regarding whom to contact in the event of injury to the individual related to the Washington homeless client management information system;

(iv) A description of any reasonably foreseeable risks to the homeless individual; and

(v) A statement describing the extent to which confidentiality of records identifying the individual will be maintained.

(c) The department must adopt policies governing the appropriate process for destroying Washington homeless client management information system paper documents containing personally identifying information when the paper documents are no longer needed. The policies must not conflict with any federal data requirements.

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(d) Any unaccompanied youth thirteen years of age or older may give consent for the collection of his or her personally identifying information under this section.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the database with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

- (a) Protect the right of privacy of individuals;
- (b) Provide for consultation and collaboration with all relevant state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and
- (c) Include related information held or gathered by other state agencies.

(6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system shall be implemented by December 31, 2009, and updated with new homeless client information at least annually."

On page 1, line 3 of the title, after "43.185C.010", insert "43.15C.180"

PARLIAMENTARY INQUIRY

Senator Padden: "Mr. President, I am one of the co-sponsors of amendment no. 220, and I was wondering if I could withdraw the amendment or whether it has to be the prime mover?"

RULING BY THE PRESIDENT

President Habib: "Senator Padden, it would be the Senate that would permit the withdraw of the amendment, so if you make the motion."

Senator Padden: "I will defer to the gentleman from the Thirtieth District Mr. President."

WITHDRAWAL OF AMENDMENT

On motion of Senator Miloscia and without objection, the following floor amendment no. 220 by Senators Miloscia, Padden and O'Ban on page 15, line 34 to Substitute House Bill No. 1816 was withdrawn.

On page 15, after line 34, insert the following:

"Sec. 9. RCW 43.185C.180 and 2011 c 239 s 1 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement the Washington homeless client management information system for the ongoing collection

and updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census and from state agencies and community organizations providing services to homeless individuals and families.

~~(a) ((Personally identifying information about homeless individuals for the Washington homeless client management information system may only be collected after having obtained informed, reasonably time limited (i) written consent from the homeless individual to whom the information relates, or (ii) telephonic consent from the homeless individual, provided that written consent is obtained at the first time the individual is physically present at an organization with access to the Washington homeless client management information system. Safeguards consistent with federal requirements on data collection must be in place to protect homeless individuals' rights regarding their personally identifying information.~~

~~(b) Data collection under this subsection shall be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals receive:~~

~~(i) Information about the expected duration of their participation in the Washington homeless client management information system;~~

~~(ii) An explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information;~~

~~(iii) An explanation regarding whom to contact in the event of injury to the individual related to the Washington homeless client management information system;~~

~~(iv) A description of any reasonably foreseeable risks to the homeless individual; and~~

~~(v) A statement describing the extent to which confidentiality of records identifying the individual will be maintained.~~

(e)) Except as provided in (c) of this subsection, any person, including a minor, seeking services from a service provider that utilizes the Washington homeless client management information system must provide his or her personally identifying information to the service provider. For a service provider that receives public funds including, but not limited to, federal, state, and local funding, a person seeking services must provide his or her personally identifying information to receive any services from the service provider. The department must develop a system to share such information with the department of social and health services and local law enforcement.

(b) The department must adopt policies governing the appropriate process for destroying Washington homeless client management information system paper documents containing personally identifying information when the paper documents are no longer needed. The policies must not conflict with any federal data requirements.

(c) In accordance with federal law, domestic violence victim service providers are not required to collect or enter a client's personally identifying information into the Washington homeless client information system.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the database with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with all relevant state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system shall be implemented by December 31, 2009, and updated with new homeless client information at least annually."

On page 1, line 4 of the title, after "43.185C.315," strike "and 43.185C.320" and insert "43.185C.320, and 43.185C.180"

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

MOTION

On motion of Senator Frockt, Senator Van De Wege was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1816.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1816 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1713, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi and Kilduff)

Implementing recommendations from the children's mental health work group.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute House Bill No. 1713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Darneille, Brown, Frockt and Warnick spoke in favor of passage of the bill.

Senator Padden spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1713.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1713 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Baumgartner, Ericksen, Fortunato, Honeyford, Padden, Short and Wilson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023, by House Committee on Environment (originally sponsored by Representative Fitzgibbon)

Addressing the effective date of certain actions taken under the growth management act.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 10.** A new section is added to chapter 36.70A RCW to read as follows:

The initial effective date of an action that amends the locally adopted critical areas ordinance, amends a locally adopted shoreline master program, adds the designation of agricultural,

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forest, or mineral lands designated under RCW 36.70A.170, reduces a limited area of more intensive rural development designated under RCW 36.70A.070(5), reduces density or increases minimum lot size requirements, or could result in uncompensated taking of private property or significant economic impacts as identified through the analysis conducted under section 2 of this act, is after the latest of the following dates:

(1) Sixty days after the date of publication of notice of adoption of the comprehensive plan, development regulation, or amendment to the plan or regulation; or

(2) If a petition for review to the growth management hearings board is timely filed, upon issuance of the board's final order.

NEW SECTION. **Sec. 11.** A new section is added to chapter 36.70A RCW to read as follows:

(1) PRIVATE PROPERTY TAKING IMPACT ANALYSIS. To the fullest extent possible, the policies, rules, and public laws interpreting the growth management act shall be interpreted and administered by local governments in accordance with the policies under this chapter. All state and local agencies shall complete a private property taking impact analysis before issuing or adopting any rule, policy, regulation, or related agency action which is likely to result in a taking of private property.

(a) A private property taking impact analysis is a written statement that includes:

(i) The specific purpose of the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action;

(ii) An assessment of the likelihood that a taking of private property will occur under the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action;

(iii) An evaluation of whether the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(iv) Alternatives to the rule, policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur;

(v) An estimate of the potential liability of the agency, if the agency is required to compensate a private property owner; and

(vi) Whether enforcement of the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action could reasonably be construed to require an uncompensated taking of private property as defined by this chapter.

(b) Each agency shall provide an analysis as part of any proposed rule, ordinance, policy, regulation, proposal, recommendation, or related agency action and submit the analysis to the board of county commissioners, in affected jurisdictions, in conjunction with a proposed rule, policy, regulation, proposal, recommendation, or related action prior to adoption.

(2) ECONOMIC IMPACT ANALYSIS. All local governments shall complete an economic impact analysis before issuing or adopting any policy, rule, resolution, ordinance, or related department action pursuant to section 1 of this act which may economically impact the citizens of that jurisdiction.

(a) An economic impact analysis is a written statement that includes:

(i) The specific purpose of the rule, policy, regulation, legislative bill, proposal, recommendation, or related agency action;

(ii) An assessment of the economic impacts likely to occur as a result of the rule, policy, regulation, proposal, resolution, ordinance, recommendation, or related agency action. The economic assessment shall consider impacts to individual property owners and impacts to the affected jurisdictions economy; and

(iii) Alternatives to the rule, policy, resolution, ordinance, proposal, recommendation, or related agency action that would achieve the intended purpose and lessen the economic impacts that are likely to occur.

(b) Each agency shall provide an analysis as part of any proposed rule, policy, resolution, ordinance, proposal, recommendation, or related agency action and submit the analysis to the board of county commissioners, in affected jurisdictions, in conjunction with a proposed rule, policy, resolution, ordinance, proposal, recommendation, or related agency action prior to adoption.

(3) An agency shall make each private property taking impact analysis, economic impact analysis, or both, available to the public."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "and adding new sections to chapter 36.70A RCW."

MOTION

Senator Short moved that the following floor amendment no. 257 by Senator Short be adopted:

On page 1, line 10 of the amendment, after "36.70A.070(5)," insert "or"

On page 1, beginning on line 11 of the amendment, after "requirements" strike all material through "act" on line 13

Beginning on page 1, line 20 of the amendment, strike all of section 2

On page 3, line 13 of the title amendment, after "adding" strike "new sections" and insert "a new section"

Senators Short and Takko spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 257 by Senator Short on page 1, line 10 to Engrossed Substitute House Bill No. 2023.

The motion by Senator Short carried and floor amendment no. 257 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government as amended to Engrossed Substitute House Bill No. 2023.

The motion by Senator Short carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 2023 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2023 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2023 as amended by the Senate and the

bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2138, by House Committee on Finance (originally sponsored by Representatives Kraft, Kirby, Lovick, Klippert, Smith, Haler and McDonald)

Concerning tax relief for the construction of adapted housing for disabled veterans.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 2138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Ranker and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2138 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Jinkins, Peterson and Pollet)

Concerning opioid treatment programs.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 12.** RCW 71.24.560 and 2016 sp.s. c 29 s 506 are each amended to read as follows:

(1) All approved ~~((opiate substitution))~~ opioid treatment programs that provide services to women who are pregnant are required to disseminate up-to-date and accurate health education information to all their pregnant clients concerning the possible addiction and health risks that their ~~((opiate substitution))~~ treatment may have on their baby. All pregnant clients must also be advised of the risks to both them and their baby associated with not remaining on the ~~((opiate substitute))~~ opioid treatment program. The information must be provided to these clients both verbally and in writing. The health education information provided to the pregnant clients must include referral options for the ~~((addicted))~~ substance-exposed baby.

(2) The department shall adopt rules that require all ~~((opiate))~~ opioid treatment programs to educate all pregnant women in their program on the benefits and risks of ~~((methadone))~~ medication-assisted treatment to their fetus before they are provided these medications, as part of their ~~((addiction))~~ treatment. The department shall meet the requirements under this subsection within the appropriations provided for ~~((opiate))~~ opioid treatment programs. The department, working with treatment providers and medical experts, shall develop and disseminate the educational materials to all certified ~~((opiate))~~ opioid treatment programs.

NEW SECTION. **Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

The state declares that a person lawfully possessing or using lawfully prescribed medication for the treatment of opioid use disorder must be treated the same in judicial and administrative proceedings as a person lawfully possessing or using other lawfully prescribed medications.

Sec. 14. RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

(1) ~~((For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.))~~

When making a decision on an application for certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) Certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ~~((or special))~~ use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of that population;

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~~(c) ((Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;~~

~~(f))~~ Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

~~((g))~~ ~~(f)~~ Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

~~((h))~~ ~~(g)~~ Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature, including abstinence from opiates and opiate substitutes, obtaining ~~((mental))~~ behavioral health treatment services, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances. The department shall prioritize certification to applicants who have demonstrated such capability;

~~((i))~~ ~~(h)~~ Hold ~~((at least))~~ one public hearing in the ~~((county))~~ community in which the facility is proposed to be located ~~((and one hearing in the area in which the facility is proposed to be located))~~. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

~~(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.~~

~~(3) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.~~

~~((3))~~ ~~(4)~~ For the purpose of this chapter, ~~((opiate substitution))~~ opioid treatment program means:

(a) Dispensing ~~((an opiate substitution drug))~~ a medication approved by the federal drug administration for the treatment of ~~((opiate addiction))~~ opioid use disorder; and

(b) Providing a comprehensive range of medical and rehabilitative services.

Sec. 15. RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

~~(1) ((For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.))~~

When making a decision on an application for licensing or certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ~~((or special))~~ use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

~~(e) ((Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;~~

~~(f))~~ Consider the availability of other licensed or certified opioid treatment programs near the area in which the applicant proposes to locate the program;

~~((g))~~ ~~(f)~~ Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

~~((h))~~ ~~(g)~~ Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature, including abstinence from opiates and opiate substitutes, obtaining ~~((mental))~~ behavioral health treatment services, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances. The department shall prioritize licensing or certification to applicants who have demonstrated such capability;

~~((i))~~ ~~(h)~~ Hold ~~((at least))~~ one public hearing in the ~~((county))~~ community in which the facility is proposed to be located ~~((and one hearing in the area in which the facility is proposed to be located))~~. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

~~(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.~~

~~(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.~~

~~((3))~~ ~~(4)~~ For the purpose of this chapter, ~~((opiate substitution))~~ opioid treatment program means:

(a) Dispensing ~~((an opiate substitution drug))~~ a medication approved by the federal drug administration for the treatment of ~~((opiate addiction))~~ opioid use disorder; and

(b) Providing a comprehensive range of medical and rehabilitative services.

Sec. 16. RCW 71.24.595 and 2003 c 207 s 6 are each amended to read as follows:

(1) The department, in consultation with ~~((opiate substitution))~~ opioid treatment program service providers and counties and cities, shall establish statewide treatment standards for certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with ~~((opiate substitution))~~ opioid treatment programs and counties, shall establish statewide operating standards for certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be

limited to, reasonable provisions necessary to enable the department and counties to monitor certified and licensed ~~((opiate substitution))~~ opioid treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((opiate substitution))~~ opioid treatment programs upon the business and residential neighborhoods in which the program is located.

(3) ~~((The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis.))~~ The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opioid treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

Sec. 17. RCW 71.24.595 and 2003 c 207 s 6 are each amended to read as follows:

(1) The department, in consultation with ~~((opiate substitution))~~ opioid treatment program service providers and counties and cities, shall establish statewide treatment standards for licensed or certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with ~~((opiate substitution))~~ opioid treatment programs and counties, shall establish statewide operating standards for certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified ~~((and))~~ or licensed ~~((opiate substitution))~~ opioid treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((opiate substitution))~~ opioid treatment programs upon the business and residential neighborhoods in which the program is located.

(3) ~~((The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis.))~~ The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opioid treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

NEW SECTION. Sec. 18. Sections 3 and 5 of this act take effect only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. Sec. 19. Sections 4 and 6 of this act take effect only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 71.24.560, 71.24.590, 71.24.590, 71.24.595, and 71.24.595; adding a new section to chapter 71.24 RCW; and providing contingent effective dates."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1427.

The motion by Senator Miloscia carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor striking amendment no. 265 by Senator Miloscia be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 20. The legislature finds that in 2015 an average of two Washington residents died per day in this state from opioid overdose and that opioid overdose deaths have more than doubled between 2010 and 2015.

The legislature further finds that medically prescribed opioids intended to treat pain have contributed to the opioid epidemic and although Washington has done much to address the prescribing and tracking of opioid prescriptions, more needs to be done to ensure proper prescribing and use of opioids and access to treatment. This includes allowing local health officers to access the prescription monitoring program in order to provide patient follow-up and care coordination, including directing care to opioid treatment programs in the area as appropriate to the patient following an overdose event.

The legislature intends to streamline its already comprehensive system of tracking and treating opioid abuse by: Reducing barriers to the siting of opioid treatment programs; ensuring ease of access for prescribers, including those prescribers who provide services in opioid treatment programs, to the prescription monitoring program; allowing facilities and practitioners to use the information received under the prescription monitoring program for the purpose of providing individual prescriber quality improvement feedback; and requiring the boards and commissions of the health care professions with prescriptive authority to adopt rules establishing requirements for prescribing opioid drugs with the goal of reducing the number of people who inadvertently become addicted to opioids and, consequently, reducing the burden on opioid treatment programs.

NEW SECTION. Sec. 21. A new section is added to chapter 18.22 RCW to read as follows:

(1) By January 1, 2019, the board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of podiatric physicians and surgeons in the state.

NEW SECTION. Sec. 22. A new section is added to chapter 18.32 RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control

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guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of dentists in the state.

NEW SECTION. Sec. 23. A new section is added to chapter 18.57 RCW to read as follows:

(1) By January 1, 2019, the board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of osteopathic physicians and surgeons in the state.

NEW SECTION. Sec. 24. A new section is added to chapter 18.57A RCW to read as follows:

(1) By January 1, 2019, the board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of osteopathic physician assistants in the state.

NEW SECTION. Sec. 25. A new section is added to chapter 18.71 RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of physicians in the state.

NEW SECTION. Sec. 26. A new section is added to chapter 18.71A RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of physician assistants in the state.

NEW SECTION. Sec. 27. A new section is added to chapter 18.79 RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

Sec. 28. RCW 70.225.040 and 2016 c 104 s 1 are each amended to read as follows:

(1) Prescription information submitted to the department must be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not

subject to disclosure, except as provided in subsections (3) ~~((and))~~, (4), and (5) of this section.

(2) The department must maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3) ~~((and))~~, (4), and (5) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances or legend drugs, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate law enforcement or prosecutorial officials, including local, state, and federal officials and officials of federally recognized tribes, who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services and the health care authority regarding medicaid program recipients;

(f) The director or the director's designee within the health care authority regarding medicaid clients for the purposes of quality improvement, patient safety, and care coordination. The information may not be used for contracting or value-based purchasing decisions;

(g) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

~~((g))~~ (h) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

~~((h))~~ (i) Other entities under grand jury subpoena or court order;

~~((i))~~ (j) Personnel of the department for purposes of:

(i) Assessing prescribing practices, including controlled substances related to mortality and morbidity;

(ii) Providing quality improvement feedback to providers, including comparison of their respective data to aggregate data for providers with the same type of license and same specialty; and

(iii) Administration and enforcement of this chapter or chapter 69.50 RCW;

~~((j))~~ (k) Personnel of a test site that meet the standards under RCW 70.225.070 pursuant to an agreement between the test site and a person identified in (a) of this subsection to provide assistance in determining which medications are being used by an identified patient who is under the care of that person;

~~((k))~~ (l) A health care facility or entity for the purpose of providing medical or pharmaceutical care to the patients of the facility or entity, or for quality improvement purposes if:

(i) The facility or entity is licensed by the department or is operated by the federal government or a federally recognized Indian tribe; and

(ii) The facility or entity is a trading partner with the state's health information exchange; ~~((and~~

~~((and~~ (m) A health care provider group of five or more providers for purposes of providing medical or pharmaceutical care to the patients of the provider group, or for quality improvement purposes if:

(i) All the providers in the provider group are licensed by the department or the provider group is operated by the federal government or a federally recognized Indian tribe; and

(ii) The provider group is a trading partner with the state's health information exchange;

(n) The local health officer of a local health jurisdiction for the purposes of patient follow-up and care coordination following a controlled substance overdose event. For the purposes of this subsection "local health officer" has the same meaning as in RCW 70.05.010; and

(o) The coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine, for the purposes of providing:

(i) Prescription monitoring program data to emergency department personnel when the patient registers in the emergency department; and

(ii) Notice to providers, appropriate care coordination staff, and prescribers listed in the patient's prescription monitoring program record that the patient has experienced a controlled substance overdose event. The department shall determine the content and format of the notice in consultation with the Washington state hospital association, Washington state medical association, and Washington state health care authority, and the notice may be modified as necessary to reflect current needs and best practices.

(4) The department shall, on at least a quarterly basis, and pursuant to a schedule determined by the department, provide a facility or entity identified under subsection (3)(l) of this section or a provider group identified under subsection (3)(m) of this section with facility or entity and individual prescriber information if the facility, entity, or provider group:

(a) Uses the information only for internal quality improvement and individual prescriber quality improvement feedback purposes and does not use the information as the sole basis for any medical staff sanction or adverse employment action; and

(b) Provides to the department a standardized list of current prescribers of the facility, entity, or provider group. The specific facility, entity, or provider group information provided pursuant to this subsection and the requirements under this subsection must be determined by the department in consultation with the Washington state hospital association, Washington state medical association, and Washington state health care authority, and may be modified as necessary to reflect current needs and best practices.

(5)(a) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(b)(i) The department may provide dispenser and prescriber data and data that includes indirect patient identifiers to the Washington state hospital association for use solely in connection with its coordinated quality improvement program maintained under RCW 43.70.510 after entering into a data use agreement as specified in RCW 43.70.052(8) with the association.

(ii) For the purposes of this subsection, "indirect patient identifiers" means data that may include: Hospital or provider identifiers, a five-digit zip code, county, state, and country of resident; dates that include month and year; age in years; and race and ethnicity; but does not include the patient's first name; middle name; last name; social security number; control or medical record number; zip code plus four digits; dates that include day, month, and year; or admission and discharge date in combination.

((5) A dispenser or practitioner) (6) Persons authorized in subsections (3), (4), and (5) of this section to receive data in the prescription monitoring program from the department, acting in good faith ((is)), are immune from any civil, criminal, disciplinary, or administrative liability that might otherwise be

incurred or imposed for ((requesting, receiving, or using information from the program)) acting under this chapter.

NEW SECTION. Sec. 29. A new section is added to chapter 70.225 RCW to read as follows:

Beginning November 15, 2017, the department shall annually report to the governor and the appropriate committees of the legislature on the number of facilities, entities, or provider groups identified in RCW 70.225.040(3) (l) and (m) that have integrated their federally certified electronic health records with the prescription monitoring program utilizing the state health information exchange.

Sec. 30. RCW 71.24.560 and 2016 sp.s. c 29 s 506 are each amended to read as follows:

(1) All approved ~~((opiate substitution))~~ opiod treatment programs that provide services to women who are pregnant are required to disseminate up-to-date and accurate health education information to all their pregnant clients concerning the possible addiction and health risks that their ~~((opiate substitution))~~ treatment may have on their baby. All pregnant clients must also be advised of the risks to both them and their baby associated with not remaining on the ~~((opiate substitute))~~ opiod treatment program. The information must be provided to these clients both verbally and in writing. The health education information provided to the pregnant clients must include referral options for the ~~((addicted))~~ substance-exposed baby.

(2) The department shall adopt rules that require all ~~((opiate))~~ opiod treatment programs to educate all pregnant women in their program on the benefits and risks of ~~((methadone))~~ medication-assisted treatment to their fetus before they are provided these medications, as part of their ~~((addiction))~~ treatment. The department shall meet the requirements under this subsection within the appropriations provided for ~~((opiate))~~ opiod treatment programs. The department, working with treatment providers and medical experts, shall develop and disseminate the educational materials to all certified ~~((opiate))~~ opiod treatment programs.

Sec. 31. RCW 71.24.585 and 2016 sp.s. c 29 s 519 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ~~((opiate substitution))~~ medication-assisted treatment for opiod use disorder. The state of Washington further declares that while ~~((opiate substitution drugs))~~ medications used in the treatment of ~~((opiate dependency))~~ opiod use disorder are addictive substances, that they nevertheless have several legal, important, and justified uses and that one of their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons ~~((addicted to or habituated to opioids))~~ with opiod use disorder. The state of Washington recognizes as evidence-based for the management of opiod use disorder the medications approved by the federal food and drug administration for the treatment of opiod use disorder. ~~((Opiate substitution))~~ Medication-assisted treatment should only be used for participants who are deemed appropriate to need this level of intervention ~~((and should not be));~~ providers should first consider alternatives like abstinence for the first treatment intervention ((for all opiate addicts)).

Because ~~((opiate substitution drugs, used in the treatment of opiate dependency are addictive and are listed as a schedule II))~~ some such medications are controlled substances in chapter 69.50 RCW, the state of Washington ((has)) maintains the legal obligation and right to regulate the ((use of opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in consultation with counties and cities, all clinical uses of opiate substitution drugs used in the treatment of opiate addiction)) clinical uses of these medications in the treatment of opiod use disorder.

Further, the state declares that the ~~((primary))~~ main goal of opiate substitution treatment is total abstinence from substance use for the individuals who participate in the treatment program, but recognizes the additional goals of reduced morbidity, and restoration of the ability to lead a productive and fulfilling life. The state recognizes that a small percentage of persons who participate in ~~((opiate substitution))~~ opioid treatment programs require treatment for an extended period of time. ~~((Opiate substitution))~~ Opioid treatment programs shall provide a comprehensive transition program to eliminate substance use, including ((opiate and opiate substitute addiction)) opioid use of program participants.

NEW SECTION. Sec. 32. A new section is added to chapter 71.24 RCW to read as follows:

The state declares that a person lawfully possessing or using lawfully prescribed medication for the treatment of opioid use disorder must be treated the same in judicial and administrative proceedings as a person lawfully possessing or using other lawfully prescribed medications.

Sec. 33. RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

~~((For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.))~~

When making a decision on an application for certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) Certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ~~((or special))~~ use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of that population;

~~((Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;~~

~~((f))~~ Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

~~((g))~~ (f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

~~((h))~~ (g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature~~((, including abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances))~~ in RCW 71.24.585. The department shall prioritize certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

~~((i))~~ (h) Hold ~~((at least))~~ one public hearing in the ~~((county))~~ community in which the facility is proposed to be located ~~((and one hearing in the area in which the facility is proposed to be located)).~~ The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

~~((3))~~ (4) For the purpose of this chapter, ~~((opiate substitution))~~ opioid treatment program means:

(a) Dispensing ~~((an opiate substitution drug))~~ a medication approved by the federal drug administration for the treatment of ~~((opiate addiction))~~ opioid use disorder and dispensing medication for the reversal of opioid overdose; and

(b) Providing a comprehensive range of medical and rehabilitative services.

Sec. 34. RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

~~((For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.))~~

When making a decision on an application for licensing or certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ~~((or special))~~ use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

~~((Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;~~

~~((f))~~ Consider the availability of other licensed or certified opioid treatment programs near the area in which the applicant proposes to locate the program;

~~((g))~~ (f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

~~((h))~~ (g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature~~((, including abstinence from opiates and opiate substitutes, obtaining mental health treatment,~~

~~improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances~~) in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

~~((4)) (h)~~ Hold ~~((at least))~~ one public hearing in the ~~((county))~~ community in which the facility is proposed to be located ~~((and one hearing in the area in which the facility is proposed to be located))~~. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

~~((3)) (4)~~ For the purpose of this chapter, ~~((opiate substitution))~~ opiod treatment program means:

(a) Dispensing ~~((an opiate substitution drug))~~ a medication approved by the federal drug administration for the treatment of ((opiate addiction)) opiod use disorder and dispensing medication for the reversal of opiod overdose; and

(b) Providing a comprehensive range of medical and rehabilitative services.

Sec. 35. RCW 71.24.595 and 2003 c 207 s 6 are each amended to read as follows:

(1) The department, in consultation with ~~((opiate substitution))~~ opiod treatment program service providers and counties and cities, shall establish statewide treatment standards for certified ~~((opiate substitution))~~ opiod treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with ~~((opiate substitution))~~ opiod treatment programs and counties, shall establish statewide operating standards for certified ~~((opiate substitution))~~ opiod treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified and licensed ~~((opiate substitution))~~ opiod treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((opiate substitution))~~ opiod treatment programs upon the business and residential neighborhoods in which the program is located.

(3) ~~((The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis.))~~ The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opiod treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

Sec. 36. RCW 71.24.595 and 2003 c 207 s 6 are each amended to read as follows:

(1) The department, in consultation with ~~((opiate substitution))~~ opiod treatment program service providers and counties and cities, shall establish statewide treatment standards for licensed or certified ((opiate substitution)) opiod treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with ~~((opiate substitution))~~ opiod treatment programs and counties, shall establish statewide operating standards for certified ~~((opiate substitution))~~ opiod treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified ~~((and))~~ or licensed ((opiate substitution)) opiod treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((opiate substitution))~~ opiod treatment programs upon the business and residential neighborhoods in which the program is located.

(3) ~~((The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis.))~~ The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opiod treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

NEW SECTION. **Sec. 37.** Sections 14 and 16 of this act take effect only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. **Sec. 38.** Sections 15 and 17 of this act take effect only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 70.225.040, 71.24.560, 71.24.585, 71.24.590, 71.24.590, 71.24.595, and 71.24.595; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 70.225 RCW; adding a new section to chapter 71.24 RCW; creating a new section; and providing contingent effective dates."

Senators Miloscia and Liias spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 265 by Senator Miloscia to Engrossed Substitute House Bill No. 1427.

The motion by Senator Miloscia carried and floor striking amendment no. 265 was adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Engrossed Substitute House Bill No. 1427 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1427 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1427 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Darneille, Frockt and Keiser

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute House Bill No. 1445 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Appropriations (originally sponsored by Representatives Ortiz-Self, Stambaugh, Santos, Orwall, Harris, Calder, Springer, Appleton, Lytton, Condotta, Fey, Pollet, Goodman, Slatter, Bergquist, Macri, Doglio and Kagi)

Concerning dual language in early learning and K-12 education.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 39. (1) The legislature finds that it should review and revise the K-12 educational program taking into consideration the needs of students as they evolve. In Washington state, immigrant students whose first language is not English represent a significant part of evolving and more diverse school demographics. The legislature finds that Washington's educator workforce in school districts has not evolved in a manner consistent with changing student demographics. Thus, more and more schools are without the capacity to meet the needs of English language learners and without the capacity to

communicate effectively with parents whose first language is not English.

(2) The legislature finds that:

(a) Between 1986 and 2016, the number of students served in the state's transitional bilingual instruction program increased from fifteen thousand twenty-four to one hundred eighteen thousand five hundred twenty-six, an increase of six hundred eighty-nine percent, and that two-thirds of the students were native Spanish speakers; the next ten most common languages were Russian, Vietnamese, Somali, Chinese, Arabic, Ukrainian, Tagalog, Korean, Marshallese, and Punjabi;

(b) In the 2015-16 school year, forty-six percent of instructors in the state's transitional bilingual instruction program were instructional aides, not certificated teachers; and

(c) Eleven percent of students in the transitional bilingual instruction program received instruction in their native tongue in the 2015-16 school year, and research shows that non-English speaking students develop academic proficiency in English more quickly when they are provided instruction in their native language initially.

(3) Accordingly, the legislature finds it is necessary to better serve non-English speaking students by addressing and closing the significant language and instructional gaps that hinder English language learners from meeting the state's rigorous educational standards. Thus, the legislature finds it necessary to implement a long-term, grow-your-own bilingual educator initiative to enhance teaching and learning in Washington's K-12 educational system.

(4) It is the intent of the legislature to provide funds for a pilot project for the bilingual educator initiative in the 2017-2019 biennium and to expand the program to other regions of the state upon successful demonstration of pilot projects.

NEW SECTION. Sec. 40. A new section is added to chapter 28A.180 RCW to read as follows:

(1) In 2017, funds must be appropriated for the purposes in this subsection (1).

(a) The professional educator standards board, beginning in the 2017-2019 biennium, shall administer the bilingual educator initiative, which is a long-term program to recruit, prepare, and mentor bilingual high school students to become future bilingual teachers and counselors. Pilot projects must be implemented in two school districts east of the crest of the Cascade mountains and two school districts west of the crest of the Cascade mountains, where immigrant students are shown to be rapidly increasing. Districts selected by the professional educator standards board must partner with at least one two-year and one four-year college in planning and implementing the program. The professional educator standards board shall provide oversight.

(b) Participating school districts must implement programs, including: (i) An outreach plan that exposes the program to middle school students and recruits them to enroll in the program when they begin their ninth grade of high school; (ii) activities in ninth and tenth grades that help build student agency, such as self-confidence and awareness, while helping students to develop academic mind-sets needed for high school and college success; the value and benefits of teaching and counseling as careers; and introduction to leadership, civic engagement, and community service; (iii) credit-bearing curricula in grades eleven and twelve that include mentoring, shadowing, best practices in teaching in a multicultural world, efficacy and practice of dual language instruction, social and emotional learning, enhanced leadership, civic engagement, and community service activities.

(c) There must be a pipeline to college using two-year and four-year college faculty and consisting of continuation services for

program participants, such as advising, tutoring, mentoring, financial assistance, and leadership.

(d) High school and college teachers and counselors must be recruited and compensated to serve as mentors and trainers for participating students.

(2) After obtaining a high school diploma, students qualify to receive conditional loans to cover the full cost of college tuition, fees, and books. To qualify for funds, students must meet program requirements as developed by their local implementation team, which consists of staff from their school district and the partnering two-year and four-year college faculty.

(3) In order to avoid loan repayment, students must (a) earn their baccalaureate degree and certification needed to serve as a teacher or professional guidance counselor; and (b) teach or serve as a counselor in their educational service district region for at least five years. Students who do not meet the repayment terms in this subsection are subject to repaying all or part of the financial aid they receive for college unless students are recipients of funding provided through programs such as the state need grant program or the college bound scholarship program.

(4) The professional educator standards board may consult with the department of early learning to determine whether it is feasible to add early learning professionals to the program described in this section.

NEW SECTION. Sec. 41. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 28A.180 RCW; and creating new sections."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1445.

The motion by Senator Zeiger carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor striking amendment no. 264 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 42. (1) The legislature finds that it should review and revise the K-12 educational program taking into consideration the needs of students as they evolve. In Washington state, immigrant students whose first language is not English represent a significant part of evolving and more diverse school demographics. The legislature finds that Washington's educator workforce in school districts has not evolved in a manner consistent with changing student demographics. Thus, more and more schools are without the capacity to meet the needs of English learners and without the capacity to communicate effectively with parents whose first language is not English.

(2) The legislature finds that:

(a) Between 1986 and 2016, the number of students served in the state's transitional bilingual instruction program increased from fifteen thousand twenty-four to one hundred eighteen thousand five hundred twenty-six, an increase of six hundred eighty-nine percent, and that two-thirds of the students were native Spanish speakers; the next ten most common languages were Russian, Vietnamese, Somali, Chinese, Arabic, Ukrainian, Tagalog, Korean, Marshallese, and Punjabi;

(b) In the 2015-16 school year, forty-six percent of instructors in the state's transitional bilingual instruction program were instructional aides, or paraeducators, not certificated teachers; and

(c) Eleven percent of students in the transitional bilingual instruction program received instruction in their native language in the 2015-16 school year, and research shows that non-English speaking students develop academic proficiency in English more quickly when they are provided instruction in their native language initially.

(3) The legislature showed its commitment to equity in education by passing legislation creating a seal of biliteracy, requiring world language for high school graduation, easing the transitions of English learners, encouraging training for staff in cultural competence, monitoring the racial and ethnic data of teachers, and funding the creation of K-12 dual language programs.

(4) However, the legislature finds it is necessary to better serve non-English speaking students by addressing and closing the significant language and instructional gaps that hinder English learners from meeting the state's rigorous educational standards.

(5) Thus, the legislature intends to establish a comprehensive approach to support English learners by creating grant programs to: (a) Expand dual language programs for elementary and secondary students; and (b) recruit bilingual individuals to become educators who are able to provide instruction in, and support for, dual language programs.

NEW SECTION. Sec. 43. A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) The K-12 dual language grant program is created to grow capacity for high quality dual language learning in the common schools and in state-tribal compact schools.

(b) A dual language program is an instructional model that provides content-based instruction to students in two languages: English and a target language other than English spoken in the local community, for example Spanish, Somali, Vietnamese, Russian, Arabic, native languages, or indigenous languages. The goal of the program is for students to eventually become proficient and literate in both languages, while also meeting high academic standards in all subject areas. Typically, programs begin at kindergarten or first grade and continue through at least elementary school. Two-way dual language programs begin with a balanced number of native and nonnative speakers of the target language so that both groups of students serve in the role of language modeler and language learner at different times. One-way dual language programs serve only nonnative English speakers.

(2)(a) The office of the superintendent of public instruction shall develop and administer the grant program.

(b) Subject to the availability of amounts appropriated for this specific purpose, by October 1, 2017, the office of the superintendent of public instruction must award grants of up to two hundred thousand dollars each through a competitive process to school districts or state-tribal compact schools proposing to: (i) Establish a two-way dual language program or a one-way dual language program in a school with predominantly English learners; or (ii) expand a recently established two-way dual language program or a one-way dual language program in a school with predominantly English learners. When awarding a grant to a school district or a state-tribal compact school proposing to establish a dual language program in a target language other than Spanish, the office must provide a bonus of up to twenty thousand dollars.

(c) The office of the superintendent of public instruction must identify criteria for awarding the grants, evaluate applicants, and award grant money. The office must select grantees that represent

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sufficient geographic, demographic, and enrollment diversity to produce meaningful data for the report required in section 6 of this act. The application must require, among other things, that the applicant describe: (i) How the program will serve the applicant's English learner population; (ii) the number of classrooms that the applicant expects to add with the grant money; (iii) the planned use of the grant money; (iv) the applicant's plan for student enrollment and outreach to families who speak the target language; (v) the applicant's plan to recruit and support bilingual paraeducators, classified staff, parents, and high school students to become bilingual teachers in the district or state-tribal compact school; (vi) the applicant's commitment to, and plan for, sustaining a dual language program beyond the grant period; and (vii) whether the school district board of directors or the governing body of a state-tribal compact school has expressed support for dual language programs.

(d) The grant money must be used for dual language program start-up and expansion costs, such as staff and teacher training, teacher recruitment, development and implementation of a dual language learning model and curriculum, and other costs identified in the application as key for start-up. The grant money may not be used for ongoing program costs.

(3) The grant period is two years. At the end of the grant period, the grantees must work with the office of the superintendent of public instruction to draft the report required in section 6 of this act.

(4) The office of the superintendent of public instruction must notify school districts and state-tribal compact schools of the grant program established under this section and provide ample time for the application process.

(5) The superintendent of public instruction may adopt rules to implement this section.

(6) This section expires July 1, 2020.

NEW SECTION. Sec. 44. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Within existing resources, the office of the superintendent of public instruction shall facilitate dual language learning cohorts for school districts and state-tribal compact schools establishing or expanding dual language programs. The office must provide technical assistance and support to school districts and state-tribal compact schools implementing dual language programs, including those establishing or expanding dual language programs under section 1 of this act.

(2) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 45. A new section is added to chapter 28A.180 RCW to read as follows:

In 2017, funds must be appropriated for the purposes in this section.

(1) The professional educator standards board, beginning in the 2017-2019 biennium, shall administer the bilingual educator initiative, which is a long-term program to recruit, prepare, and mentor bilingual high school students to become future bilingual teachers and counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, pilot projects must be implemented in one or two school districts east of the crest of the Cascade mountains and one or two school districts west of the crest of the Cascade mountains, where immigrant students are shown to be rapidly increasing. Districts selected by the professional educator standards board must partner with at least one two-year and one four-year college in planning and implementing the program. The professional educator standards board shall provide oversight.

(3) Participating school districts must implement programs, including: (a) An outreach plan that exposes the program to

middle school students and recruits them to enroll in the program when they begin their ninth grade of high school; (b) activities in ninth and tenth grades that help build student agency, such as self-confidence and awareness, while helping students to develop academic mind-sets needed for high school and college success; the value and benefits of teaching and counseling as careers; and introduction to leadership, civic engagement, and community service; (c) credit-bearing curricula in grades eleven and twelve that include mentoring, shadowing, best practices in teaching in a multicultural world, efficacy and practice of dual language instruction, social and emotional learning, enhanced leadership, civic engagement, and community service activities.

(4) There must be a pipeline to college using two-year and four-year college faculty and consisting of continuation services for program participants, such as advising, tutoring, mentoring, financial assistance, and leadership.

(5) High school and college teachers and counselors must be recruited and compensated to serve as mentors and trainers for participating students.

(6) After obtaining a high school diploma, students qualify to receive conditional loans to cover the full cost of college tuition, fees, and books. To qualify for funds, students must meet program requirements as developed by their local implementation team, which consists of staff from their school district and the partnering two-year and four-year college faculty.

(7) In order to avoid loan repayment, students must (a) earn their baccalaureate degree and certification needed to serve as a teacher or professional guidance counselor; and (b) teach or serve as a counselor in their educational service district region for at least five years. Students who do not meet the repayment terms in this subsection are subject to repaying all or part of the financial aid they receive for college unless students are recipients of funding provided through programs such as the state need grant program or the college bound scholarship program.

(8) Grantees must work with the professional educator standards board to draft the report required in section 6 of this act.

(9) The professional educator standards board may adopt rules to implement this section.

NEW SECTION. Sec. 46. A new section is added to chapter 43.215 RCW to read as follows:

(1) The department of early learning must work with community partners to support outreach and education for parents and families around the benefits of native language development and retention, as well as the benefits of dual language learning. Native language means the language normally used by an individual or, in the case of a child or youth, the language normally used by the parents or family of the child or youth. Dual language learning means learning in two languages, generally English and a target language other than English spoken in the local community, for example Spanish, Somali, Vietnamese, Russian, Arabic, native languages, or indigenous languages where the goal is bilingualism.

(2) Within existing resources, the department must create training and professional development resources on dual language learning, such as supporting English learners, working in culturally and linguistically diverse communities, strategies for family engagement, and cultural responsiveness. The department must design the training modules to be culturally responsive.

(3) Within existing resources, the department must support dual language learning communities for teachers and coaches.

(4) The department may adopt rules to implement this section.

NEW SECTION. Sec. 47. (1) By December 1, 2019, subject to the availability of amounts appropriated for this specific purpose and in compliance with RCW 43.01.036, the office of the superintendent of public instruction and the

professional educator standards board must submit a combined report to the appropriate committees of the legislature that:

(a) Details the successes, best practices, lessons learned, and outcomes of the grant programs described in this act; and

(b) Describes how the K-12 education system has met the goals of each grant program and expanded their capacities to support dual language models of instruction because of this act, that is, how many more children were educated in dual language classrooms as a result of the grants in this act.

(2) This section expires July 1, 2020.

NEW SECTION. **Sec. 48.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 43.215 RCW; creating new sections; and providing expiration dates."

Senators Zeiger and Rolfes spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 264 by Senator Zeiger to Substitute House Bill No. 1445.

The motion by Senator Zeiger carried and floor striking amendment no. 264 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1445 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1445 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Brown, Padden, Short and Wilson

SUBSTITUTE HOUSE BILL NO. 1445, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1058, by Representative MacEwen

Changing provisions relating to court-ordered restitution in certain criminal cases.

The measure was read the second time.

MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 49.** The legislature finds that providing a victim with the opportunity for restitution from the perpetrator of the crime is an important part of the criminal justice system. It is the intent of the legislature to reaffirm the priority of restitution and, by this act, clarify that any outstanding debt for restitution be paid prior to the payment of any other legal financial obligation owed by the offender.

Sec. 50. RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each amended to read as follows:

(1) When a defendant is sentenced to pay ((a)) fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) The offender's monthly payment shall be applied in the following order of priority:

(a) First, proportionally to any restitution owed to victims that have not been fully compensated from other sources until satisfied;

(b) Second, proportionally to restitution owed to insurance or other sources with respect to a loss that has provided compensation to victims until satisfied;

(c) Third, proportionally to crime victims' assessments until satisfied; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 51. RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of ((an offender's monthly)) each payment((, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied)) made by or on behalf of an offender, the county clerk shall distribute the payment ((proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court)) in the following order of priority:

(a) First, proportionally to restitution owed to victims that have not been fully compensated from other sources until satisfied;

(b) Second, proportionally to restitution owed to insurance or other sources with respect to a loss that has provided compensation to victims until satisfied;

(c) Third, proportionally to crime victims' assessments until satisfied; and

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(d) Fourth, proportionally to costs, fines, and other assessments required by law.

~~((2))~~ (3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For

an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((5))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((6))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((7))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((8))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((9))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((10))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.

~~((11))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((12))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((13))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((14))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations."

On page 1, line 1 of the title, after "restitution;" strike the remainder of the title and insert "amending RCW 10.01.170 and 9.94A.760; and creating a new section."

MOTION

Senator Hasegawa moved that the following floor amendment no. 263 by Senator Hasegawa be adopted:

On page 7, after line 13 of the amendment, insert the following:
"Sec. 4. RCW 10.82.090 and 2015 c 265 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate ~~((applicable to civil judgments))~~ specified in RCW 4.56.110(4). All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts. The rate of interest specified in this subsection applies to the accrual of interest as of the date of entry of judgment with respect to a judgment that is entered on or after the effective date of this section, and applies to the accrual of interest as of the effective date of this section with respect to a judgment that was entered before the effective date of this section and is still accruing interest on the effective date of this section.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full;

(c) The court may otherwise reduce or waive the interest on the portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that the interest accrual is causing a significant hardship. For purposes of this section, "good faith effort" means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen-month period, excluding any payments mandatorily deducted by the department of corrections;

(d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only as an incentive for the offender to meet his or her legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders.

Sec. 5. RCW 4.56.110 and 2010 c 149 s 1 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

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(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3)(a) Judgments founded on the tortious conduct of a "public agency" as defined in RCW 42.30.020 shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(b) Except as provided in (a) of this subsection, judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Legal financial obligations imposed in judgments pertaining to offenders referred to in RCW 10.82.090 shall bear interest from the date of entry at the rate of two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted in the month of December immediately preceding the date of entry. The interest rate on all judgments for legal financial obligations of offenders referred to in RCW 10.82.090 shall be readjusted annually on the first day of January of each year to reflect the current interest rate and shall accrue at that rate during the succeeding calendar year.

(5) Except as provided under subsections (1)~~((, (2), and (3)))~~ through (4) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. ~~((The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.))~~

On page 7, beginning on line 15 of the title amendment, after "10.01.170" strike "and 9.94A.760" and insert ", 9.94A.760, 10.82.090, and 4.56.110"

Senator Hasegawa spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Padden spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 263 by Senator Hasegawa on page 7, line 13 to the committee striking amendment.

The motion by Senator Hasegawa did not carry and floor amendment no. 263 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1058.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1058 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1058 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504, by House Committee on Environment (originally sponsored by Representatives Pike, Blake, Wylie, Peterson, Harris, Vick, Manweller, Tarleton, Orcutt, Farrell, Haler, Dent, Fey, Sells, Kraft, Johnson, MacEwen, Chandler, Stambaugh, Van Werven, Dye, Doglio and Springer)

Concerning rail dependent uses for purposes of the growth management act and related development regulations.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6. The legislature recognizes that it enacted the rail preservation program because railroads provide benefits to state and local jurisdictions that are valuable to economic development, highway safety, and the environment. The Washington state freight mobility plan includes the goal of

supporting rural economies farm-to-market, manufacturing, and resource industry sectors. The plan makes clear that ensuring the availability of rail capacity is vital to meeting the future needs of the Puget Sound region. Rail-served industrial sites are a necessary part of a thriving freight mobility system, and are a key means of assuring that food and goods from rural areas are able to make it to people living in urban areas and international markets. Planned and effective access to railroad services is a pivotal aspect of transportation planning. The legislature affirms that it is in the public interest to allow economic development infrastructure to occur near rail lines as a means to alleviate strains on government infrastructure elsewhere. Therefore, the legislature finds that there is a need for counties and cities to improve their planning under the growth management act to provide much needed infrastructure for freight rail dependent uses adjacent to railroad lines.

Sec. 7. RCW 36.70A.030 and 2012 c 21 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(6) "Department" means the department of commerce.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors

shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(10) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((40))~~ (11) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((44))~~ (12) "Minerals" include gravel, sand, and valuable metallic substances.

~~((42))~~ (13) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((43))~~ (14) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((44))~~ (15) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

~~((45))~~ (16) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas, including railroad tracks;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

~~((46))~~ (17) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels

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that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

~~((47))~~ (18) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

~~((48))~~ (19) "Short line railroad" means those railroad lines designated Class II or Class III by the United States Surface Transportation Board.

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((49))~~ (21) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((20))~~ (22) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((21))~~ (23) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

Sec. 8. RCW 36.70A.060 and 2014 c 147 s 2 are each amended to read as follows:

(1)(a) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that

the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Each of the following counties, and each of the cities in such counties, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses: Counties located to the east of the crest of the Cascade mountains; and counties located to the west of the crest of the Cascade mountains that have both a population of at least two hundred forty thousand and a border that touches another state. Any development regulations related to the development of agriculture, forest, and mineral resource lands adjacent to short line railroads for freight rail dependent uses must require buffers sufficient to prevent encroachment on or impacts to the adjacent resource lands.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(c) Each county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b), and each city within such county, shall adopt development regulations within one year after the adoption of the resolution of partial planning to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection (1)(c) must comply with the requirements governing regulations adopted under (a) of this subsection.

(d)(i) A county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b) and that is not in compliance with the planning requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution is adopted must, by January 30, 2017, apply for a determination of compliance from the department finding that the county's development regulations, including development regulations adopted to protect critical areas, and comprehensive plans are in compliance with the requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172. The department must approve or deny the application for a determination of compliance within one hundred twenty days of its receipt or by June 30, 2017, whichever date is earlier.

(ii) If the department denies an application under (d)(i) of this subsection, the county and each city within is obligated to comply with all requirements of this chapter and the resolution for partial planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

(iii) A petition for review of a determination of compliance under (d)(i) of this subsection may only be appealed to the growth management hearings board within sixty days of the issuance of the decision by the department.

(iv) In the event of a filing of a petition in accordance with (d)(iii) of this subsection, the county and the department must equally share the costs incurred by the department for defending

an approval of determination of compliance that is before the growth management hearings board.

(v) The department may implement this subsection (1)(d) by adopting rules related to determinations of compliance. The rules may address, but are not limited to: The requirements for applications for a determination of compliance; charging of costs under (d)(iv) of this subsection; procedures for processing applications; criteria for the evaluation of applications; issuance and notice of department decisions; and applicable timelines.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) The department of commerce is directed to submit a written report to the legislature by November 15th of each even-numbered year, beginning in 2022 and ending in 2032, that describes any job gains, tax impacts, and impacts to resource lands resulting from freight rail dependent uses sited under this chapter.

Sec. 9. RCW 36.70A.070 and 2015 c 241 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-

family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

- (i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or

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mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((45))~~) (16). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((45))~~) (16). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve

as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 10. RCW 36.70A.108 and 2005 c 328 s 1 are each amended to read as follows:

(1) The transportation element required by RCW 36.70A.070 may include, in addition to improvements or strategies to accommodate the impacts of development authorized under RCW 36.70A.070(6)(b), multimodal transportation improvements or strategies that are made concurrent with the development. These transportation improvements or strategies may include, but are not limited to, measures implementing or evaluating:

(a) Multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and

(b) Modal performance standards meeting the peak and nonpeak hour capacity performance standards.

(2) The transportation element required by RCW 36.70A.070 may, for each of the following counties, and for each of the cities in such counties, include development of freight rail dependent uses on land adjacent to a short line railroad: Counties located to the east of the crest of the Cascade mountains; and counties located to the west of the crest of the Cascade mountains that have both a population of at least two hundred forty thousand and a border that touches another state. Development regulations may be modified to include development of freight rail dependent uses that do not require urban governmental services in rural lands.

(3) Nothing in this section or RCW 36.70A.070(6)(b) shall be construed as prohibiting a county or city planning under RCW 36.70A.040 from exercising existing authority to develop multimodal improvements or strategies to satisfy the concurrency requirements of this chapter.

~~((3))~~ (4) Nothing in this section is intended to affect or otherwise modify the authority of jurisdictions planning under RCW 36.70A.040."

On page 1, line 2 of the title, after "regulations;" strike the remainder of the title and insert "amending RCW 36.70A.030, 36.70A.060, 36.70A.070, and 36.70A.108; and creating a new section."

MOTION

Senator Short moved that the following floor amendment no. 251 by Senator Short be adopted:

On page 4, beginning on line 7 of the amendment, after "areas" strike "including railroad tracks"

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 251 by Senator Short on page 4, line 7 to the committee striking amendment.

The motion by Senator Short carried and floor amendment no. 251 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government as amended to Engrossed Substitute House Bill No. 1504.

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The motion by Senator Short carried and the committee striking amendment as amended was adopted by voice vote.

The measure was read the second time.

MOTION

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 1504 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1234 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Takko and Wilson spoke in favor of passage of the bill.

Senators Rivers, Cleveland and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1504 as amended by the Senate.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1234.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1504 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

The Secretary called the roll on the final passage of Substitute House Bill No. 1234 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Nelson, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Lias, McCoy, Palumbo, Pedersen, Ranker, Rolfes and Saldaña

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

MOTION

SUBSTITUTE HOUSE BILL NO. 1234, by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Lytton, Senn, Frame, Doglio, Tarleton, Hansen, Jinkins, Cody, Ortiz-Self, Riccelli, Stambaugh, Macri, Pollet, Tharinger, Clibborn, Stonier, Caldier, Sells, Gregerson, Wylie, Kilduff, McBride, Goodman, Bergquist, Ormsby, Stanford, Slatter and Kloba)

At 4:57 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Thursday, April 13, 2017.

CYRUS HABIB, President of the Senate

Addressing private health plan coverage of contraceptives.

HUNTER G. GOODMAN, Secretary of the Senate

NINETY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, April 13, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The U.S. Air Force Base McChord Composite Squadron Color Guard composed of Cadet Senior Airman Miss Myrrin Chick; Airman Mr. Christopher Fisher; Senior Airman Mr. Leavitt Rushton; Airman First Class Miss Emily West; and Technical Sergeant Miss Tara Wonsler; presented the Colors.

Mr. Bryant Hennessy led the Senate in the Pledge of Allegiance.

The prayer was offered by Chaplain Lieutenant Colonel Dave Franklin of the Pacific Region Chaplain Corps.

Washington State Poet Laureate, Dr. Todd Marshall recited the following:

Maps of Washington
Number in the thousands
Unique and folded inside each citizen's
Heart. We live in Washington
And Washington lives in us.

A Place to Love by Claudia Castro Luna, Seattle Civic Poet Laureate.

Presented by Dr. Todd Marshall, Washington State Poet Laureate

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 2182,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 12, 2017

MR. PRESIDENT:
The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5198,
SENATE BILL NO. 5674,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5923 by Senators Mullet, Palumbo, Braun, Pedersen and Carlyle

AN ACT Relating to the Washington higher education tuition payment and college savings programs; and amending RCW 28B.95.020, 28B.95.030, 28B.95.045, 28B.95.060, and 28B.95.092.

Referred to Committee on Higher Education.

SB 5924 by Senators Fain and Keiser

AN ACT Relating to exchanging charitable, educational, penal, and reformatory institutions trust lands for community and technical college forest reserve lands; amending RCW 79.02.420; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Keiser, the poem read by Dr. Todd Marshall, Washington State Poet Laureate, was spread upon the journal.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8616

NINETY FIFTH DAY, APRIL 13, 2017

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By Senators Honeyford, Billig, Chase, Hasegawa, Conway, Becker, Warnick, Mullet, King, Miloscia, Angel, Hobbs, Baumgartner, Takko, Braun, Nelson, O'Ban, Rivers, Brown, Cleveland, Schoesler, Padden, Rolfes, Fain, Bailey, Sheldon, Short, and Pearson

WHEREAS, The Civil Air Patrol was commissioned December 1, 1941, just days before the attack on Pearl Harbor, for the purpose of liaison flying and interdiction of infiltrators on the east coast and southern border of the United States; and from then on the Civil Air Patrol insignia, a red three-bladed propeller in the Civil Defense white-triangle-in-blue-circle, began appearing; and

WHEREAS, The Civil Air Patrol has now been in commission for 75 years; and

WHEREAS, When German submarines began to prey on American ships, the Civil Air Patrol's mission grew to include a 1,000-member coastal patrol, 64 of whom died in service and 26 of whom were lost at sea; and

WHEREAS, After a crew was forced to watch in vain as a grounded submarine off Cape Canaveral, Florida escaped before the military arrived, Civil Air Patrol planes were issued bombs and depth charges, and thereafter the Civil Air Patrol coastal patrol flew 24 million miles and found 173 submarines, ultimately attacking 57 and hitting 10; and

WHEREAS, On April 28, 1943, by presidential executive order, the Civil Air Patrol became an auxiliary of the United States Army Air Forces, and several months later the Germans withdrew coastal U-boat operations "because of those damned little red and yellow airplanes"; and

WHEREAS, During the postwar years, the Civil Air Patrol was put to work in search and rescue missions, saving the United States millions of dollars in operational costs as the only organization with the equipment and training to perform this vital job, with military aircraft being far too expensive to operate and flying too fast to accurately spot downed planes and personnel; and

WHEREAS, During the deadly 2014 highway 530 mudslide in Darrington, Washington, the Civil Air Patrol flew vital supplies to areas unreachable by heavier aircraft; and ground teams helped to evacuate cities and towns, maintained the Temporary Flight Restriction over the area, and provided high-bird communications for other agencies; and

WHEREAS, The Civil Air Patrol's National Cell Phone Forensics Team and National Radar Analysis Team, which used cutting-edge technology to complement the efforts of searchers in the air and on the ground for missing airplanes and individuals, were credited by the Air Force Rescue Coordination Center with saving 70 lives in fiscal year 2016; and

WHEREAS, The Civil Air Patrol Cadet Program, celebrating its 75th year in 2017, has over 24,000 participants between the ages of 12 and 20, one of its major attractions being its aerospace program, which provides both classroom and practical instruction in flight and rocketry, and offers each cadet the opportunity to participate in orientation flights in both powered and glider aircraft while learning search and rescue techniques and other valuable skills, emphasizing military history, leadership, science, technology, engineering, and math education, and "service before self" to members' community, state, and nation; and

WHEREAS, Today's Civil Air Patrol continues its service and commitment to our state and country with three primary missions: Aerospace education, cadet programs, and emergency services; and

WHEREAS, The Washington Wing's commitment to service includes three nationally recognized leaders: 2014 Chaplain of the

Year, (Lt. Col.) Dave Franklin; 2015 Legislative Squadron Commander of the Year, Senator (Lt. Col.) Jim Honeyford; and 2016 Public Affairs Officer of the Year, (Capt.) Jessica Jerwa, along with the many officers and cadets; and

WHEREAS, In Washington State alone, the Civil Air Patrol is composed of approximately 744 senior members and 626 cadets, adding up to 144 volunteer aircrew personnel and 779 emergency responders who, in 2016 alone, flew their 14 aircraft 1,537 hours in service to our state, a value of 4.9 million dollars in volunteer hours; and

WHEREAS, The McChord Composite Squadron Color Guard, located at McChord Field, Joint Base Lewis-McChord and comprised of youth Cadet members, have volunteered their time to represent the Civil Air Patrol's state headquarters while presenting the colors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Washington State wing of the Civil Air Patrol for its courageous and unwavering dedication to our citizens; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Colonel James P. Furlong, Commander of the Civil Air Patrol Washington Wing.

Senators Honeyford, Cleveland, Conway and O'Ban spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8616.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Colonel Jim Furlong who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Colonel Jim Furlong to address the Senate.

REMARKS BY COLONEL FURLONG

Colonel Jim Furlong: "Thank you very much. I am honored to receive this proclamation for my third year that I have been Commander of the Washington Wing of the Civil Air Patrol. I would like to particularly thank Senator Honeyford for his remarkable leadership that he has shown in bringing the message about who we are and what we can do for your communities throughout the state. I think you all know that Jim Honeyford was proclaimed the best Legislative Squad Commander in the country a year ago and he is certainly earned every bit of that. I will not repeat all of the statistics that you have already heard, except that seventy-five years in service to your nation and service to our communities, all volunteers, and we are here to be your air force, your civilian air patrol, and just call on us if we can do anything to help you. Thank you very much."

REMARKS BY THE PRESIDENT

President Habib: "Thank you, and thank you for everything you do to educate the next generation, the cadets, to keep us safe, to prepare for emergencies. It is an honor to be able to have you here with us today."

MOTION

Senator Baumgartner moved adoption of the following resolution:

SENATE RESOLUTION
8655

By Senator Baumgartner

WHEREAS, The 2016 college football season was the Year of the Receiver in the state of Washington with an unprecedented level of talent and accomplishment among wide receivers at Washington's NCAA Division I schools; and

WHEREAS, This group of superstars is on its way to a big future in professional football beginning with the upcoming NFL draft; and

WHEREAS, Kendrick Bourne recorded career stats at Eastern Washington University that are in the top seven in school history; Kendrick received All-Big Sky Conference honors three times, was selected to the Hero Sports FCS All-American team, and earned a selection to the NFL Players Association Bowl; and

WHEREAS, Shaq Hill broke the Eastern Washington University career kickoff return record, became the second Eagle ever to letter in four playoff years, recorded the third most all-purpose yards in school history, and was selected to the Hero Sports FCS All-American team; and

WHEREAS, Cooper Kupp set 29 records at Eastern Washington University, 11 in the conference and 15 in the FCS while earning four-time consensus FCS All-American honors, three-time Academic All-American honors, three offensive player of the year awards, the Walter Payton Award, and the Jerry Rice Award as a freshman; and

WHEREAS, The trio of Bourne, Hill, and Kupp combined for 817 catches, 12,412 yards, and 132 touchdowns; and

WHEREAS, River Cracraft became the second most prolific receiver in Washington State University's 124 year college football history, establishing himself as one of the top 20 most successful receivers in Pac-12 history while appearing twice on the Biletnikoff Award watch list and receiving the Laurie Niemi Award from his team for his courage and determination; and

WHEREAS, Gabe Marks holds the Washington State University record for most career receiving yards and holds the Pac-12 record for most receptions, which he achieved while earning back-to-back All-Pac-12 honors and team offensive MVP awards; and

WHEREAS, Dante Pettis set the University of Washington school record for punt return touchdowns and was selected by The Sporting News as an All-American punt returner and achieved All-Pac-12 honors as both a receiver and an academic while recording the seventh most receiving touchdowns in the nation in 2016; and

WHEREAS, John Ross recorded receiving figures that are in the top four in University of Washington's history, placed third in the nation for receiving touchdowns, received multiple All-American and All-Pac-12 honors, made it to the semifinals for the Biletnikoff Award, and blew the socks off scouts at the NFL Combine with a record 4.22 40-yard dash time; and

WHEREAS, No group of receivers from the state of Washington has achieved so much, recording 1,551 receptions, 20,633 yards, and 211 touchdowns combined;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the staggering achievements of Kendrick Bourne, Shaq Hill, Cooper Kupp, River Cracraft, Gabe Marks, Dante Pettis, and John Ross as athletes, leaders, and academics; and

BE IT FURTHER RESOLVED, That each of these athletes carry the support and encouragement of the Washington State Senate into their future careers as professionals; and

BE IT FURTHER RESOLVED, That the 2016 college football season in Washington be remembered as the "Year of the Receiver" because of the unprecedented accomplishments of this class of receivers.

Senators Baumgartner, Mullet, Angel and Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

The motion by Senator Baumgartner carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Shaq Hill from Eastern Washington University; Mr. River Cracraft from Washington State University; and Mr. Dante Pettis from the University of Washington, who were seated at the rostrum.

MOTION

At 10:32 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:28 a.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5008 with the following amendment(s): 5008.E AMH TR H2606.2

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 11. A new section is added to chapter 46.20 RCW to read as follows:

(1) Beginning July 1, 2018, except for enhanced drivers' licenses and identicards issued under RCW 46.20.202, the department must mark a driver's license or identicard issued under this chapter in accordance with the requirements of 6 C.F.R. Sec. 37.71 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(2) The department must adopt rules necessary to implement this section.

NEW SECTION. Sec. 12. A new section is added to chapter 46.20 RCW to read as follows:

(1) A driver's license or identicard issued with the design features required in section 1 of this act may not be used as evidence of or as a basis to infer an individual's citizenship or immigration status for any purpose.

(2) The presence of the design features required in section 1 of this act on a person's driver's license or identicard may not be used as a basis for the criminal investigation, arrest, or detention of that person in circumstances where a person with a driver's license or identicard without these design features would not be criminally investigated, arrested, or detained.

NEW SECTION. Sec. 13. A new section is added to chapter 46.20 RCW to read as follows:

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(1) In the absence of express authorization in state law, the department is prohibited from altering department practices to comply with any additional requirements set forth by the federal government as a condition to state compliance with the REAL ID Act of 2005, P.L. 109-13, which are not included in 6 C.F.R. Part 37 as of April 1, 2017.

(2) In the absence of express authorization in state law, the department is prohibited from altering department practices as of April 1, 2017, with respect to the extent to which personally identifying information required to apply for a driver's license or identicaid may be released to the federal government or to a party the department has knowledge may intend to release the information for the purpose of it being provided to the federal government, either directly or indirectly.

NEW SECTION. Sec. 14. RCW 43.41.390 (Implementation of federal REAL ID Act of 2005) and 2007 c 85 s 1 are each repealed."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5008 and ask the House to recede therefrom.

Senators King and Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5008 and ask the House to recede therefrom.

The motion by Senator King carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5008 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5018 with the following amendment(s): 5018-S AMH TR H2431.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 15. (1) The department of transportation shall engage in a transparent, public process to reexamine the administrative rules surrounding access to high occupancy vehicle lanes that must include an examination of the benefits and impacts of allowing private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device into the high occupancy vehicle lanes.

(2) By January 1, 2019, the department of transportation shall report progress of the public rule reexamination process in subsection (1) of this section to the transportation committees of the legislature with sufficient time for review before the conclusion of the process.

NEW SECTION. Sec. 16. This act expires August 1, 2019." Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5018 and ask the House to recede therefrom.

Senators King and Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5018 and ask the House to recede therefrom.

The motion by Senator King carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5018 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5268 with the following amendment(s): 5268 AMH APP H2601.1

Strike everything after the enacting clause and insert the following:

"Sec. 17. RCW 9.41.070 and 2011 c 294 s 1 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the

applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol. The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on

to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) If the licensee provides an email address at the time of application, the department of licensing must send notice of the license expiration to the licensee's email address within sixty days prior to the expiration of the license. A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

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- (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
 - (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
 - (c) Anywhere in the state if the applicant is a nonresident.
- (14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

NEW SECTION. Sec. 18. The sum of seventy-five thousand dollars is appropriated for the fiscal biennium ending June 30, 2019, from the firearms range account to the department of licensing solely for the purposes of section 1 of this act."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Padden moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5268 and ask the House to recede therefrom.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5268 and ask the House to recede therefrom.

The motion by Senator Padden carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5268 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5081 with the following amendment(s): 5081-S AMH JUDI H2405.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 19. SHORT TITLE. This chapter may be known and cited as the revised uniform law on notarial acts.

NEW SECTION. Sec. 20. DEFINITIONS. In this chapter:

- (1) "Acknowledgment" means a declaration by an individual in the presence of a notarial officer stating that the individual has signed a record of the individual's free will for the purpose stated in the record and, if the record is signed in a representative capacity, the individual also declares that he or she signed the

record with proper authority and signed it as the act of the individual or entity identified in the record.

- (2) "Department" means the department of licensing.
- (3) "Director" means the director of licensing or the director's designee.
- (4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (5) "Electronic records notary public" means an individual commissioned by the director to perform a notarial act with respect to electronic records. Nothing in this act authorizes an electronic records notary public to provide court reporting services.
- (6) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.
- (7) "In a representative capacity" means acting as:
 - (a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;
 - (b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;
 - (c) An agent or attorney-in-fact for a principal; or
 - (d) An authorized representative of another in any other capacity.
- (8) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, certifying the occurrence of an event or the performance of an act, and noting a protest of a negotiable instrument if the protest was prepared under the authority of an attorney licensed to practice law in this state or another state, or was prepared under the authority of a financial institution that is regulated by this state, another state, or the federal government.
- (9) "Notarial officer" means a notary public or other individual authorized to perform a notarial act.
- (10) "Notary public" means an individual commissioned to perform a notarial act by the director.
- (11) "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.
- (12) "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in human perceivable form.
- (14) "Sign" means, with present intent to authenticate or adopt a record:
 - (a) To execute or adopt a tangible symbol; or
 - (b) To attach to or logically associate with the record an electronic symbol, sound, or process.
- (15) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.
- (16) "Stamping device" means:
 - (a) A physical device capable of affixing to or embossing on a tangible record an official stamp; or
 - (b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.
- (17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any

territory or insular possession subject to the jurisdiction of the United States.

(18) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

NEW SECTION. Sec. 21. APPLICABILITY. This chapter applies to a notarial act performed on or after the effective date of this section.

NEW SECTION. Sec. 22. AUTHORITY TO PERFORM NOTARIAL ACT. (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

(2)(a) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party, or in which any of the above have a direct beneficial interest.

(b) A notarial officer may not notarize the notarial officer's own signature.

(c) A notarial act performed in violation of this subsection (2) is voidable.

NEW SECTION. Sec. 23. REQUIREMENTS FOR CERTAIN NOTARIAL ACTS. (1) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(3) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(4) A notarial officer who certifies or attests a copy of a record or an item that was copied shall compare the copy with the original record or item and determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(5) A notarial officer may make or note a protest of a negotiable instrument only if the notarial officer is licensed to practice law in this state, acting under the authority of an attorney who is licensed to practice law in this or another state, or acting under the authority of a financial institution regulated by this state, another state, or the federal government. In making or noting a protest of a negotiable instrument the notarial officer or licensed attorney shall determine the matters set forth in RCW 62A.3-505(b).

NEW SECTION. Sec. 24. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

NEW SECTION. Sec. 25. IDENTIFICATION OF INDIVIDUAL. (1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(a) By means of:

(i) A passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act; or

(ii) Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or
(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and personally known to the officer and who provides satisfactory evidence of his or her identity as described in (a) of this subsection.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

NEW SECTION. Sec. 26. AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT. (1) A notarial officer has the authority to refuse to perform a notarial act if the officer is not satisfied that:

(a) The individual executing the record is competent or has the capacity to execute the record; or

(b) The individual's signature is knowingly and voluntarily made.

(2) A notarial officer has the authority to refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

NEW SECTION. Sec. 27. SIGNATURE IF INDIVIDUAL UNABLE TO SIGN. Except as otherwise provided in RCW 64.08.100, if an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

NEW SECTION. Sec. 28. NOTARIAL ACT IN THIS STATE. (1) A notarial act may be performed in this state by:

(a) A notary public of this state;

(b) A judge, clerk, or deputy clerk of a court of this state; or

(c) Any other individual authorized to perform the specific act by the law of this state.

(2) The signature and title of an individual authorized by this act to perform a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (b) of this section conclusively establishes the authority of the officer to perform the notarial act.

NEW SECTION. Sec. 29. NOTARIAL ACT IN ANOTHER STATE. (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

(a) A notary public of that state;

(b) A judge, clerk, or deputy clerk of a court of that state; or

(c) Any other individual authorized by the law of that state to perform the notarial act.

(2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) through (c) of this section conclusively establishes the authority of the officer to perform the notarial act.

NEW SECTION. Sec. 30. NOTARIAL ACT UNDER AUTHORITY OF FEDERALLY RECOGNIZED INDIAN TRIBE. (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:

- (a) A notary public of the tribe;
- (b) A judge, clerk, or deputy clerk of a court of the tribe; or
- (c) Any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) through (c) of this section conclusively establishes the authority of the officer to perform the notarial act.
NEW SECTION. Sec. 31. NOTARIAL ACT UNDER FEDERAL AUTHORITY. (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

- (a) A judge, clerk, or deputy clerk of a court;
- (b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (c) An individual designated a notarizing officer by the United States department of state for performing notarial acts overseas; or
- (d) Any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in subsection (1)(a), (b), or (c) of this section conclusively establishes the authority of the officer to perform the notarial act.

NEW SECTION. Sec. 32. FOREIGN NOTARIAL ACT. (1) In this section, "foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(2) If a notarial act is performed under the authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(3) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(4) The signature and official stamp of an individual holding an office described in subsection (3) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(5) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Hague Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(6) A consular authentication issued by an individual designated by the United States department of state as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

NEW SECTION. Sec. 33. CERTIFICATE OF NOTARIAL ACT. (1) A notarial act must be evidenced by a certificate. The certificate must:

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the department;
- (c) Identify the jurisdiction in which the notarial act is performed;
- (d) Contain the title of office of the notarial officer;
- (e) Be written in English or in dual languages, one of which must be English; and
- (f) If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission.

(2) Regarding notarial act certificates on a tangible record:

- (a) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate.
- (b) If a notarial act regarding a tangible record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c), and (d) of this section, an official stamp may be affixed to or embossed on the certificate.

(3) Regarding notarial act certificates on an electronic record:

- (a) If a notarial act regarding an electronic record is performed by an electronic records notary public, an official stamp must be attached to or logically associated with the certificate.
- (b) If a notarial act regarding an electronic record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c), and (d) of this section, an official stamp may be attached to or logically associated with the certificate.

(4) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) through (3) of this section and:

- (a) Is in a short form set forth in section 16 of this act;
- (b) Is in a form otherwise permitted by the law of this state;
- (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
- (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 5, 6, and 7 of this act or law of this state other than this chapter.

(5) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 5, 6, and 7 of this act.

(6) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(7) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the director has established standards pursuant to section 28 of this act for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

NEW SECTION. Sec. 34. SHORT FORM CERTIFICATES. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 15 (1) through (4) of this act:

(1) For an acknowledgment in an individual capacity:

State of

County of

This record was acknowledged before me on (date) by (name(s) of individual(s)).

(Stamp) (Signature of notary public)

(Title of office)
My commission expires:
(date)

(2) For an acknowledgment in a representative capacity:
State of
County of
This record was acknowledged before me on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

(Stamp) (Signature of notary public)

(Title of office)
My commission expires:
(date)

(3) For verification on oath or affirmation:
State of
County of
Signed and sworn to (or affirmed) before me on (date) by (name(s) of individuals making statement).

(Stamp) (Signature of notary public)

(Title of office)
My commission expires:
(date)

(4) For witnessing or attesting a signature:
State of
County of
Signed or attested before me on (date) by (name(s) of individuals).

(Stamp) (Signature of notary public)

(Title of office)
My commission expires:
(date)

(5) For certifying or attesting a copy of a record:
State of
County of
I certify that this is a true and correct copy of a record in the possession of
Dated:

(Stamp) (Signature of notary public)

(Title of office)
My commission expires:
(date)

(6) For certifying the occurrence of an event or the performance of any act:
State of
County of

I certify that the event described in this document has occurred or been performed.
Dated:

(Stamp) (Signature of notary public)

(Title of office)
My commission expires:
(date)

NEW SECTION. Sec. 35. OFFICIAL STAMP. (1) It is unlawful for any person intentionally to manufacture, give, sell, procure, or possess a seal or stamp evidencing the current appointment of a person as a notary public until the director has issued a notary commission. The official seal or stamp of a notary public must include:

- (a) The words "notary public;"
 - (b) The words "state of Washington;"
 - (c) The notary public's name as commissioned;
 - (d) The notary public's commission expiration date; and
 - (e) Any other information required by the director.
- (2) The size and form or forms of the seal or stamp shall be prescribed by the director in rule.
- (3) The seal or stamp must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.
- (4) The seal or stamp used at the time that a notarial act is performed must be the seal or stamp evidencing the notary public's commission in effect as of such time, even if the notary public has received the seal or stamp evidencing his or her next commission.

NEW SECTION. Sec. 36. STAMPING DEVICE. (1) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(2) The seal or stamp should be kept in a locked and secured area, under the direct and exclusive control of the notary public. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the department on discovering that the device is lost or stolen. Any replacement device must contain a variance from the lost or stolen seal or stamp.

NEW SECTION. Sec. 37. FEES. (1) The director may establish by rule the maximum fees that may be charged by notaries public for various notarial services.

(2) A notary public need not charge fees for notarial acts.

NEW SECTION. Sec. 38. (1) A notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled in the journal. The journal is to be destroyed as required by the director in rule upon completion of the ten-year period.

(2) Notwithstanding any other provision of this chapter requiring a notary public to maintain a journal, a notary public who is an

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attorney licensed to practice law in this state is not required to chronicle a notarial act in a journal if documentation of the notarial act is otherwise maintained by professional practice.

(3) A notary public shall maintain only one tangible journal at a time to chronicle notarial acts, whether those notarial acts are performed regarding tangible or electronic records. The journal must be a permanent, bound register with numbered pages. An electronic records notary public may also maintain an electronic format journal, which can be kept concurrently with the tangible journal. The electronic journal must be in a permanent, tamper-evident electronic format complying with the rules of the director.

(4) An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:

- (a) The date and time of the notarial act;
 - (b) A description of the record, if any, and type of notarial act;
 - (c) The full name and address of each individual for whom the notarial act is performed; and
 - (d) Any additional information as required by the director in rule.
- (5) The journal shall be kept in a locked and secured area, under the direct and exclusive control of the notary public. Failure to secure the journal may be cause for the director to take administrative action against the commission held by the notary public. If a notary public's journal is lost or stolen, the notary public promptly shall notify the department on discovering that the journal is lost or stolen.
- (6) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (1) of this section and inform the department where the journal is located.

NEW SECTION. Sec. 39. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD—SELECTION OF TECHNOLOGY. (1) A notary public may not perform notarial acts with respect to electronic records unless the notary public holds a commission as an electronic records notary public.

(2) An electronic records notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records that meet the standards provided in subsection (4) of this section. A person cannot require an electronic records notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(3) Before an electronic records notary public performs the notary public's initial notarial act with respect to an electronic record, an electronic records notary public shall notify the department that he or she will be performing notarial acts with respect to electronic records and identify the technology the electronic records notary public intends to use.

(4) The director shall establish standards for approval of technology in rule. If the technology conforms to the standards, the director shall approve the use of the technology.

NEW SECTION. Sec. 40. COMMISSION AS NOTARY PUBLIC—QUALIFICATIONS—NO IMMUNITY OR BENEFIT. (1) An individual qualified under subsection (2) of this section may apply to the director for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the director and pay any application fee.

- (2) An applicant for a commission as a notary public must:
- (a) Be at least eighteen years of age;
 - (b) Be a citizen or permanent legal resident of the United States;
 - (c) Be a resident of or have a place of employment or practice in this state;
 - (d) Be able to read and write English;

(e) Not be disqualified to receive a commission under section 24 of this act; and

(f) Have successfully completed a course or passed an examination required under section 23 of this act.

(3) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the department in the format prescribed by the director in rule.

(4) Before issuance of a commission as a notary public, the applicant for a commission shall submit to the director an assurance in the form of a surety bond in the amount established by the director in rule. The assurance must be issued by a surety or other entity licensed or authorized to write surety bonds in this state. The assurance must be effective for a four-year term or for a term that expires on the date the notary public's commission expires. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the director. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give at least thirty days notice to the department before canceling the assurance. The surety or issuing entity shall notify the department not later than thirty days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the department.

(5) On compliance with this section, the director shall issue a commission as a notary public to an applicant for a term of four years or for a term that expires on the date of expiration of the assurance, whichever comes first.

(6) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

(7) An individual qualified under (a) of this subsection may apply to the director for a commission as an electronic records notary public. The applicant shall comply with and provide the information required by rules established by the director and pay the relevant application fee.

(a) An applicant for a commission as an electronic records notary public must hold a commission as notary public.

(b) An electronic records notary public commission may take the form of an endorsement to the notary public commission if deemed appropriate by the director.

NEW SECTION. Sec. 41. EXAMINATION OF NOTARY PUBLIC. The director may require an applicant for a commission or renewal of a commission as a notary public, including an applicant for a commission as an electronic records notary public, to successfully pass a course or an examination, as prescribed by the director in rule.

NEW SECTION. Sec. 42. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR CONDITION COMMISSION OF NOTARY PUBLIC. (1) In addition to conduct defined as unprofessional under RCW 18.235.130, the director may take action as provided for in RCW 18.235.110 against a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

- (a) Failure to comply with this chapter;
- (b) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the department;
- (c) A conviction of the applicant or notary public of any felony or crime involving fraud, dishonesty, or deceit;

(d) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

(e) Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the director, or any federal or state law;

(f) Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have;

(g) Violation by the notary public of a rule of the director regarding a notary public;

(h) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state;

(i) Failure of the notary public to maintain an assurance as provided in section 22(4) of this act; or

(j) Making or noting a protest of a negotiable instrument without being a person authorized by section 5(5) of this act.

(2) If the director denies, refuses to renew, revokes, suspends, imposes conditions, or otherwise sanctions, a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter 34.05 RCW.

(3) The authority of the director to take disciplinary action on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

NEW SECTION. Sec. 43. DATABASE OF NOTARIES PUBLIC. The director shall maintain an electronic database of notaries public:

(1) Through which a person may verify the authority of a notary public to perform notarial acts; and

(2) Which indicates whether a notary public has notified the director that the notary public will be performing notarial acts on electronic records.

NEW SECTION. Sec. 44. PROHIBITED ACTS. (1) A commission as a notary public does not authorize an individual to:

(a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

(b) Act as an immigration consultant or an expert on immigration matters;

(c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters;

(d) Receive compensation for performing any of the activities listed in this subsection; or

(e) Provide court reporting services.

(2) A notary public may not engage in false or deceptive advertising.

(3) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not use the term "notario" or "notario publico."

(4) A notary public, other than an attorney licensed to practice law in this state or a limited license legal technician acting within the scope of his or her license, may not assist another person in selecting the appropriate certificate required by section 15 of this act.

(5) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, in any

manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the director, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(6) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public. A notary public may not maintain copies or electronic images of documents notarized unless the copies or images are maintained by an attorney or Washington-licensed limited license legal technician acting within his or her scope of practice for the performance of legal services or for other services performed for the client and the copies or images are not maintained solely as part of the notary transaction.

NEW SECTION. Sec. 45. VALIDITY OF NOTARIAL ACTS. Except as otherwise provided in section 4(2) of this act, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts. Nothing in this act gives the director authority to invalidate a notarial act.

NEW SECTION. Sec. 46. RULES. (1) The director may adopt rules necessary to implement this chapter.

(2) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the director shall consider standards, practices, and customs of other jurisdictions that substantially enact this chapter.

NEW SECTION. Sec. 47. NOTARY PUBLIC COMMISSION IN EFFECT. A commission as a notary public in effect on the effective date of this section continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this section is subject to and shall comply with this chapter. A notary public, in performing notarial acts after the effective date of this section, shall comply with this chapter.

NEW SECTION. Sec. 48. SAVINGS CLAUSE. This chapter does not affect the validity or effect of a notarial act performed before the effective date of this section.

NEW SECTION. Sec. 49. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 50. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize

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electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 51. UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 52. NEW CHAPTER. Sections 1 through 33 and 45 of this act constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 53. REPEALS. The following acts or parts of acts are each repealed:

- (1)RCW 42.44.010 (Definitions) and 1985 c 156 s 1;
- (2)RCW 42.44.020 (Qualifications—Application—Bond) and 1985 c 156 s 2;
- (3)RCW 42.44.030 (Appointment—Denial for unprofessional conduct—Certificate of appointment) and 2011 c 244 s 6, 2002 c 86 s 287, & 1985 c 156 s 3;
- (4)RCW 42.44.050 (Seal or stamp) and 1985 c 156 s 5;
- (5)RCW 42.44.060 (Term) and 2002 c 86 s 288 & 1985 c 156 s 6;
- (6)RCW 42.44.070 (Reappointment without endorsements) and 1985 c 156 s 7;
- (7)RCW 42.44.080 (Standards for notarial acts) and 1987 c 76 s 3 & 1985 c 156 s 8;
- (8)RCW 42.44.090 (Form of certificate—General—Seal or stamp as exclusive property) and 1985 c 156 s 9;
- (9)RCW 42.44.100 (Short forms of certificate) and 1988 c 69 s 4 & 1985 c 156 s 10;
- (10)RCW 42.44.110 (Illegible writing) and 1985 c 156 s 11;
- (11)RCW 42.44.120 (Fees) and 1985 c 156 s 12;
- (12)RCW 42.44.130 (Notarial acts by officials of other jurisdictions) and 1985 c 156 s 13;
- (13)RCW 42.44.140 (Notarial acts by federal authorities) and 1985 c 156 s 14;
- (14)RCW 42.44.150 (Notarial acts by foreign authorities) and 1985 c 156 s 15;
- (15)RCW 42.44.160 (Official misconduct—Penalty) and 2002 c 86 s 289 & 1985 c 156 s 16;
- (16)RCW 42.44.170 (Revocation of appointment—Resignation) and 2002 c 86 s 290 & 1985 c 156 s 17;
- (17)RCW 42.44.180 (Evidence of authenticity of notarial seal and signature) and 1985 c 156 s 18;
- (18)RCW 42.44.190 (Rules) and 2002 c 86 s 291 & 1985 c 156 s 20;
- (19)RCW 42.44.200 (Transfer of records) and 1985 c 156 s 22;
- (20)RCW 42.44.210 (Uniform regulation of business and professions act) and 2002 c 86 s 292;
- (21)RCW 42.44.220 (Military training or experience) and 2011 c 351 s 18;
- (22)RCW 42.44.221 (Spouses of military personnel—Appointment) and 2011 2nd sp.s. c 5 s 7;
- (23)RCW 42.44.900 (Savings—1985 c 156) and 1985 c 156 s 21;
- (24)RCW 42.44.901 (Construction) and 1985 c 156 s 23; and
- (25)RCW 42.44.903 (Effective date—1985 c 156) and 1985 c 156 s 27.

Sec. 54. RCW 9.97.020 and 2016 c 81 s 3 are each amended to read as follows:

(1) Except as provided in this section, no state, county, or municipal department, board, officer, or agency authorized to assess the qualifications of any applicant for a license, certificate of authority, qualification to engage in the practice of a profession or business, or for admission to an examination to qualify for such a license or certificate may disqualify a qualified applicant, solely based on the applicant's criminal history, if the qualified applicant

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has obtained a certificate of restoration of opportunity and the applicant meets all other statutory and regulatory requirements, except as required by federal law or exempted under this subsection. Nothing in this section is interpreted as restoring or creating a means to restore any firearms rights or eligibility to obtain a firearm dealer license pursuant to RCW 9.41.110 or requiring the removal of a protection order.

(a)(i) Criminal justice agencies, as defined in RCW 10.97.030, and the Washington state bar association are exempt from this section.

(ii) This section does not apply to the licensing, certification, or qualification of the following professionals: Accountants, RCW 18.04.295; assisted living facilities employees, RCW 18.20.125; bail bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term care workers, RCW 18.88B.080; nursing home administrators, RCW 18.52.071; nursing, chapter 18.79 RCW; physicians and physician assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and 28A.410 RCW; notaries public, chapter ~~((42.44 RCW))~~ 42.--- RCW (the new chapter created in section 34 of this act); private investigators, chapter 18.165 RCW; real estate brokers and salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

(iii) To the extent this section conflicts with the requirements for receipt of federal funding under the adoption and safe families act, 42 U.S.C. Sec. 671, this section does not apply.

(b) Unless otherwise addressed in statute, in cases where an applicant would be disqualified under RCW 43.20A.710, and the applicant has obtained a certificate of restoration of opportunity, the department of social and health services may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Allow the applicant to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities if the applicant is otherwise qualified and suitable; or

(ii) Disqualify the applicant solely based on the applicant's criminal history.

(c) If the practice of a profession or business involves unsupervised contact with vulnerable adults, children, or individuals with mental illness or developmental disabilities, or populations otherwise defined by statute as vulnerable, the department of health may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Disqualify an applicant who has obtained a certificate of restoration of opportunity, for a license, certification, or registration to engage in the practice of a health care profession or business solely based on the applicant's criminal history; or

(ii) If such applicant is otherwise qualified and suitable, credential or credential with conditions an applicant who has obtained a certificate of restoration of opportunity for a license, certification, or registration to engage in the practice of a health care profession or business.

(d) The state of Washington, any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, the department of health, and its officers, employees, contractors, and agents are immune from suit in law, equity, or any action under the administrative procedure act based upon its exercise of discretion under this section. This section does not create a

protected class; private right of action; any right, privilege, or duty; or change to any right, privilege, or duty existing under law. This section does not modify a licensing or certification applicant's right to a review of an agency's decision under the administrative procedure act or other applicable statute or agency rule. A certificate of restoration of opportunity does not remove or alter citizenship or legal residency requirements already in place for state agencies and employers.

(2) A qualified court has jurisdiction to issue a certificate of restoration of opportunity to a qualified applicant.

(a) A court must determine, in its discretion whether the certificate:

(i) Applies to all past criminal history; or

(ii) Applies only to the convictions or adjudications in the jurisdiction of the court.

(b) The certificate does not apply to any future criminal justice involvement that occurs after the certificate is issued.

(c) A court must determine whether to issue a certificate by determining whether the applicant is a qualified applicant as defined in RCW 9.97.010.

(3) An employer or housing provider may, in its sole discretion, determine whether to consider a certificate of restoration of opportunity issued under this chapter in making employment or rental decisions. An employer or housing provider is immune from suit in law, equity, or under the administrative procedure act for damages based upon its exercise of discretion under this section or the refusal to exercise such discretion. In any action at law against an employer or housing provider arising out of the employment of or provision of housing to the recipient of a certificate of restoration of opportunity, evidence of the crime for which a certificate of restoration of opportunity has been issued may not be introduced as evidence of negligence or intentionally tortious conduct on the part of the employer or housing provider. This subsection does not create a protected class, private right of action, any right, privilege, or duty, or to change any right, privilege, or duty existing under law related to employment or housing except as provided in RCW 7.60.035.

(4)(a) Department of social and health services: A certificate of restoration of opportunity does not apply to the state abuse and neglect registry. No finding of abuse, neglect, or misappropriation of property may be removed from the registry based solely on a certificate. The department must include such certificates as part of its criminal history record reports, qualifying letters, or other assessments pursuant to RCW 43.43.830 through 43.43.838. The department shall adopt rules to implement this subsection.

(b) Washington state patrol: The Washington state patrol is not required to remove any records based solely on a certificate of restoration of opportunity. The state patrol must include a certificate as part of its criminal history record report.

(c) Court records:

(i) A certificate of restoration of opportunity has no effect on any other court records, including records in the judicial information system. The court records related to a certificate of restoration of opportunity must be processed and recorded in the same manner as any other record.

(ii) The qualified court where the applicant seeks the certificate of restoration of opportunity must administer the court records regarding the certificate in the same manner as it does regarding all other proceedings.

(d) Effect in other judicial proceedings: A certificate of restoration of opportunity may only be submitted to a court to demonstrate that the individual met the specific requirements of this section and not for any other procedure, including evidence of character, reputation, or conduct. A certificate is not an equivalent procedure under Rule of Evidence 609(c).

(e) Department of health: The department of health must include a certificate of restoration of opportunity on its public web site if:

(i) Its web site includes an order, stipulation to informal disposition, or notice of decision related to the conviction identified in the certificate of restoration of opportunity; and

(ii) The credential holder has provided a certified copy of the certificate of restoration of opportunity to the department of health.

(5) In all cases, an applicant must provide notice to the prosecutor in the county where he or she seeks a certificate of restoration of opportunity of the pendency of such application. If the applicant has been sentenced by any other jurisdiction in the five years preceding the application for a certificate, the applicant must also notify the prosecuting attorney in those jurisdictions. The prosecutor in the county where an applicant applies for a certificate shall provide the court with a report of the applicant's criminal history.

(6) Application for a certificate of restoration of opportunity must be filed as a civil action.

(7) A superior court in the county in which the applicant resides may decline to consider the application for certificate of restoration of opportunity. If the superior court in which the applicant resides declines to consider the application, the court must dismiss the application without prejudice and the applicant may refile the application in another qualified court. The court must state the reason for the dismissal on the order. If the court determines that the applicant does not meet the required qualifications, then the court must dismiss the application without prejudice and state the reason(s) on the order. The superior court in the county of the applicant's conviction or adjudication may not decline to consider the application.

(8) Unless the qualified court determines that a hearing on an application for certificate of restoration is necessary, the court must decide without a hearing whether to grant the certificate of restoration of opportunity based on a review of the application filed by the applicant and pleadings filed by the prosecuting attorney.

(9) The clerk of the court in which the certificate of restoration of opportunity is granted shall transmit the certificate of restoration of opportunity to the Washington state patrol identification section, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol shall update its records to reflect the certificate of restoration of opportunity.

(10)(a) The administrative office of the courts shall develop and prepare instructions, forms, and an informational brochure designed to assist applicants applying for a certificate of restoration of opportunity.

(b) The instructions must include, at least, a sample of a standard application and a form order for a certificate of restoration of opportunity.

(c) The administrative office of the courts shall distribute a master copy of the instructions, informational brochure, and sample application and form order to all county clerks and a master copy of the application and order to all superior courts by January 1, 2017.

(d) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions, which shall contain a sample of the standard application and order, and the informational brochure into languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to the county clerks by January 1, 2017.

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(e) The administrative office of the courts shall update the instructions, brochures, standard application and order, and translations when changes in the law make an update necessary.

Sec. 55. RCW 18.235.010 and 2007 c 256 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term (~~"appointment"~~) "commission" under chapter (~~(42.44 RCW)~~) 42.--- RCW (the new chapter created in section 34 of this act), are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

Sec. 56. RCW 18.235.020 and 2013 c 322 s 29 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter (~~(42.44 RCW)~~) 42.--- RCW (the new chapter created in section 34 of this act);

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;

(xvii) Security guards under chapter 18.170 RCW;

(xviii) Sellers of travel under chapter 19.138 RCW;

(xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xx) Whitewater river outfitters under chapter 79A.60 RCW;

(xxi) Home inspectors under chapter 18.280 RCW;

(xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxiii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 57. RCW 19.34.340 and 1997 c 27 s 21 are each amended to read as follows:

(1) Unless otherwise provided by law or contract, if so provided in the certificate issued by a licensed certification authority, a digital signature verified by reference to the public key listed in a valid certificate issued by a licensed certification authority satisfies the requirements for an acknowledgment under (~~(RCW 42.44.010(4))~~) section 2(1) of this act and for acknowledgment of deeds and other real property conveyances under RCW 64.04.020 if words of an express acknowledgment appear with the digital signature regardless of whether the signer personally appeared before either the certification authority or some other person authorized to take acknowledgments of deeds, mortgages, or other conveyance instruments under RCW 64.08.010 when the digital signature was created, if that digital signature is:

(a) Verifiable by that certificate; and

(b) Affixed when that certificate was valid.

(2) If the digital signature is used as an acknowledgment, then the certification authority is responsible to the same extent as a notary up to the recommended reliance limit for failure to satisfy the requirements for an acknowledgment. The certification authority may not disclaim or limit, other than as provided in RCW 19.34.280, the effect of this section.

Sec. 58. RCW 19.154.060 and 2011 c 244 s 3 are each amended to read as follows:

(1) Persons, other than those licensed to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the practice of law in an immigration matter for compensation.

(2) Persons, other than those licensed to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the following acts or practices, for compensation:

- (a) Advising or assisting another person in determining the person's legal or illegal status for the purpose of an immigration matter;
- (b) Selecting or assisting another in selecting, or advising another as to his or her answers on, a government agency form or document in an immigration matter;
- (c) Selecting or assisting another in selecting, or advising another in selecting, a benefit, visa, or program to apply for in an immigration matter;
- (d) Soliciting to prepare documents for, or otherwise representing the interests of, another in a judicial or administrative proceeding in an immigration matter;
- (e) Explaining, advising, or otherwise interpreting the meaning or intent of a question on a government agency form in an immigration matter;
- (f) Charging a fee for referring another to a person licensed to practice law;
- (g) Selecting, drafting, or completing legal documents affecting the legal rights of another in an immigration matter.

(3) Persons, other than those holding an active license to practice law issued by the Washington state bar association or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the following acts or practices, regardless of whether compensation is sought:

- (a) Representing, either orally or in any document, letterhead, advertisement, stationery, business card, web site, or other comparable written material, that he or she is a notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or using any other designation or title, in any language, that conveys or implies that he or she possesses professional legal skills in the area of immigration law;
- (b) Representing, in any language, either orally or in any document, letterhead, advertisement, stationery, business card, web site, or other comparable written material, that he or she can or is willing to provide services in an immigration matter, if such services would constitute the practice of law.

(4)(a) The prohibitions of subsections (1) through (3) of this section shall not apply to the activities of nonlawyer assistants acting under the supervision of a person holding an active license to practice law issued by the Washington state bar association or otherwise permitted to practice law or represent others under federal law in an immigration matter.

(b) This section does not prohibit a person from offering translation services, regardless of whether compensation is sought. Translating words contained on a government form from English to another language and translating a person's words from another language to English does not constitute the unauthorized practice of law.

(5) In addition to complying with the prohibitions of subsections (1) through (3) of this section, persons licensed as a notary public under chapter ~~((42.44 RCW))~~ 42.--- RCW (the new chapter created in section 34 of this act) who do not hold an active license to practice law issued by the Washington state bar association shall not use the term notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or any other designation or title, in any language, that conveys or implies

that he or she possesses professional legal skills in the areas of immigration law, when advertising notary public services in the conduct of their business. A violation of any provision of this chapter by a person licensed as a notary public under chapter ~~((42.44 RCW))~~ 42.--- RCW (the new chapter created in section 34 of this act) shall constitute unprofessional conduct under the uniform regulation of business and professions act, chapter 18.235 RCW.

Sec. 59. RCW 43.24.150 and 2013 2nd sp.s. c 4 s 978 are each amended to read as follows:

- (1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:
 - (a) Chapter 18.11 RCW, auctioneers;
 - (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
 - (c) Chapter 18.145 RCW, court reporters;
 - (d) Chapter 18.165 RCW, private investigators;
 - (e) Chapter 18.170 RCW, security guards;
 - (f) Chapter 18.185 RCW, bail bond agents;
 - (g) Chapter 18.280 RCW, home inspectors;
 - (h) Chapter 19.16 RCW, collection agencies;
 - (i) Chapter 19.31 RCW, employment agencies;
 - (j) Chapter 19.105 RCW, camping resorts;
 - (k) Chapter 19.138 RCW, sellers of travel;
 - (l) Chapter ~~((42.44 RCW))~~ 42.--- RCW (the new chapter created in section 34 of this act), notaries public;
 - (m) Chapter 64.36 RCW, timeshares;
 - (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
 - (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
 - (p) Chapter 79A.60 RCW, whitewater river outfitters;
 - (q) Chapter 19.158 RCW, commercial telephone solicitation; and
 - (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 60. RCW 64.08.060 and 2016 c 202 s 40 are each amended to read as follows:

A certificate of acknowledgment for an individual, substantially in the following form or, after December 31, 1985, substantially in the form set forth in ~~((RCW 42.44.100(1)))~~ section 16(1) of this act, shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter:

ss.

On this day personally appeared before me (here insert the name of grantor or grantors) to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that he (she or they) signed the same as his (her or their) free and voluntary act and

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deed, for the uses and purposes therein mentioned. Given under my hand and official seal this day of, (year) (Signature of officer and official seal)

If acknowledgment is taken before a notary public of this state the signature shall be followed by substantially the following: Notary Public in and for the state of Washington, residing at, (giving place of residence).

Sec. 61. RCW 64.08.070 and 2016 c 202 s 41 are each amended to read as follows:

A certificate of acknowledgment for a corporation, substantially in the following form or, after December 31, 1985, substantially in the form set forth in ((RCW 42.44.100(2))) section 16(2) of this act, shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter:

State of
County of ss.

On this day of, (year), before me personally appeared, to me known to be the (president, vice president, secretary, treasurer, or other authorized officer or agent, as the case may be) of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written. (Signature and title of officer with place of residence of notary public.)

NEW SECTION. Sec. 62. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 63. EFFECTIVE DATE. This act takes effect July 1, 2018." Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5081 and ask the House to recede therefrom.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5081 and ask the House to recede therefrom.

The motion by Senator Padden carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5081 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5030 with the following amendment(s): 5030 AMH PS H2397.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 64. (1) Because of the serious nature of human trafficking related offenses, and the power, control, and exploitation exerted over victims, the legislature finds the statute of limitations on these offenses should be extended. Victims are often under the control of their trafficker for significant periods of time and may not be willing or able to report their perpetrator until they are free from their control.

(2) The legislature finds that statutes governing commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting prostitution should be consistent with all human trafficking related statutes, and reflect the practical reality of the crimes, which often involve an exchange of drugs or gifts for the commercial sex act.

Sec. 65. RCW 9A.04.080 and 2013 c 17 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
(ii) Homicide by abuse;
(iii) Arson if a death results;
(iv) Vehicular homicide;
(v) Vehicular assault if a death results;
(vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).

(b) Except as provided in (c) of this subsection, the following offenses shall not be prosecuted more than ten years after their commission:

- (i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;
(ii) Arson if no death results;
(iii)(A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission.

(B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted more than three years after its commission; ((e*))

- (iv) Indecent liberties under RCW 9A.44.100(1)(b); or
(v) Trafficking under RCW 9A.40.100.

(c) Violations of the following statutes, when committed against a victim under the age of eighteen, may be prosecuted up to the victim's thirtieth birthday: RCW 9A.44.040 (rape in the first degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a child in the first degree), 9A.44.076 (rape of a child in the second degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083 (child molestation in the first degree), 9A.44.086 (child molestation in the second degree), 9A.44.089 (child molestation in the third degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or 9.68A.040 (sexual exploitation of a minor).

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

- (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor); or
(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor).

(e) The following offenses shall not be prosecuted more than six years after their commission or their discovery, whichever occurs later:

- (i) Violations of RCW 9A.82.060 or 9A.82.080;
- (ii) Any felony violation of chapter 9A.83 RCW;
- (iii) Any felony violation of chapter 9.35 RCW;
- (iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception; or
- (v) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010.

((e)) (f) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

((f)) (g) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

((g)) (h) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

((h)) (i) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

((i)) (j) No gross misdemeanor may be prosecuted more than two years after its commission.

((j)) (k) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

Sec. 66. RCW 9.68A.100 and 2013 c 302 s 2 are each amended to read as follows:

(1) A person is guilty of commercial sexual abuse of a minor if:

(a) He or she (~~pays a fee~~) provides anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she (~~pays or agrees to pay a fee~~) provides or agrees to provide anything of value to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for (~~a fee~~) anything of value.

(2) Commercial sexual abuse of a minor is a class B felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) Consent of a minor to the sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 67. RCW 9.68A.101 and 2013 c 302 s 3 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse or a sexually explicit act of a minor or profits from a minor engaged in sexual conduct or a sexually explicit act.

(2) Promoting commercial sexual abuse of a minor is a class A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or (~~other property~~) anything of value pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(c) A person "advances a sexually explicit act of a minor" if he or she causes or aids a sexually explicit act of a minor, procures or solicits customers for a sexually explicit act of a minor, provides persons or premises for the purposes of a sexually explicit act of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate a sexually explicit act of a minor.

(d) A "sexually explicit act" is a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons and for which (~~something~~) anything of value is given or received.

(e) A "patron" is a person who (~~pays or agrees to pay a fee~~) provides or agrees to provide anything of value to another person as compensation for a sexually explicit act of a minor or who solicits or requests a sexually explicit act of a minor in return for a fee.

(4) Consent of a minor to the sexually explicit act or sexual conduct does not constitute a defense to any offense listed in this section.

(5) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 68. RCW 9A.88.060 and 2011 c 336 s 412 are each amended to read as follows:

The following definitions are applicable in RCW 9A.88.070 through 9A.88.090:

(1) "Advances prostitution." A person "advances prostitution" if, acting other than as a prostitute or as a customer thereof, he or she causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or

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engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

(2) "Profits from prostitution." A person "profits from prostitution" if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he or she accepts or receives money or ~~((other property))~~ anything of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of prostitution activity."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5030.

Senators Padden and Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5030.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5030 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5030, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5030, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5030, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION
8645

By Senators Hunt and Sheldon

WHEREAS, The West African nation of Togo has, since 2006, made important human rights and democratic reforms that include generally free and fair legislative elections; and

WHEREAS, Togo's population of 7.7 million people represent a broad diversity of tribal traditions and religious beliefs and has, as a nation, welcomed refugees from neighboring countries; and

WHEREAS, Togo has sought to increase access to primary education by eliminating school enrollment fees; and

WHEREAS, Recent efforts to improve its business climate and attract investment by embracing free enterprise and entrepreneurship is providing an environment where individuals can better lift themselves out of poverty and attain self-sufficiency; and

WHEREAS, The United States Government is recognizing these economic reforms by inviting Togo to host the 2017 African Growth and Opportunity Act (AGOA) Forum, which will bring together government, private sector, and civil societies from 38 African countries and the United States to explore ways to increase trade between the U.S. and Africa; and

WHEREAS, Togo is an important and valuable trading partner with the State of Washington as evidenced by its trade with the Tumwater-based natural body products organization, Alaffia; and

WHEREAS, Alaffia's headquarters and production facility in Tumwater provides jobs for over 120 employees; generates a total of 284 direct, indirect, and induced jobs; and creates more than 41 million dollars in annual economic activity in Thurston County; and

WHEREAS, Alaffia directly and indirectly employs more than 11,000 people in the nation of Togo; creates economic prosperity that is empowering women through Alaffia's fair-trade practices; pays four times the local wage; and provides funding for maternal health care, education, and other empowerment programs; and

WHEREAS, Alaffia's projects have resulted in 57,575 trees planted, 32,842 school supply recipients, 7,482 bikes distributed, 24,927 eyeglasses donated, and more than 4,463 babies safely delivered in villages in Togo;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the significant progress made by the nation of Togo and Alaffia in advancing the human condition; and acknowledge the potential value for both Washington state and Togo in increasing opportunities for trade; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable U.S. Ambassador David Gilmour, to the Alaffia Empowerment Council from the Nation of Togo, to Alaffia Founder Olowo-n'djo Tchala, and to Alaffia Co-Founder Rose Hyde.

Senators Hunt, Sheldon and Baumgartner spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Hunt carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced His Excellency David Gilmour, U.S. Ambassador to Togo and his wife Judith Martin; Mr. Olowon'djo Tchala, founder of Alaffia; and members of the Empowerment Council of Togo who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Reagan Rebstock, Miss Apple Valley 2017, who was seated in the gallery.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5022 with the following amendment(s): 5022-S AMH HE H2466.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 69. The legislature finds and declares that students pursuing higher education benefit from periodic notification about the balance of their student education loan debt. This notification helps students and their families make informed borrowing decisions about how to finance their postsecondary education and be more prepared for repayment when leaving school. The legislature recognizes the steps many higher education institutions in Washington have already taken to provide financial education and information to their students. The legislature encourages schools to continue to strengthen financial literacy training, financial aid counseling, and other resources available to students. It is the intent of the legislature to ensure that all students pursuing higher education in Washington receive periodic notifications about their student education loan debt.

NEW SECTION. Sec. 70. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" includes any entity that is an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020.

(b) "Student education loan" means any loan solely for personal use to finance postsecondary education and costs of attendance at an educational institution.

(2) Subject to the availability of amounts appropriated for this specific purpose, an educational institution must provide to an enrolled student who has applied for student financial aid a notification including the following information about the student education loans the educational institution has certified:

(a) An estimate, based on information available at the time the notification is provided, of the:

(i) Total amount of student education loans taken out by the student;

(ii) Potential total payoff amount of the student education loans incurred or a range of the total payoff amount, including principal and interest;

(iii) The monthly repayment amount that the student may incur for the amount of student education loans the student has taken out, based on the federal loan repayment plan borrowers are automatically enrolled in if they do not select an alternative repayment plan; and

(iv) Percentage of the aggregate federal direct loan borrowing limit applicable to the student's program of study the student has reached at the time the information is sent to the student; and

(b) Consumer information about the differences between private student loans and federal student loans, including the availability of income-based repayment plans and loan forgiveness programs for federal loans.

(3) The notification provided under subsection (2) of this section must include a statement that the estimates and ranges provided are general in nature and not meant as a guarantee or promise of

the actual projected amount. It must also include a statement that a variety of repayment plans are available for federal student loans that may limit the monthly repayment amount based on income.

(4) The notification must include information about how to access resources for student education loan borrowers provided by federal or state agencies, such as a student education loan debt hotline and web site or student education loan ombuds, federal student loan repayment calculator, or other available resources.

(5) An educational institution must provide the notification required in subsection (2) of this section via email. In addition, the educational institution may provide the notification in writing, in an electronic format, or in person.

(6) An educational institution does not incur liability, including for actions under chapter 19.86 RCW by the attorney general, for any good faith representations made under subsection (2) of this section.

(7) Educational institutions must begin providing the notification required under subsection (2) of this section by July 1, 2018, each time a financial aid package that includes a new or revised student education loan is offered to the student.

(8) Subject to the availability of amounts appropriated for this specific purpose, an organization representing the public four-year colleges and universities, an organization representing the private nonprofit institutions, the state board for community and technical colleges under chapter 28B.50 RCW, the workforce training and education coordinating board as defined in RCW 28C.18.020, and the department of licensing under chapter 46.01 RCW, must develop a form for the educational institutions to use to report compliance by July 1, 2018.

(9) Beginning December 1, 2019, and biannually thereafter until December 25, 2025, the organizations under subsection (8) of this section must submit a report in compliance with RCW 43.01.036 to the legislature that details how the educational institutions are in compliance with this section.

NEW SECTION. Sec. 71. This act may be known and cited as the Washington student loan transparency act."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5022.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5022.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5022 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5022, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

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Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5022, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5152 with the following amendment(s): 5152-S AMH ELHS H2380.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 72. The legislature finds that more than twelve thousand infants born in Washington each year have been prenatally exposed to opiates, methamphetamines, and other drugs. Prenatal drug exposure frequently results in infants suffering from neonatal abstinence syndrome and its accompanying withdrawal symptoms after birth. Withdrawal symptoms may include sleep problems, excessive crying, tremors, seizures, poor feeding, fever, generalized convulsions, vomiting, diarrhea, and hyperactive reflexes. Consequently, the legislature finds that drug exposed infants have unique medical needs and benefit from specialized health care that addresses their withdrawal symptoms. Specialized care for infants experiencing neonatal abstinence syndrome is based on the individual needs of the infant and includes: Administration of intravenous fluids and drugs such as morphine; personalized, hands-on therapeutic care such as gentle rocking, reduction in noise and lights, and swaddling; and frequent high-calorie feedings.

The legislature further finds that drug exposed infants often require hospitalization which burdens hospitals and hospital staff who either have to increase staffing levels or require current staff to take on additional duties to administer the specialized care needed by drug exposed infants.

The legislature further finds that drug exposed infants benefit from early and consistent family involvement in their care, and families thrive when they are provided the opportunity, skills, and training to help them participate in their child's care.

The legislature further finds that infants with neonatal abstinence syndrome often can be treated in a nonhospital clinic setting where they receive appropriate medical and nonmedical care for their symptoms. The legislature, therefore, intends to encourage alternatives to continued hospitalization for drug exposed infants, including the continuation and development of pediatric transitional care services that provide short-term medical care as well as training and assistance to caregivers in order to support the transition from hospital to home for drug exposed infants.

Sec. 73. RCW 71.12.455 and 2001 c 254 s 1 are each amended to read as follows:

~~((As used in this chapter,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Establishment" and "institution" mean ((and include));
(a) Every private or county or municipal hospital, including public hospital districts, sanitarium, home, or other place receiving or caring for any ((mentally ill)) person with mental

illness, mentally incompetent person, or chemically dependent person; and
(b) Beginning January 1, 2019, facilities providing pediatric transitional care services.

(2) "Trained caregiver" means a noncredentialed, unlicensed person trained by the establishment providing pediatric transitional care services to provide hands-on care to drug exposed infants. Caregivers may not provide medical care to infants and may only work under the supervision of an appropriate health care professional.

(3) "Department" means the department of health.

(4) "Pediatric transitional care services" means short-term, temporary, health and comfort services for drug exposed infants according to the requirements of this chapter and provided in an establishment licensed by the department of health.

(5) "Secretary" means the secretary of the department of health.
NEW SECTION. Sec. 74. A new section is added to chapter 71.12 RCW to read as follows:

(1) An establishment providing pediatric transitional care services to drug exposed infants must demonstrate that it is capable of providing services for children who:

- (a) Are no more than one year of age;
- (b) Have been exposed to drugs before birth;
- (c) Require twenty-four hour continuous residential care and skilled nursing services as a result of prenatal substance exposure; and
- (d) Are referred to the establishment by the department of social and health services, regional hospitals, and private parties.

(2) After January 1, 2019, no person may operate or maintain an establishment that provides pediatric transitional care services without a license under this chapter.

NEW SECTION. Sec. 75. A new section is added to chapter 71.12 RCW to read as follows:

For the purposes of this chapter, the rules for pediatric transitional care services are not considered as a new department of social and health services service category.

NEW SECTION. Sec. 76. A new section is added to chapter 71.12 RCW to read as follows:

The secretary must, in consultation with the department of social and health services, adopt rules on pediatric transitional care services. The rules must:

- (1) Establish requirements for medical examinations and consultations which must be delivered by an appropriate health care professional;
- (2) Require twenty-four hour medical supervision for children receiving pediatric transitional services in accordance with the staffing ratios established under subsection (3) of this section;
- (3) Include staffing ratios that consider the number of registered nurses or licensed practical nurses employed by the establishment and the number of trained caregivers on duty at the establishment. These staffing ratios may not require more than:
 - (a) One registered nurse to be on duty at all times;
 - (b) One registered nurse or licensed practical nurse to eight infants; and
 - (c) One trained caregiver to four infants;
- (4) Require establishments that provide pediatric transitional care services to prepare weekly plans specific to each infant in their care and in accordance with the health care professional's standing orders. The health care professional may modify an infant's weekly plan without reexamining the infant if he or she determines the modification is in the best interest of the child. This modification may be communicated to the registered nurse on duty at the establishment who must then implement the modification. Weekly plans are to include short-term goals for

each infant and outcomes must be included in reports required by the department;

- (5) Ensure that neonatal abstinence syndrome scoring is conducted by an appropriate health care professional;
- (6) Establish drug exposed infant developmental screening tests for establishments that provide pediatric transitional care services to administer according to a schedule established by the secretary;
- (7) Require the establishment to collaborate with the department of social and health services to develop an individualized safety plan for each child and to meet other contractual requirements of the department of social and health services to identify strategies to meet supervision needs, medical concerns, and family support needs;
- (8) Establish the maximum amount of days an infant may be placed at an establishment;
- (9) Develop timelines for initial and ongoing parent-infant visits to nurture and help develop attachment and bonding between the child and parent, if such visits are possible. Timelines must be developed upon placement of the infant in the establishment providing pediatric transitional care services;
- (10) Determine how transportation for the infant will be provided, if needed;
- (11) Establish on-site training requirements for caregivers, volunteers, parents, foster parents, and relatives;
- (12) Establish background check requirements for caregivers, volunteers, employees, and any other person with unsupervised access to the infants under the care of the establishment; and
- (13) Establish other requirements necessary to support the infant and the infant's family.

NEW SECTION. Sec. 77. A new section is added to chapter 71.12 RCW to read as follows:

After referral by the department of social and health services of an infant to an establishment approved to provide pediatric transitional care services, the department of social and health services:

- (1) Retains primary responsibility for case management and must provide consultation to the establishment regarding all placements and permanency planning issues, including developing a parent-child visitation plan;
- (2) Must work with the department and the establishment to identify and implement evidence-based practices that address current and best medical practices and parent participation; and
- (3) Work with the establishment to ensure medicaid-eligible services are so billed.

NEW SECTION. Sec. 78. A new section is added to chapter 71.12 RCW to read as follows:

Facilities that provide pediatric transitional care services that are in existence on the effective date of this section are not subject to construction review by the department for initial licensure."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Fain moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5152.

Senator Fain spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5152.

The motion by Senator Fain carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5152 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5152, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5152, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5177 with the following amendment(s): 5177 AMH HCW H2393.1

Strike everything after the enacting clause and insert the following:

"**Sec. 79.** RCW 74.39A.074 and 2012 c 164 s 401 are each amended to read as follows:

(1)(a) (~~Beginning January 7, 2012,~~) Except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a) (~~and, until January 1, 2016, those exempt under RCW 18.88B.041(1)(b)~~), all persons hired as long-term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired (~~or within one hundred twenty calendar days after March 29, 2012, whichever is later. In computing the time periods in this subsection, the first day is the date of hire or March 29, 2012, whichever is applicable~~).

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must successfully complete five of these seventy-five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy-five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long-term care basic training, including training related to:

(A) Core competencies; and

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(B) Population specific competencies, including identification of individuals with potential hearing loss and how to seek assistance if hearing loss is suspected.

(2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

- (a) Has been developed with input from consumer and worker representatives; and
- (b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.
- (3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.
- (4) The department shall adopt rules to implement this section."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Senate Bill No. 5177.

Senator Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Senate Bill No. 5177.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5177 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5177, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5177, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5177, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5234 with the following amendment(s): 5234.E AMH HE H2467.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 80. The legislature finds that advanced placement coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses. The legislature further finds that eighty-four thousand eight hundred

sixty-six students took an AP exam in Washington state in 2015. The legislature further finds that six thousand six hundred sixty-seven of those students were underrepresented minority students and nine thousand four hundred seventy-one were low-income students. The legislature further finds that of the students that took an AP exam in Washington state in 2015, fifty-one thousand seven hundred twenty-five scored a three, four, or five.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have earned a minimum score of three on their AP exams and clearly communicate credit awarding policies and course equivalencies to students. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for AP exam scores of three or higher.

NEW SECTION. Sec. 81. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The institutions of higher education must establish a coordinated, evidence-based policy for granting as many undergraduate college credits to students who have earned minimum scores of three on AP exams as possible and appropriate.

(2) Credit policy regarding all AP exams must be posted on campus web sites effective for the 2017 fall academic term. The institutions of higher education must conduct biennial reviews of their AP credit policy and report noncompliance to the appropriate committees of the legislature by November 1st each year beginning November 1, 2019."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5234.

Senator Wilson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5234.

The motion by Senator Wilson carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5234 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5234, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5234, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5234, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5258 with the following amendment(s): 5258-S2 AMH APP H2605.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 82. A new section is added to chapter 28A.215 RCW to read as follows:

(1) The Washington academic, innovation, and mentoring program is established.

(2) The purpose of the program is to enable eligible neighborhood youth development entities to provide out-of-school time programs for youth ages six to eighteen years of age that include educational services, social emotional learning, mentoring, and linkages to positive, prosocial leisure, and recreational activities. The programs must be designed for mentoring and academic enrichment.

(3) Eligible entities must meet the following requirements:

(a) Ensure that sixty percent or more of the academic, innovation, and mentoring program participants must qualify for free or reduced-price lunch;

(b) Have an existing partnership with the school district and a commitment to develop a formalized data-sharing agreement;

(c) Be facility based;

(d) Combine, or have a plan to combine, academics and social emotional learning;

(e) Engage in a continuous program quality improvement process;

(f) Conduct national criminal background checks for all employees and volunteers who work with children; and

(g) Have adopted standards for care including staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards.

(4) Nonprofit entities applying for funding as a statewide network must:

(a) Have an existing infrastructure or network of academic, innovation, and mentoring program grant-eligible entities;

(b) Provide after-school and summer programs with youth development services; and

(c) Provide proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age.

(5) The office of the superintendent of public instruction must submit a report to the appropriate education and fiscal committees of the legislature by December 31, 2018, and an annual update by December 31 each year thereafter. The report must outline the programs established, target populations, and pretesting and posttesting results.

NEW SECTION. Sec. 83. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5258.

Senator Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5258.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5258 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5258, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5258, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5258, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5266 with the following amendment(s): 5266.E AMH JUDI H2426.4

Strike everything after the enacting clause and insert the following:

"Sec. 84. RCW 9A.56.096 and 2012 c 30 s 1 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, lease-purchased, or loaned property.

(2)(a) A person is guilty of theft of rental or leased property who, having control of personal property under a written rental or lease agreement, intentionally holds the property beyond the expiration of the rental or lease period without the effective consent of the owner of the property, depriving the owner of the property of its use in further rentals, and fails to return the property within seventy-two hours after receipt of proper notice.

(b) As used in this subsection (2), "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental or lease period, mailed by certified or registered mail to the renter or lessee at: (i) The address the renter or lessee gave when the contract was made; or (ii) the renter's or lessee's last known address if later furnished in writing by the renter or lessee or the agent of the renter or lessee.

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(c) It is not a defense that the person returned the personal property held under a rental or lease agreement if the return was made after the end of the seventy-two hour period following receipt of proper notice and the person fails to pay the applicable rental charge for the property for the time that the person held the personal property.

(d) Rental and leased property agreements must contain a warning that failure to return property and pay all outstanding obligations pursuant to the terms of the agreement may result in charges up to and including a gross misdemeanor. For purposes of this subsection, applicable rental charge is determined pursuant to the late return provisions in the written agreement; however, if the written agreement contains no late return provisions, applicable rental charge means a value equal to the terms of the written rental or lease agreement prorated from the due date of the rental or lease period through the receipt of the returned property.

(e) This subsection (2) applies only to rental and leased property agreements, and does not apply to lease-purchased property, rent to own property, medical equipment, and motor vehicles.

(3) The finder of fact may presume intent to deprive under subsection (1) of this section if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, lease-purchase, or loan agreement; or

(b) That the renter, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

~~((2))~~ (4) As used in subsection ((2)) (3) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, lease-purchase, or loan period, mailed by certified or registered mail to the renter, lessee, or borrower at: (a) The address the renter, lessee, or borrower gave when the contract was made; or (b) the renter, lessee, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter, lessee, or borrower.

~~((4))~~ (5) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, lease-purchased, or loaned property.

~~((5))~~ (6)(a) Theft of rental, leased, lease-purchased, or loaned property is a class B felony if the rental, leased, lease-purchased, or loaned property is valued at five thousand dollars or more.

(b) Theft of rental, leased, lease-purchased, or loaned property is a class C felony if the rental, leased, lease-purchased, or loaned property is valued at seven hundred fifty dollars or more but less than five thousand dollars.

(c) Theft of rental, leased, lease-purchased, or loaned property is a gross misdemeanor if the rental, leased, lease-purchased, or loaned property is valued at less than seven hundred fifty dollars.

(d)(i)(A) Theft of rental or leased property under subsection (2) of this section is a gross misdemeanor if the outstanding obligation is valued at seven hundred fifty dollars or more;

(B) Theft of rental or leased property under subsection (2) of this section is a misdemeanor if the outstanding obligation is valued at two hundred fifty dollars or more but less than seven hundred fifty dollars;

(C) Theft of rental or leased property under subsection (2) of this section is a class I civil infraction if the outstanding obligation is valued at fifty dollars or more but less than two hundred fifty dollars.

(ii) This subsection (6)(d) applies only to rental and leased property, and does not apply to lease-purchased property, rent to own property, medical equipment, and motor vehicles.

~~((6))~~ (7) The crime of theft of rental, leased, lease-purchased, or loaned property may be deemed to have been committed either at the physical location where the written agreement for the rental, lease, lease-purchase, or loan of the property was executed under subsection (1) of this section, or at the address where proper notice may be mailed to the renter, lessee, or borrower under subsection ((3)) (4) of this section.

~~((7))~~ (8) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, to lease-purchase agreements as defined under RCW 63.19.010, and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter 46.70 RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5266.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5266.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5266 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5266, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Saldaña

ENGROSSED SENATE BILL NO. 5266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5138 with the following amendment(s): 5138-S AMH KLOB WAYV 136

On page 5, line 11, after "~~purposes~~)," strike "parkway."

BERNARD DEAN, Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5138.

Senator Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5138.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5138 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5138, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5138, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Hasegawa, Honeyford and Padden

SUBSTITUTE SENATE BILL NO. 5138, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5327 with the following amendment(s): 5327-S AMH JUDI H2491.1

Strike everything after the enacting clause and insert the following:

"**Sec. 85.** RCW 2.32.050 and 2011 c 336 s 45 are each amended to read as follows:

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he or she is clerk:

- (1) To keep the seal of the court and affix it in all cases where he or she is required by law;
- (2) To record the proceedings of the court;
- (3) To keep the records, files, and other books and papers appertaining to the court;
- (4) To file all papers delivered to him or her for that purpose in any action or proceeding in the court as directed by court rule or statute;
- (5) To attend the court of which he or she is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court;
- (6) To keep the (~~journal~~) minutes of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments, and decrees;
- (7) To authenticate by certificate or transcript, as may be required, the records, files, or proceedings of the court, or any other paper appertaining thereto and filed with him or her;
- (8) To exercise the powers and perform the duties conferred and imposed upon him or her elsewhere by statute;
- (9) In the performance of his or her duties to conform to the direction of the court;
- (10) To publish notice of the procedures for inspection of the public records of the court.

Sec. 86. RCW 26.09.231 and 2007 c 496 s 701 are each amended to read as follows:

The parties to dissolution matters shall file with the clerk of the court the residential time summary report. The summary report shall be on the form developed by the administrative office of the courts in consultation with the department of social and health services division of child support. The parties must complete the form and file the form with the court order. (~~The clerk of the court must forward the form to the division of child support on at least a monthly basis.~~)

Sec. 87. RCW 26.18.230 and 2007 c 496 s 702 are each amended to read as follows:

- (1) The administrative office of the courts in consultation with the department of social and health services, division of child support, shall develop a residential time summary report form to provide for the reporting of summary information in every case in which residential time with children is to be established or modified.
- (2) The residential time summary report must include at a minimum: A breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent, including enforcement practices, representation status of the parties, whether domestic violence, child abuse, chemical dependency, or mental health issues exist, and whether the matter was agreed or contested.

~~((3) The division of child support shall compile and electronically transmit the information in the residential time summary reports to the administrative office of the courts for purposes of tracking residential time awards by parent, enforcement practices, representation status of the parties, the existence of domestic violence, child abuse, chemical dependency, or mental health issues and whether the matter was agreed or contested.~~

- (4) ~~The administrative office of the courts shall report the compiled information, organized by each county, on at least an annual basis. The information shall be itemized by quarter. These reports shall be made publicly available through the judicial information public access services and shall not contain any personal identifying information of parties in the proceedings.)"~~
Correct the title.

NONA SNELL, Deputy Chief Clerk

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MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5327.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5327.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5327 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5327, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5327, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5358 with the following amendment(s): 5358-S AMH FIN H2551.1

Strike everything after the enacting clause and insert the following:

"PART I

Providing reasonable tools for the effective administration of the public utility district privilege tax

NEW SECTION. **Sec. 101.** A new section is added to chapter 54.28 RCW to read as follows:

(1) The following provisions of chapter 82.32 RCW apply with respect to the state taxes administered by the department of revenue under this chapter, unless the context clearly requires otherwise: RCW 82.32.050, 82.32.060, 82.32.070, 82.32.080, 82.32.085, 82.32.090, 82.32.100, 82.32.105, 82.32.110, 82.32.117, 82.32.120, 82.32.130, 82.32.135, 82.32.150, 82.32.160, 82.32.170, 82.32.180, 82.32.190, 82.32.200, 82.32.210, 82.32.235, 82.32.237, 82.32.240, 82.32.270, 82.32.310, 82.32.320, 82.32.330, 82.32.340, 82.32.350, 82.32.360, 82.32.410, and any other provision of chapter 82.32 RCW specifically referenced in the statutes listed in this subsection (1).

(2) Chapter 82.32 RCW also applies with respect to the state taxes administered by the department of revenue under this chapter to the extent provided in any other provision of law.

(3) The definitions in this chapter have full force and application with respect to the application of chapter 82.32 RCW to this chapter unless the context clearly requires otherwise.

NEW SECTION. **Sec. 102.** RCW 54.28.030 (Districts' report to department of revenue) and 1977 ex.s. c 366 s 3, 1975 1st ex.s. c 278 s 30, 1959 c 274 s 3, & 1957 c 278 s 3 are each repealed.

Sec. 103. RCW 54.28.040 and 1996 c 149 s 16 are each amended to read as follows:

(1) Before May 1st of each calendar year through calendar year 2018, the department of revenue (~~(shall)~~) must compute the tax imposed by this chapter for the last preceding calendar year and notify the district of the amount thereof, which shall be payable on or before the following June 1st.

(2) (~~If payment of any tax is not received by the department on or before the due date, there shall be assessed a penalty of five percent of the amount of the tax; if the tax is not received within one month of the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within two months of the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax-~~

~~(2))~~ For tax reporting periods beginning on or after January 1, 2018, taxpayers must report the taxes due under RCW 54.28.020 and 54.28.025 on returns as prescribed by the department of revenue. Except as otherwise provided in this subsection (2), taxes imposed in RCW 54.28.020 and 54.28.025 are due for a taxpayer at the same time as the taxpayer's payment of taxes imposed under chapters 82.04 and 82.16 RCW. The department of revenue may allow taxpayers to report and pay the taxes due under RCW 54.28.020 and 54.28.025 on an annual basis, even if they report taxes imposed under chapters 82.04 and 82.16 RCW more frequently than annually. In such cases, the taxes imposed in RCW 54.28.020 and 54.28.025 are due at the same time as the taxes under chapters 82.04 and 82.16 RCW for the taxpayer's final reporting period for the calendar year.

(3) The department of revenue may require persons to report such information as needed by the department to administer this chapter.

(4) Upon receipt of the amount of each tax imposed the department of revenue shall deposit the same with the state treasurer, who (~~shall~~) must deposit four percent of the revenues received under RCW 54.28.020(1) and 54.28.025(1) and all revenues received under RCW 54.28.020(2) and 54.28.025(2) in the general fund of the state and (~~shall~~) must distribute the remainder in the manner hereinafter set forth. The state treasurer (~~shall~~) must send a duplicate copy of each transmittal to the department of revenue.

Sec. 104. RCW 54.28.050 and 1982 1st ex.s. c 35 s 21 are each amended to read as follows:

~~((After computing the tax imposed by RCW 54.28.020(1),))~~ (1) Except as provided in subsection (2) of this section, the department of revenue (~~shall~~) must instruct the state treasurer, after placing thirty-seven and six-tenths percent of the taxes collected under RCW 54.28.020(1) in the state general fund to be dedicated for the benefit of the public schools, to distribute the balance collected under RCW 54.28.020(1)(a) to each county in proportion to the gross revenue from sales made within each county; and to distribute the balance collected under RCW 54.28.020(1) (b) and (c) as follows:

(a) If the entire generating facility, including reservoir, if any, is in a single county then all of the balance to the county where such generating facility is located~~((-));~~

(b) If any reservoir is in more than one county, then to each county in which the reservoir or any portion thereof is located a percentage equal to the percentage determined by dividing the total cost of the generating facilities, including adjacent switching facilities, into twice the cost of land and land rights acquired for any reservoir within each county, land and land rights to be defined the same as used by the federal ~~((power commission))~~ energy regulatory commission.

(c) If the powerhouse and dam, if any, in connection with such reservoir are in more than one county, the balance ~~((shall))~~ must be divided sixty percent to the county in which the owning district is located and forty percent to the other county or counties or if ~~((said))~~ the powerhouse and dam, if any, are owned by a joint operating agency organized under chapter 43.52 RCW, or by more than one district or are outside the county of the owning district, then to be divided equally between the counties in which such facilities are located. If all of the powerhouse and dam, if any, are in one county, then the balance ~~((shall))~~ must be distributed to the county in which the facilities are located.

(2) The department of revenue must instruct the state treasurer to adjust distributions under this section, in whole or in part, to account for each county's proportionate share of amounts previously distributed under this section and subsequently refunded to a public utility district under RCW 82.32.060.

(3) The provisions of this section ~~((shall))~~ do not apply to the distribution of taxes collected under RCW 54.28.025.

Sec. 105. RCW 54.28.055 and 1986 c 189 s 1 are each amended to read as follows:

(1) ~~((After computing the tax imposed by RCW 54.28.025(1)))~~ Except as provided in subsection (3) of this section, the department of revenue ~~((shall))~~ must instruct the state treasurer to distribute the amount collected under RCW 54.28.025(1) as follows:

(a) Fifty percent to the state general fund for the support of schools; and

(b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district, and library district ~~((shall))~~ must receive a percentage of the amount for distribution to counties, cities, fire protection districts, and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries ~~((as defined in RCW 27.12.010(4)))~~, rural county library districts ~~((as defined in RCW 27.12.010(5)))~~, intercounty rural library districts ~~((as defined in RCW 27.12.010(6)))~~, and island library districts as those terms are defined in RCW 27.12.010((7)). The population of a library district, for purposes of such a distribution, ~~((shall))~~ does not include any population within the library district and the impact area that also is located within a city or town.

(3) Distributions under this section must be adjusted as follows:

(a) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share ~~((shall))~~ must be prorated among the state and remaining local districts.

(b) The department of revenue must instruct the state treasurer to adjust distributions under this section, in whole or in part, to account for each county's, city's, fire protection district's, and library district's proportionate share of amounts previously distributed under this section and subsequently refunded to a public utility district under RCW 82.32.060.

(4) All distributions directed by this section to be made on the basis of population ~~((shall))~~ must be calculated in accordance with ~~((data to be provided))~~ population data as last determined by the office of financial management.

Sec. 106. RCW 82.32.105 and 1998 c 304 s 13 are each amended to read as follows:

(1) If the department ~~((of revenue))~~ finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the department ~~((of revenue shall))~~ must waive or cancel any penalties imposed under this chapter with respect to such tax.

(2) The department ~~((shall))~~ must waive or cancel the penalty imposed under RCW 82.32.090(1) when the circumstances under which the delinquency occurred do not qualify for waiver or cancellation under subsection (1) of this section if:

(a) The taxpayer requests the waiver for a tax return required to be filed under RCW 54.28.040, 82.32.045, 82.14B.061, 82.23B.020, 82.27.060, 82.29A.050, or 84.33.086; and

(b) The taxpayer has timely filed and remitted payment on all tax returns due for that tax program for a period of twenty-four months immediately preceding the period covered by the return for which the waiver is being requested.

(3) The department ~~((shall))~~ must waive or cancel interest imposed under this chapter if:

(a) The failure to timely pay the tax was the direct result of written instructions given the taxpayer by the department; or

(b) The extension of a due date for payment of an assessment of deficiency was not at the request of the taxpayer and was for the sole convenience of the department.

(4) The department ~~((of revenue shall))~~ must adopt rules for the waiver or cancellation of penalties and interest imposed by this chapter.

Sec. 107. RCW 82.32.350 and 1971 ex.s. c 299 s 23 are each amended to read as follows:

The department may enter into an agreement in writing with any person relating to the liability of such person in respect of any tax imposed by any of the preceding chapters of this title, or any tax in respect to which this section is specifically made applicable, for any taxable period or periods.

NEW SECTION. **Sec. 108.** Section 102 of this act does not apply with respect to reports due under RCW 54.28.030 in calendar year 2018 or any preceding calendar year.

NEW SECTION. **Sec. 109.** The repeal in section 102 of this act and the amendments in section 103 of this act do not affect any existing right acquired or liability or obligation incurred under the sections repealed or amended or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

Part II

Pet adoption fees

Sec. 201. RCW 82.04.040 and 2004 c 153 s 402 are each amended to read as follows:

(1) Except as otherwise provided in this subsection, "sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under RCW 82.04.050. It includes lease or rental, conditional sale contracts, and any contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not. The term "sale" does not include the transfer of the ownership of, title to, or possession of an animal by an animal rescue organization in exchange for the payment of an adoption fee.

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(2) "Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved.

(3)(a) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend. "Lease or rental" includes agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. Sec. 7701(h)(1), as amended or renumbered as of January 1, 2003. The definition in this subsection (3) (~~shall~~) must be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the United States internal revenue code, Washington state's commercial code, or other provisions of federal, state, or local law.

(b) "Lease or rental" does not include:

(i) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(ii) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments, and payment of an option price does not exceed the greater of one hundred dollars or one percent of the total required payments; or

(iii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (3)(b)(iii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(4)(a) "Adoption fee" means an amount charged by an animal rescue organization to adopt an animal, except that "adoption fee" does not include any separately itemized charge for any incidental inanimate items provided to persons adopting an animal, including food, identification tags, collars, and leashes.

(b) "Animal care and control agency" means the same as in RCW 16.52.011 and also includes any similar entity operating outside of this state.

(c) "Animal rescue group" means a nonprofit organization that:

(i)(A) Is exempt from federal income taxation under 26 U.S.C. Sec. 501(c) of the federal internal revenue code as it exists on the effective date of this section; or

(B) Is registered as a charity with the Washington secretary of state under chapter 19.09 RCW, whether such registration is required by law or voluntary;

(ii) Has as its primary purpose the prevention of abuse, neglect, cruelty, exploitation, or homelessness of animals; and

(iii) Exclusively obtains dogs, cats, or other animals for placement that are:

(A) Stray or abandoned;

(B) Surrendered or relinquished by animal owners or caretakers;

(C) Transferred from other animal rescue organizations; or

(D) Born in the care of such nonprofit organization other than through intentional breeding by the nonprofit organization.

(d) "Animal rescue organization" means an animal care and control agency or an animal rescue group.

Sec. 202. RCW 82.04.190 and 2015 c 169 s 3 are each amended to read as follows:

"Consumer" means the following:

(1) Except as provided otherwise in this section, any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope

hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose of:

(a) Resale as tangible personal property in the regular course of business;

(b) Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;

(c) Consuming such property in producing for sale as a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(d) Consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who makes a purchase meeting the definition of "sale at retail" and "retail sale" under RCW 82.04.050(15), other than for resale in the regular course of business; (e) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business; and (f) any person who is an end user of software. For purposes of this subsection (2)(f) and RCW 82.04.050(6), a person who purchases or otherwise acquires prewritten computer software, who provides services described in RCW 82.04.050(6)(~~(b)~~) (c) and who will charge consumers for the right to access and use the prewritten computer software, is not an end user of the prewritten computer software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being

constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition may be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person is a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section may be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development;

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10) Any person who purchases, acquires, or uses services described in RCW 82.04.050(6)(~~(b)~~) (c) other than:

(a) For resale in the regular course of business; or

(b) For purposes of consuming the service described in RCW 82.04.050(6)(~~(b)~~) (c) in producing for sale a new product, but only if such service becomes a component of the new product. For purposes of this subsection (10), "product" means a digital product, an article of tangible personal property, or the service described in RCW 82.04.050(6)(~~(b)~~) (c);

(11)(a) Any end user of a digital product or digital code. "Consumer" does not include any person who is not an end user of a digital product or a digital code and purchases, acquires, owns, holds, or uses any digital product or digital code for

purposes of consuming the digital product or digital code in producing for sale a new product, but only if the digital product or digital code becomes a component of the new product. A digital code becomes a component of a new product if the digital good or digital automated service acquired through the use of the digital code becomes incorporated into a new product. For purposes of this subsection, "product" has the same meaning as in subsection (10) of this section.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases digital products or digital codes for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates;

(12) Any person who provides services described in RCW 82.04.050(9). Any such person is a consumer with respect to the purchase, acquisition, or use of the tangible personal property that the person provides along with an operator in rendering services defined as a retail sale in RCW 82.04.050(9). Any such person may also be a consumer under other provisions of this section;

(13) Any person who purchases, acquires, owns, holds, or uses chemical sprays or washes for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, or who purchases feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials, is not a consumer of such items, but only to the extent that the items:

(a) Are used in relation to the person's participation in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, the wildlife habitat incentives program, or their successors administered by the United States department of agriculture;

(b) Are for use by a farmer for the purpose of producing for sale any agricultural product; or

(c) Are for use by a farmer to produce or improve wildlife habitat on land the farmer owns or leases while acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife; (~~and~~)

(14) A regional transit authority is not a consumer with respect to labor, services, or tangible personal property purchased pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a transit agency, as defined in RCW 81.104.015, performs the labor or services; and

(15) The term "consumer" does not include:

(a) An animal rescue organization with respect to animals under its care and control; and

(b) Any person with respect to an animal adopted by that person from an animal rescue organization.

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NEW SECTION. Sec. 203. Sections 201 and 202 of this act apply both prospectively and retroactively to July 1, 2015.

Part III

Technical corrections and clarifications to 2015 legislation

Sec. 301. 2015 3rd sp.s. c 6 s 2301 (uncodified) is amended to read as follows:

- (1) Except as provided otherwise in this ~~(section)~~ part, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015.
- (2) Parts IV, VI, VIII, and XIX of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect September 1, 2015.
- (3) Part X of this act takes effect October 1, 2016.
- (4) Section 1105 of this act takes effect January 1, 2016.
- (5) Except for section 2004 of this act, Part XX of this act takes effect January 1, 2019.
- (6) Section 2004 of this act takes effect January 1, 2022.

Sec. 302. 2015 3rd sp.s. c 6 s 2303 (uncodified) is amended to read as follows:

- ~~((Part VIII of this act expires July 1, 2019))~~ (1) Sections 802 and 804, chapter 6, Laws of 2015 3rd sp. sess. expire July 1, 2026;
- (2) Section 803, chapter 6, Laws of 2015 3rd sp. sess. expires January 1, 2026; and
- (3) Section 805, chapter 6, Laws of 2015 3rd sp. sess. expires January 1, 2031.

Sec. 303. 2015 3rd sp.s. c 6 s 801 (uncodified) is amended to read as follows:

- (1)(a) The legislature finds that a robust maritime industry is crucial for the state's economic vitality. The legislature further finds that:
 - (i) The joint task force for economic resilience of maritime and manufacturing established policy goals to continue efforts towards developing a robust maritime industry in the state;
 - (ii) The maritime industry has a direct and indirect impact on jobs in the state;
 - (iii) Many of the cities and towns impacted by the maritime industry are often small with limited resources to encourage economic growth, heavily relying on the maritime industry for local jobs and revenues in the community;
 - (iv) Keeping Washington competitive with other cruising destinations is essential to continue to build a robust maritime economy in the state; and
 - (v) Tax incentives are an imperative component to improve the state's overall competitiveness in this sector.
- (b) Therefore, the legislature intends to:
 - (i) Bolster the maritime industry in the state by incentivizing larger vessel owners to use Washington waters for recreational boating to increase economic activity and jobs in coastal communities and inland water regions of the state;
 - (ii) Achieve this objective in a fiscally responsible manner and require analysis of specific metrics to ensure valuable state resources are being used to accomplish the intended goal; and
 - (iii) Provide limited, short-term tax relief to entity-owned nonresident vessel owners that currently are not afforded the same benefits as other nonresident vessel owners.
- (2)(a) This subsection is the tax preference performance statement for the entity-owned nonresident vessel tax preference established in section 803 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

- (b) The legislature categorizes this tax preference as one intended to accomplish the purposes indicated in RCW 82.32.808(2)(c) and one intended to improve the state's competitiveness with other nearby cruising destinations.

- (c) It is the legislature's specific public policy objective to increase economic activity and jobs related to the maritime industry by providing a tax preference for large entity-owned nonresident vessels to increase the length of time these vessels cruise Washington waters in turn strengthening the maritime economy in the state.

- (d) To measure the effectiveness of the tax preference provided in part ~~((XII [VIII] of this act))~~ VIII, chapter 6, Laws of 2015 3rd sp. sess. in achieving the public policy objective in (c) of this subsection, the joint legislative audit and review committee must provide the following in a published evaluation of this tax preference by December 31, 2024:

- (i) A comparison of the gross and taxable revenue generated by businesses that sell or provide maintenance or repair of vessels, prior to and after the enactment of this tax preference;
- (ii) Analysis of retail sales taxes collected from the restaurant and service industries in coastal and inlet coastal jurisdictions, for both counties and cities, for periods prior to and after the enactment of this tax preference;
- (iii) Employment and wage trends for businesses described in (d)(i) and (ii) of this subsection, for periods prior to and after the enactment of this tax preference;
- (iv) Descriptive statistics for the number of permits sold each year in addition to the following information:

- (A) The cost for each permit by strata of vessel length;
- (B) The jurisdiction of ownership for the nonresident vessel; and
- (C) The amount of use tax that would have been due based on the estimated value of the vessel;
- (v) A comparison of the number of registered entity-owned and individually owned vessels registered in Washington prior to and after the enactment of this tax preference; and
- (vi) Data and analysis for Washington's main cruising destination competitors, specifically looking at tax preferences provided in those jurisdictions, vessel industry income data, and any additional relevant information to compare Washington's maritime climate with its competitors.

- (e) The provision of RCW 82.32.808(5) does not apply to this tax preference.

Sec. 304. 2015 3rd sp.s. c 30 s 1 (uncodified) is amended to read as follows:

This section is the tax preference performance statement for the tax preference contained in section 2 ~~((of this act)),~~ chapter 30, Laws of 2015 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

- (1) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).
- (2) It is the legislature's specific public policy objective to provide tax relief to senior citizens, disabled persons, and veterans. The legislature recognizes that property taxes impose a substantial financial burden on those with fixed incomes and that property tax relief programs have considerable value in addressing this burden. It is the legislature's intent to increase the current statutory static income thresholds which were last modified in 2004.
- (3) ~~((The expansion of the items allowed to be deducted))~~ This tax preference is meant to be permanent and, therefore, not

subject to the ten-year expiration provision in RCW 82.32.805(1)(a).

NEW SECTION. Sec. 305. Nothing in section 204, chapter 5, Laws of 2015 3rd sp. sess. may be construed as affecting the taxable status in calendar year 2015 of any person with a substantial nexus with this state under RCW 82.04.067 any time on or after January 1, 2015, and before September 1, 2015, with respect to business and occupation taxes on apportionable activities as defined in RCW 82.04.460.

NEW SECTION. Sec. 306. Section 305 of this act applies retroactively for the period January 1, 2015, through December 31, 2015.

Part IV

Automated sales suppression devices and phantom-ware

Sec. 401. RCW 82.32.670 and 2013 c 309 s 3 are each amended to read as follows:

(1)(a) Automated sales suppression devices, phantom-ware, electronic cash registers or point of sale systems used with automated sales suppression devices or phantom-ware, and any property constituting proceeds traceable to any violation of RCW 82.32.290(4) are considered contraband and are subject to seizure and forfeiture.

(b) Property subject to forfeiture under (a) of this subsection (1) may be seized by any agent of the department authorized to assess or collect taxes, or law enforcement officer of this state, upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(i) The seizure is incident to an arrest or a search under a search warrant; or

(ii) The department or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of RCW 82.32.290(4) and exigent circumstances exist making procurement of a search warrant impracticable.

(2) Forfeiture authorized by this section is deemed to have commenced by the seizure. Notice of seizure must be given to the department if the seizure is made by a law enforcement officer without the presence of any agent of the department. The department must cause notice of the seizure and intended forfeiture to be served on the owner of the property seized, if known, and on any other person known by the department to have a right or interest in the seized property. Such service must be made within fifteen days following the seizure or the department's receipt of notification of the seizure. The notice may be served by any method authorized by law or court rule, by certified mail with return receipt requested, or electronically in accordance with RCW 82.32.135. Service by certified mail or electronic means is deemed complete upon mailing the notice, electronically sending the notice, or electronically notifying the person or persons entitled to the notice that the notice is available to be accessed by the person or persons, within the fifteen-day period following the seizure or the department's receipt of notification of the seizure.

(3) If no person notifies the department in writing of the person's claim of lawful ownership or right to lawful possession of the item or items seized within thirty days of the date of service of the notice of seizure and intended forfeiture, the item or items seized are deemed forfeited.

(4)(a) If any person notifies the department, in writing, of the person's claim of lawful ownership or lawful right to possession of the item or items seized within thirty days of the date of service of the notice of seizure and intended forfeiture, the person or persons must be afforded a reasonable opportunity to be heard as to the claim. The hearing must be before the director or the director's designee. A hearing and any administrative or judicial review is governed by chapter 34.05 RCW. The burden of proof by a preponderance of the evidence is upon the person claiming

to be the lawful owner or the person claiming to have the lawful right to possession of the item or items seized.

(b) The department must return the item or items to the claimant as soon as possible upon a determination that the claimant is the present lawful owner or is lawfully entitled to possession of the item or items seized.

(5) When property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of RCW 82.32.290(4), the department must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of RCW 82.32.290(4).

(6)(a) When automated sales suppression devices or phantom-ware voluntarily surrendered to an agent of the department, or property forfeited under this section, other than proceeds traceable to a violation of RCW 82.32.290(4), is no longer required for evidentiary purposes, the department may:

(i) Destroy or have the property destroyed;

(ii) Retain the property for training or other official purposes; or

(iii) Loan or give the property to any law enforcement or tax administration agency of any state, political subdivision or municipal corporation of a state, or the United States for training or other official purposes. For purposes of this subsection

(6)(a)(iii), "state" has the same meaning as in RCW 82.04.462.

(b) When proceeds traceable to a violation of RCW 82.32.290(4) forfeited under this section are no longer required for evidentiary purposes, they must be deposited into the general fund.

(7) The definitions in this subsection apply to this section:

(a) "Automated sales suppression device" means a software program that falsifies the electronic records of electronic cash registers or other point of sale systems, including transaction data and transaction reports. The term includes the software program, any device that carries the software program, or an internet link to the software program.

(b) "Electronic cash register" means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing sales transaction data in whatever manner.

(c) "Phantom-ware" means a programming option that is hidden, preinstalled, or installed-at-a-later-time in the operating system of an electronic cash register or other point of sale device, or hardwired into the electronic cash register or other point of sale device, and that can be used to create a virtual second till or may eliminate or manipulate transaction reports that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register or other point of sale device.

(d) "Transaction data" means information about sales transactions, including items purchased by a customer, the price for each item, a taxability determination for each item, a segregated tax amount for each of the taxed items, the amount of cash or credit tendered, the net amount returned to the customer in change, the date and time of the purchase, the name, address, and identification number of the vendor, and the receipt or invoice number of the transaction.

(e) "Transaction reports" means a report that includes information associated with sales transactions, taxes collected, media totals, and discount voids at an electronic cash register that can be printed on cash register tape at the end of a day or shift, or a report documenting every action at an electronic cash register or other point of sale device and that is stored electronically.

Part V

Miscellaneous technical corrections

Sec. 501. RCW 82.04.261 and 2010 1st sp.s. c 23 s 510 are each amended to read as follows:

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(1) In addition to the taxes imposed under RCW 82.04.260(~~((44))~~) (12), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(~~((44))~~) (12). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent. The surcharge is added to the rates provided in RCW 82.04.260(~~((44))~~) (12) (a), (b), (c), and (d). The surcharge and this section expire July 1, 2024.

(2) All receipts from the surcharge imposed under this section must be deposited into the forest and fish support account created in RCW 76.09.405.

(3)(a) The surcharge imposed under this section is suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) takes effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge is imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) takes effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge is imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department must adjust the surcharge in accordance with this subsection.

(b) The department must adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge takes effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge is imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and may not be used to challenge the validity of the surcharge imposed under this section.

(f) The department must provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management must make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

Sec. 502. RCW 82.04.334 and 2010 1st sp.s. c 23 s 512 are each amended to read as follows:

This chapter does not apply to any sale of standing timber excluded from the definition of "sale" in RCW 82.45.010(3). The definitions in RCW 82.04.260(~~((44))~~) (12) apply to this section.

Sec. 503. RCW 82.04.43391 and 2010 1st sp.s. c 23 s 112 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax interest and fees on loans secured by commercial aircraft primarily used to provide routine air service and owned by:

(a) An air carrier, as defined in RCW (~~(82.42.030)~~) 82.42.010, which is primarily engaged in the business of providing passenger air service;

(b) An affiliate of such air carrier; or

(c) A parent entity for which such air carrier is an affiliate.

(2) The deduction authorized under this section is not available to any person who is physically present in this state as determined under RCW 82.04.067(6).

(3) For purposes of this section, the following definitions apply:

(a) "Affiliate" means a person is "affiliated," as defined in RCW 82.04.645, with another person; and

(b) "Commercial aircraft" means a commercial airplane as defined in RCW 82.32.550.

NEW SECTION. Sec. 504. RCW 82.04.4483 (Credit—Programming or manufacturing software in rural counties) and 2010 c 114 s 119 & 2004 c 25 s 1 are each repealed.

Sec. 505. RCW 82.32.030 and 2011 c 298 s 38 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, if any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he or she must, under such rules as the department prescribes, apply for and obtain from the department a registration certificate. Such registration certificate is personal and nontransferable and is valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public is required. Each certificate must be numbered and must show the name, residence, and place and character of business of the taxpayer and such other information as the department of revenue deems necessary and must be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the department the existing certificate, and a new certificate will be issued for the new place of business. No person required to be registered under this section may engage in any business taxable hereunder without first being so registered. The department, by rule, may provide for the issuance of certificates of registration to temporary places of business.

(2) Unless the person is a dealer as defined in RCW 9.41.010, registration under this section is not required if the following conditions are met:

(a) A person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than twelve thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twelve thousand dollars per year;

(c) The person is not required to collect or pay to the department of revenue any other tax or fee (~~(which)~~) that the department is authorized to collect; and

(d) The person is not otherwise required to obtain a license subject to the (~~(master)~~) business license application procedure provided in chapter 19.02 RCW.

(3) All persons who agree to collect and remit sales and use tax to the department under the agreement must register through the central registration system authorized under the agreement. Persons required to register under subsection (1) of this section are not relieved of that requirement because of registration under this subsection (3).

(4) Persons registered under subsection (3) of this section who are not required to register under subsection (1) of this section and who are not otherwise subject to the requirements of chapter 19.02 RCW are not subject to the fees imposed by the department under the authority of RCW 19.02.075.

Sec. 506. RCW 84.34.108 and 2014 c 97 s 311 and 2014 c 58 s 28 are each reenacted and amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification must be made each year upon the assessment and tax rolls and the land must be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner or transfer by a transfer on death deed does not, by itself, result in removal of classification. The notice of continuance must be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes, applicable interest, and penalty calculated pursuant to subsection (4) of this section become due and payable by the seller or transferor at time of sale. The auditor may not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax, applicable interest, and penalty has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d)(i) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

(ii) The granting authority, upon request of an assessor, must provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance must be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after the removal of all or a portion of the land from current use classification under subsection (1) of this section, the assessor must notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038. The removal notice must explain the steps needed to appeal the removal decision, including when a notice of appeal must be filed, where the forms may be obtained, and how to contact the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor must revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification must be listed and taxes must be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty must be imposed, which are due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax, applicable interest, and penalty. As soon as possible, the assessor must compute the amount of additional tax, applicable interest, and penalty and the treasurer must mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty must be determined as follows:

(a) The amount of additional tax is equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timberland" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest is equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty is as provided in RCW 84.34.080. The penalty may not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty become a lien on the land (~~(which)~~). The lien attaches at the time the land is removed from classification under this chapter and (~~(have)~~) has priority to and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on the due date (~~(are is)~~) is delinquent as of the due date. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section may not be imposed if the removal

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of classification pursuant to subsection (1) of this section resulted solely from:

- (a) Transfer to a government entity in exchange for other land located within the state of Washington;
- (b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;
- (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;
- (d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;
- (e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
- (f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section must be imposed;
- (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(f);
- (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
- (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
- (j) The creation, sale, or transfer of a conservation easement of private forestlands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
- (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forestland, designated as forestland under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k); or
- (l)(i) The discovery that the land was classified under this chapter in error through no fault of the owner. For purposes of this subsection (6)(l), "fault" means a knowingly false or misleading statement, or other act or omission not in good faith, that contributed to the approval of classification under this chapter or the failure of the assessor to remove the land from classification under this chapter.
- (ii) For purposes of this subsection (6), the discovery that land was classified under this chapter in error through no fault of the owner is not the sole reason for removal of classification pursuant to subsection (1) of this section if an independent basis for removal exists. Examples of an independent basis for removal include the owner changing the use of the land or failing to meet any applicable income criteria required for classification under this chapter.

Sec. 507. RCW 84.41.041 and 2015 c 86 s 103 are each amended to read as follows:

(1) Each county assessor must cause taxable real property to be physically inspected and valued at least once every six years in accordance with RCW 84.41.030, and in accordance with a plan filed with and approved by the department of revenue. Such revaluation plan must provide that all taxable real property within a county must be revalued and these newly determined values

placed on the assessment rolls each year. Property must be valued at one hundred percent of its true and fair value and assessed on the same basis, in accordance with RCW 84.40.030, unless specifically provided otherwise by law. ~~((During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data. If the revaluation plan provides for physical inspection less frequently than once each four years,))~~ During the intervals between each physical inspection of real property, the valuation of such property must be adjusted to its current true and fair value, such adjustments to be made once each year and to be based upon appropriate statistical data.

(2) The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property.

Sec. 508. RCW 82.04.280 and 2010 c 106 s 205 are each reenacted to read as follows:

(1) Upon every person engaging within this state in the business of: (a) Printing materials other than newspapers, and of publishing periodicals or magazines; (b) building, repairing or improving any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (c) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (d) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (e) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of chapter 48.17 RCW; (f) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the federal communications commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (g) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, the following definitions apply unless the context clearly requires otherwise.

(a) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(b) "Storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for

storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

(c) "Periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 509. RCW 82.32.790 and 2010 c 114 s 201 and 2010 c 106 s 401 are each reenacted and amended to read as follows:

(1)(a) (~~(Section 206, chapter 106, Laws of 2010,)~~ Sections 104, 110, 117, 123, 125, 129, 131, and 150, chapter 114, Laws of 2010, (~~(section 3, chapter 461, Laws of 2009, section 7, chapter 300, Laws of 2006,)~~) and sections ~~((4))~~ 1, 2, 3, and 5 through 10, chapter 149, Laws of 2003 are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) (~~(Chapter 149, Laws of 2003 takes)~~) The sections referenced in subsection (1) of this section take effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue must provide notice of the effective date of (~~(sections 104, 110, 117, 123, 125, 129, 131, and 150, chapter 114, Laws of 2010 section 3, chapter 461, Laws of 2009, section 7, chapter 300, Laws of 2006, and section 4, chapter 149, Laws of 2003))~~ the sections referenced in subsection (1) of this section to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and (~~(chapter 149, Laws of 2003 is)~~) the sections referenced in subsection (1) of this section are effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department must make a determination that chapter 149, Laws of 2003 is no longer effective, and all taxes that would have been otherwise due are deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under (~~(section 2 or 5 through 10, chapter 149, Laws of 2003))~~ RCW 82.04.426, 82.04.448, 82.08.965, 82.12.965, 82.08.970, 82.12.970, or 84.36.645. The department is not authorized to make a second determination regarding the effective date of (~~(chapter 149, Laws of 2003))~~ the sections referenced in subsection (1) of this section.

NEW SECTION. Sec. 510. The following acts or parts of acts are each repealed:

- (1) 2010 c 106 s 206;
- (2) 2009 c 461 s 3;
- (3) 2006 c 300 s 7; and
- (4) 2003 c 149 s 4.

Sec. 511. RCW 35.102.130 and 2010 c 111 s 305 are each amended to read as follows:

A city that imposes a business and occupation tax must provide for the allocation and apportionment of a person's gross income, other than persons subject to the provisions of chapter 82.14A RCW, as follows:

(1) Gross income derived from all activities other than those taxed as service or royalties must be allocated to the location where the activity takes place.

(a) In the case of sales of tangible personal property, the activity takes place where delivery to the buyer occurs.

(b)(i) In the case of sales of digital products, the activity takes place where delivery to the buyer occurs. The delivery of digital products will be deemed to occur at:

(A) The seller's place of business if the purchaser receives the digital product at the seller's place of business;

(B) If not received at the seller's place of business, the location where the purchaser or the purchaser's donee, designated as such by the purchaser, receives the digital product, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(C) If the location where the purchaser or the purchaser's donee receives the digital product is not known, the purchaser's address maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(D) If no address for the purchaser is maintained in the ordinary course of the seller's business, the purchaser's address obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith; and

(E) If no address for the purchaser is obtained during the consummation of the sale, the address where the digital good or digital code is first made available for transmission by the seller or the address from which the digital automated service or service described in RCW 82.04.050 (2)(g) or (6)(~~(b))~~) (c) was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

(ii) If none of the methods in (b)(i) of this subsection (1) for determining where the delivery of digital products occurs are available after a good faith effort by the taxpayer to apply the methods provided in (b)(i)(A) through (E) of this subsection (1), then the city and the taxpayer may mutually agree to employ any other method to effectuate an equitable allocation of income from the sale of digital products. The taxpayer will be responsible for petitioning the city to use an alternative method under this subsection (1)(b)(ii). The city may employ an alternative method for allocating the income from the sale of digital products if the methods provided in (b)(i)(A) through (E) of this subsection (1) are not available and the taxpayer and the city are unable to mutually agree on an alternative method to effectuate an equitable allocation of income from the sale of digital products.

(iii) For purposes of this subsection (1)(b), the following definitions apply:

(A) "Digital automated services," "digital codes," and "digital goods" have the same meaning as in RCW 82.04.192;

(B) "Digital products" means digital goods, digital codes, digital automated services, and the services described in RCW 82.04.050 (2)(g) and (6)(~~(b))~~) (c); and

(C) "Receive" has the same meaning as in RCW 82.32.730.

(c) If a business activity allocated under this subsection (1) takes place in more than one city and all cities impose a gross receipts tax, a credit must be allowed as provided in RCW 35.102.060; if not all of the cities impose a gross receipts tax, the affected cities must allow another credit or allocation system as they and the taxpayer agree.

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(2) Gross income derived as royalties from the granting of intangible rights must be allocated to the commercial domicile of the taxpayer.

(3) Gross income derived from activities taxed as services shall be apportioned to a city by multiplying apportionable income by a fraction, the numerator of which is the payroll factor plus the service-income factor and the denominator of which is two.

(a) The payroll factor is a fraction, the numerator of which is the total amount paid in the city during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period. Compensation is paid in the city if:

- (i) The individual is primarily assigned within the city;
- (ii) The individual is not primarily assigned to any place of business for the tax period and the employee performs fifty percent or more of his or her service for the tax period in the city; or
- (iii) The individual is not primarily assigned to any place of business for the tax period, the individual does not perform fifty percent or more of his or her service in any city, and the employee resides in the city.

(b) The service income factor is a fraction, the numerator of which is the total service income of the taxpayer in the city during the tax period, and the denominator of which is the total service income of the taxpayer everywhere during the tax period. Service income is in the city if:

- (i) The customer location is in the city; or
- (ii) The income-producing activity is performed in more than one location and a greater proportion of the service-income-producing activity is performed in the city than in any other location, based on costs of performance, and the taxpayer is not taxable at the customer location; or
- (iii) The service-income-producing activity is performed within the city, and the taxpayer is not taxable in the customer location.

(c) If the allocation and apportionment provisions of this subsection do not fairly represent the extent of the taxpayer's business activity in the city or cities in which the taxpayer does business, the taxpayer may petition for or the tax administrators may jointly require, in respect to all or any part of the taxpayer's business activity, that one of the following methods be used jointly by the cities to allocate or apportion gross income, if reasonable:

- (i) Separate accounting;
- (ii) The use of a single factor;
- (iii) The inclusion of one or more additional factors that will fairly represent the taxpayer's business activity in the city; or
- (iv) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(4) The definitions in this subsection apply throughout this section.

(a) "Apportionable income" means the gross income of the business taxable under the service classifications of a city's gross receipts tax, including income received from activities outside the city if the income would be taxable under the service classification if received from activities within the city, less any exemptions or deductions available.

(b) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to individuals for personal services that are or would be included in the individual's gross income under the federal internal revenue code.

(c) "Individual" means any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

(d) "Customer location" means the city or unincorporated area of a county where the majority of the contacts between the taxpayer and the customer take place.

(e) "Primarily assigned" means the business location of the taxpayer where the individual performs his or her duties.

(f) "Service-taxable income" or "service income" means gross income of the business subject to tax under either the service or royalty classification.

(g) "Tax period" means the calendar year during which tax liability is accrued. If taxes are reported by a taxpayer on a basis more frequent than once per year, taxpayers shall calculate the factors for the previous calendar year for reporting in the current calendar year and correct the reporting for the previous year when the factors are calculated for that year, but not later than the end of the first quarter of the following year.

(h) "Taxable in the customer location" means either that a taxpayer is subject to a gross receipts tax in the customer location for the privilege of doing business, or that the government where the customer is located has the authority to subject the taxpayer to gross receipts tax regardless of whether, in fact, the government does so.

Sec. 512. RCW 82.04.060 and 2015 c 169 s 2 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

- (1) Any sale, which is not a sale at retail, of:
 - (a) Tangible personal property;
 - (b) Services defined as a retail sale in RCW 82.04.050(2) (a) or (g);
 - (c) Activities defined as a retail sale in RCW 82.04.050(15);
 - (d) Prewritten computer software;
 - (e) Services described in RCW 82.04.050(6)(~~(b)~~) (c);
 - (f) Extended warranties as defined in RCW 82.04.050(7);
 - (g) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065; or
 - (h) Digital goods, digital codes, or digital automated services;
- (2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers. For the purposes of this subsection (2), "real or personal property" does not include any natural products named in RCW 82.04.100; and
- (3) The sale of any service for resale, if the sale is excluded from the definition of "sale at retail" and "retail sale" in RCW 82.04.050(14).

Sec. 513. RCW 82.04.190 and 2015 c 169 s 3 are each amended to read as follows:

"Consumer" means the following:

- (1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose of:
 - (a) Resale as tangible personal property in the regular course of business;
 - (b) Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;
 - (c) Consuming such property in producing for sale as a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is

to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(d) Consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who makes a purchase meeting the definition of "sale at retail" and "retail sale" under RCW 82.04.050(15), other than for resale in the regular course of business; (e) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business; and (f) any person who is an end user of software. For purposes of this subsection (2)(f) and RCW 82.04.050(6), a person who purchases or otherwise acquires prewritten computer software, who provides services described in RCW 82.04.050(6)((b)) (c) and who will charge consumers for the right to access and use the prewritten computer software, is not an end user of the prewritten computer software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition may be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person is a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section may be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development;

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10) Any person who purchases, acquires, or uses services described in RCW 82.04.050(6)((b)) (c) other than:

(a) For resale in the regular course of business; or

(b) For purposes of consuming the service described in RCW 82.04.050(6)((b)) (c) in producing for sale a new product, but only if such service becomes a component of the new product. For purposes of this subsection (10), "product" means a digital product, an article of tangible personal property, or the service described in RCW 82.04.050(6)((b)) (c);

(11)(a) Any end user of a digital product or digital code. "Consumer" does not include any person who is not an end user of a digital product or a digital code and purchases, acquires, owns, holds, or uses any digital product or digital code for purposes of consuming the digital product or digital code in producing for sale a new product, but only if the digital product or digital code becomes a component of the new product. A digital code becomes a component of a new product if the digital good or digital automated service acquired through the use of the digital code becomes incorporated into a new product. For purposes of this subsection, "product" has the same meaning as in subsection (10) of this section.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases

digital products or digital codes for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates;

(12) Any person who provides services described in RCW 82.04.050(9). Any such person is a consumer with respect to the purchase, acquisition, or use of the tangible personal property that the person provides along with an operator in rendering services defined as a retail sale in RCW 82.04.050(9). Any such person may also be a consumer under other provisions of this section;

(13) Any person who purchases, acquires, owns, holds, or uses chemical sprays or washes for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, or who purchases feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials, is not a consumer of such items, but only to the extent that the items:

(a) Are used in relation to the person's participation in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, the wildlife habitat incentives program, or their successors administered by the United States department of agriculture;

(b) Are for use by a farmer for the purpose of producing for sale any agricultural product; or

(c) Are for use by a farmer to produce or improve wildlife habitat on land the farmer owns or leases while acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife; and

(14) A regional transit authority is not a consumer with respect to labor, services, or tangible personal property purchased pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a transit agency, as defined in RCW 81.104.015, performs the labor or services.

Sec. 514. RCW 82.04.192 and 2010 c 111 s 203 are each amended to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audiovisual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3)(a) "Digital automated service," except as provided in (b) of this subsection (3), means any service transferred electronically that uses one or more software applications.

(b) "Digital automated service" does not include:

(i) Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this subsection (3)(b)(ii), "financial instruments" include cash, accounts

receivable and payable, loans and notes receivable and payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

(iii) Dispensing cash or other physical items from a machine;

(iv) Payment processing services;

(v) Parimutuel wagering and handicapping contests as authorized by chapter 67.16 RCW;

(vi) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(vii) The internet and internet access as those terms are defined in RCW 82.04.297;

(viii) The service described in RCW 82.04.050(6)((b)) (c);

(ix) Online educational programs provided by a:

(A) Public or private elementary or secondary school; or

(B) An institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For purposes of this subsection (3)(b)(ix)(B), an online educational program must be encompassed within the institution's accreditation;

(x) Live presentations, such as lectures, seminars, workshops, or courses, where participants are connected to other participants via the internet or telecommunications equipment, which allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time;

(xi) Travel agent services, including online travel services, and automated systems used by travel agents to book reservations;

(xii)(A) A service that allows the person receiving the service to make online sales of products or services, digital or otherwise, using either: (I) The service provider's web site; or (II) the service recipient's web site, but only when the service provider's technology is used in creating or hosting the service recipient's web site or is used in processing orders from customers using the service recipient's web site.

(B) The service described in this subsection (3)(b)(xii) does not include the underlying sale of the products or services, digital or otherwise, by the person receiving the service;

(xiii) Advertising services. For purposes of this subsection (3)(b)(xiii), "advertising services" means all services directly related to the creation, preparation, production, or the dissemination of advertisements. Advertising services include layout, art direction, graphic design, mechanical preparation, production supervision, placement, and rendering advice to a client concerning the best methods of advertising that client's products or services. Advertising services also include online referrals, search engine marketing and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of web site traffic for purposes of determining the effectiveness of an advertising campaign. Advertising services do not include web hosting services and domain name registration;

(xiv) The mere storage of digital products, digital codes, computer software, or master copies of software. This exclusion from the definition of digital automated services includes providing space on a server for web hosting or the backing up of data or other information;

(xv) Data processing services. For purposes of this subsection (3)(b)(xv), "data processing service" means a primarily automated service provided to a business or other organization where the primary object of the service is the systematic performance of operations by the service provider on data supplied in whole or in part by the customer to extract the required information in an appropriate form or to convert the data to usable information. Data processing services include check processing, image processing, form processing, survey processing, payroll

processing, claim processing, and similar activities. Data processing does not include the service described in RCW 82.04.050(6)((b)) (c); and

(xvi) Digital goods.

(4) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(5) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including email or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(6)(a) "Digital goods," except as provided in (b) of this subsection (6), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, specified digital products and other products transferred electronically not included within the definition of specified digital products.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) The internet and internet access as those terms are defined in RCW 82.04.297;

(iv)(A) Except as provided in (b)(iv)(B) of this subsection (6), the representation of a personal or professional service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, where the service primarily involves the application of human effort by the service provider, and the human effort originated after the customer requested the service.

(B) The exclusion in (b)(iv)(A) of this subsection (6) does not apply to photographers in respect to amounts received for the taking of photographs that are transferred electronically to the customer, but only if the customer is an end user, as defined in RCW 82.04.190(11), of the photographs. Such amounts are considered to be for the sale of digital goods; and

(v) Services and activities excluded from the definition of digital automated services in subsection (3)(b)(i) through (xv) of this section and not otherwise described in (b)(i) through (iv) of this subsection (6).

(7) "Digital products" means digital goods and digital automated services.

(8) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(9) "Specified digital products" means electronically transferred digital audiovisual works, digital audio works, and digital books.

(10) "Subscription radio services" means the sale of audio programming by a radio broadcaster as defined in RCW 82.08.02081, except as otherwise provided in this subsection.

"Subscription radio services" does not include audio programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(11) "Subscription television services" means the sale of video programming by a television broadcaster as defined in RCW 82.08.02081, except as otherwise provided in this subsection.

"Subscription television services" does not include video programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service, but only if the seller is not subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

Sec. 515. RCW 82.04.257 and 2010 c 111 s 301 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, upon every person engaging within this state in the business of making sales at retail or wholesale of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)((b)) (c), as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent in the case of retail sales and by the rate of 0.484 percent in the case of wholesale sales.

(2) Persons providing subscription television services or subscription radio services are subject to tax under RCW 82.04.290(2) on the gross income of the business received from providing such services.

(3) For purposes of this section, a person is considered to be engaging within this state in the business of making sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)((b)) (c), if the person makes sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)((b)) (c) and the sales are sourced to this state under RCW 82.32.730 for sales tax purposes or would have been sourced to this state under RCW 82.32.730 if the sale had been taxable under chapter 82.08 RCW.

(4) A person subject to tax under this section is subject to the mandatory electronic filing and payment requirements in RCW 82.32.080.

Sec. 516. RCW 82.04.258 and 2009 c 535 s 402 are each amended to read as follows:

(1)(a) Any person subject to tax under RCW 82.04.257 engaging both within and outside this state in the business of making sales at retail or wholesale of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)((b)) (c), must apportion to this state that portion of apportionable income derived from activity performed within this state as provided in subsection (2) of this section.

(b) For purposes of this subsection, a person is considered to be engaging outside this state in the business of making sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)((b)) (c) if the person makes any sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)((b)) (c) that are sourced to a jurisdiction other than Washington under RCW 82.32.730 for sales tax purposes or would have been sourced to a jurisdiction other than Washington under RCW 82.32.730 if the sale had been a retail sale.

(2) Apportionable income must be apportioned to Washington by multiplying the apportionable income by the sales factor.

(3)(a) The sales factor is a fraction, the numerator of which is the total receipts of the taxpayer from making sales of digital goods, digital codes, digital automated services, and services described in RCW 82.04.050 (2)(g) or (6)((b)) (c) in this state during the tax period, and the denominator of which is the total receipts of the taxpayer derived from such activity everywhere during the tax period.

(b) For purposes of computing the sales factor, sales are considered in this state if the sale was sourced to this state under RCW 82.32.730 for sales tax purposes or would have been

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sourced to this state under RCW 82.32.730 if the sale had been taxable under chapter 82.08 RCW.

(4) For purposes of this section, "apportionable income" means the gross income of the business taxable under RCW 82.04.257, including income received from activities outside this state if the income would be taxable under RCW 82.04.257 if received from activities in this state.

Sec. 517. RCW 82.08.02082 and 2010 c 111 s 401 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to a business or other organization for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)((b)) (c) available free of charge for the use or enjoyment of the general public. The exemption provided in this section does not apply unless the purchaser has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) For purposes of this section, "general public" means all persons and not limited or restricted to a particular class of persons, except that the general public includes:

(a) A class of persons that is defined as all persons residing or owning property within the boundaries of a state, political subdivision of a state, or a municipal corporation; and
(b) With respect to libraries, authorized library patrons.

Sec. 518. RCW 82.08.02088 and 2009 c 535 s 701 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(2) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) purchased for personal use.

(3) A buyer claiming an exemption under this section must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with RCW 82.12.02088 and 82.14.457.

(4) For purposes of this section, "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use

within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

Sec. 519. RCW 82.12.010 and 2015 c 169 s 5 are each amended to read as follows:

For the purposes of this chapter:

(1) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, has full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, also means any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (1), the use of the property is deemed to be by such consumer.

(2) "Extended warranty" has the same meaning as in RCW 82.04.050(7).

(3) "Purchase price" means the same as sales price as defined in RCW 82.08.010.

(4)(a)(i) Except as provided in (a)(ii) of this subsection (4), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((b)) (c) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540.

(5) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW.

(6) "Use," "used," "using," or "put to use" have their ordinary meaning, and mean:

(a) With respect to tangible personal property, except for natural gas and manufactured gas, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the

taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050(6)((b)) (c), the first act within this state by which the taxpayer, as a consumer, accesses the prewritten computer software;

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed; and

(h) With respect to natural gas or manufactured gas, the use of which is taxable under RCW 82.12.022, including gas that is also taxable under the authority of RCW 82.14.230, the first act within this state by which the taxpayer consumes the gas by burning the gas or storing the gas in the taxpayer's own facilities for later consumption by the taxpayer.

(7)(a) "Value of the article used" is the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used is determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used must be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used is determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five

consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used must be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used is determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used is determined by:

(i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used is determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax.

(8) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe.

(9) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used is determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe.

(10) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used is determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe.

Sec. 520. RCW 82.12.020 and 2015 c 169 s 6 are each amended to read as follows:

(1) There is levied and collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property acquired by the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((b)) (c), excluding services defined as a retail sale in RCW 82.04.050(6)((b)) (c) that are provided free of charge;

(d) Extended warranty; or

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(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2) (a) or (g) or (6)((b)) (c), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

Sec. 521. RCW 82.12.02082 and 2010 c 111 s 501 are each amended to read as follows:

The provisions of this chapter do not apply to the use by a business or other organization of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) for the purpose of making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)((b)) (c) available free of charge for the use or enjoyment of the general public. For purposes of this section, "general public" has the same meaning as in RCW 82.08.02082. The exemption provided in this section does not apply unless the user has the legal right to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute, or exhibit the product, in whole or in part, to the general public.

Sec. 522. RCW 82.12.02088 and 2009 c 535 s 702 are each amended to read as follows:

(1) A business or other organization subject to the tax imposed in RCW 82.12.020 on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) that are concurrently available for use within and outside this state is entitled to apportion the amount of tax due this state based on users in this state compared to users everywhere. The department may authorize or require an alternative method of apportionment supported by the taxpayer's records that fairly reflects the proportion of in-state to out-of-state use by the taxpayer of the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c).

(2) No apportionment under this section is allowed unless the apportionment method is supported by the taxpayer's records kept in the ordinary course of business.

(3) For purposes of this section, the following definitions apply:

(a) "Concurrently available for use within and outside this state" means that employees or other agents of the taxpayer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) simultaneously at one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the taxpayer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

(b) "User" means an employee or agent of the taxpayer who is authorized by the taxpayer to use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)((b)) (c) in the performance of his or her duties as an employee or other agent of the taxpayer.

Sec. 523. RCW 82.12.0259 and 2009 c 535 s 613 are each amended to read as follows:

The provisions of this chapter do not apply in respect to the use of personal property or the use of digital automated services or services defined in RCW 82.04.050 (2)(a) or (6)((b)) (c) by corporations that have been incorporated under any act of the

congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same.

Sec. 524. RCW 82.12.035 and 2015 c 169 s 8 are each amended to read as follows:

A credit is allowed against the taxes imposed by this chapter upon the use in this state of tangible personal property, extended warranty, digital good, digital code, digital automated service, or services defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((~~bb~~)) (c), in the amount that the present user thereof or his or her bailor or donor has paid a legally imposed retail sales or use tax with respect to such property, extended warranty, digital good, digital code, digital automated service, or service defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((~~bb~~)) (c) to any other state, possession, territory, or commonwealth of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof.

Sec. 525. RCW 82.12.040 and 2015 c 169 s 9 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, must obtain from the department a certificate of registration, and must, at the time of making sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((~~bb~~)) (c), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section must be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. For the purposes of this chapter, the phrase "maintains in this state a place of business" includes the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department must in rules specify activities which constitute engaging in business activity within this state, and must keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((~~bb~~)) (c), of his or her principals for use in this state, must, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose is deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter is deemed to be held in trust by the retailer until paid to the department, and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed is guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to

pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is nevertheless personally liable to the state for the amount of such tax, unless the seller has taken from the buyer a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter is guilty of a misdemeanor.

(5) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

(i) The storage, dissemination, or display of advertising;

(ii) The taking of orders; or

(iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(6) Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(7) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the person would have been obligated to collect retail sales tax on the sale absent a specific exemption provided in chapter 82.08 RCW, and there is no corresponding use tax exemption in this chapter. Nothing in this subsection (7) may be construed as relieving purchasers from liability for reporting and remitting the tax due under this chapter directly to the department.

(8) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the state is prohibited under the Constitution or laws of the United States from requiring the person to collect the tax imposed by this chapter.

(9) Notwithstanding subsections (1) through (4) of this section, any licensed dealer facilitating a firearm sale or transfer between two unlicensed persons by conducting background checks under chapter 9.41 RCW is not obligated to collect the tax imposed by this chapter.

Sec. 526. RCW 82.12.860 and 2015 c 169 s 10 are each amended to read as follows:

(1) This chapter does not apply to state credit unions with respect to the use of any article of tangible personal property, digital good, digital code, digital automated service, service defined as a retail sale in RCW 82.04.050 (2) (a) or (g) or (6)((~~bb~~)) (c), or extended warranty, acquired from a federal credit union, foreign credit union, or out-of-state credit union as a result of a merger or conversion.

(2) For purposes of this section, the following definitions apply:

(a) "Federal credit union" means a credit union organized and operating under the laws of the United States.

(b) "Foreign credit union" means a credit union organized and operating under the laws of another country or other foreign jurisdiction.

(c) "Out-of-state credit union" means a credit union organized and operating under the laws of another state or United States territory or possession.

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(d) "State credit union" means a credit union organized and operating under the laws of this state.

Sec. 527. RCW 82.14.457 and 2009 c 535 s 703 are each amended to read as follows:

(1) A business or other organization that is entitled under RCW 82.12.02088 to apportion the amount of state use tax on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(~~(b)~~) (c) is also entitled to apportion the amount of local use taxes imposed under the authority of this chapter and RCW 81.104.170 on the use of such products or services.

(2) To ensure that the tax base for state and local use taxes is identical, the measure of local use taxes apportioned under this section must be the same as the measure of state use tax apportioned under RCW 82.12.02088.

(3) This section does not affect the sourcing of local use taxes.
Sec. 528. RCW 82.04.4277 and 2016 sp.s. c 29 s 532 are each amended to read as follows:

(1) A health or social welfare organization may deduct from the measure of tax amounts received as compensation for providing mental health services or chemical dependency services under a government-funded program.

(2) A behavioral health organization may deduct from the measure of tax amounts received from the state of Washington for distribution to a health or social welfare organization that is eligible to deduct the distribution under subsection (1) of this section.

(3) A person claiming a deduction under this section must file a complete annual report with the department under RCW 82.32.534.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chemical dependency" has the same meaning as provided in RCW 70.96A.020 through March 31, 2018, and the same meaning as provided in RCW 71.05.020 beginning April 1, 2018.

(b) "Health or social welfare organization" has the meaning provided in RCW 82.04.431.

(c) "Mental health services" and "behavioral health organization" have the meanings provided in RCW 71.24.025.

(5) This section expires January 1, 2020.
Sec. 529. RCW 84.12.270 and 2001 c 187 s 3 are each amended to read as follows:

The department of revenue (~~(shall)~~) must annually make an assessment of the operating property of all companies(~~(, and)~~). Between the fifteenth day of March and the first day of July of each year (~~(shall)~~) the department must prepare an initial assessment roll upon which (~~(it shall)~~) the department must enter and assess the true and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. The department must finalize the assessment roll by the twentieth day of August of each year. For the purpose of determining the true and fair value of such property the department of revenue may inspect the property belonging to (~~(said))~~ the companies and may take into consideration any information or knowledge obtained by (~~(#))~~ the department from (~~(such))~~ an examination and inspection of such property, or of the books, records, and accounts of such companies, the statements filed as required by this chapter, the reports, statements, or returns of such companies filed in the office of any board, office, or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the true and fair valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated

within or outside the state, and any other facts, evidence, or information that may be obtainable bearing upon the value of the operating property(~~(-PROVIDED, That)~~). However, in no event (~~(shall)~~) may any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character, and true and fair value of the operating property of such company.

Sec. 530. RCW 84.12.330 and 2001 c 187 s 6 are each amended to read as follows:

Upon the assessment roll (~~(shall)~~) must be placed after the name of each company a general description of the operating property of the company, which (~~(shall be)~~) is considered sufficient if described in the language of RCW 84.12.200(~~(42))~~) (8), as applied to the company, following which (~~(shall)~~) must be entered the true and fair value of the operating property as determined by the department of revenue. No assessment (~~(shall)~~) may be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the department of revenue (~~(shall have))~~ has prepared the assessment roll and entered thereon the true and fair value of the operating property of the company, as herein required, (~~(it shall)~~) the department must notify the company by mail of the valuation determined by it and entered upon the roll.

Sec. 531. RCW 84.16.040 and 2001 c 187 s 9 are each amended to read as follows:

The department of revenue (~~(shall)~~) must annually make an assessment of the operating property of each private car company(~~(, and)~~). Between the first day of May and the first day of July of each year (~~(shall)~~) the department must prepare an initial assessment roll upon which (~~(it shall)~~) the department must enter and assess the true and fair value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. The department must finalize the assessment roll by the twentieth day of August of each year. For the purpose of determining the true and fair value of such property the department of revenue may take into consideration any information or knowledge obtained by (~~(#))~~ the department from an examination and inspection of such property, or of the books, records, and accounts of such companies, the statements filed as required by this chapter, the reports, statements, or returns of such companies filed in the office of any board, office, or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the true and fair valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences, or information that may be obtainable bearing upon the value of the operating property(~~(-PROVIDED, That)~~). However, in no event (~~(shall)~~) may any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character, and true and fair value of the operating property of such company.

Sec. 532. RCW 84.16.090 and 2001 c 187 s 11 are each amended to read as follows:

Upon the assessment roll (~~(shall)~~) must be placed after the name of each company a general description of the operating property of the company, which (~~(shall be)~~) is considered sufficient if described in the language of RCW 84.16.010(3) or otherwise, following which (~~(shall)~~) must be entered the true and fair value of the operating property as determined by the department of revenue. No assessment (~~(shall be))~~ is invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner.

When the department of revenue (~~shall have~~) has prepared the initial assessment roll and entered thereon the true and fair value of the operating property of the company, as required, (~~it shall~~) the department must notify the company by mail of the valuation determined by it and entered upon the roll; and thereupon such valuation (~~shall~~) must become the true and fair value of the operating property of the company, subject to revision or correction by the department of revenue as hereinafter provided; and (~~shall~~) must be the valuation upon which, after equalization by the department of revenue as hereinafter provided, the taxes of such company (~~shall be~~) are based and computed.

Part VI

Estate tax return filing relief

Sec. 601. RCW 83.100.050 and 2008 c 181 s 504 are each amended to read as follows:

(1) A Washington return must be filed if ~~((a) A federal return is required to be filed; or (b) for decedents dying prior to January 1, 2006, the gross estate exceeds one million five hundred thousand dollars; or (c) for decedents dying on or after January 1, 2006, the gross estate exceeds two million dollars))~~ the gross estate equals or exceeds the applicable exclusion amount.

(2) If a Washington return is required as provided in subsection (1) of this section:

(a) A person required to file a federal return (~~shall~~) must file with the department on or before the date the federal return is required to be filed, including any extension of time for filing under subsection (4) or (6) of this section, a Washington return for the tax due under this chapter.

(b) If no federal return is required to be filed, a taxpayer shall file with the department on or before the date a federal return would have been required to be filed, including any extension of time for filing under subsection (5) or (6) of this section, a Washington return for the tax due under this chapter.

(3) A Washington return delivered to the department by United States mail (~~shall be~~) is considered to have been received by the department on the date of the United States postmark stamped on the cover in which the return is mailed, if the postmark date is within the time allowed for filing the Washington return, including extensions.

(4) In addition to the Washington return required to be filed in subsection (2) of this section, a person ~~((, if required to file a federal return, shall))~~ must file with the department on or before the date the federal return is ~~((required to be filed a copy of the federal return along with all supporting documentation))~~ or would have been required to be filed all supporting documentation for completed Washington return schedules, and, if a federal return has been filed, a copy of the federal return. If the person required to file the federal return has obtained an extension of time for filing the federal return, the person (~~shall~~) must file the Washington return within the same time period and in the same manner as provided for the federal return. A copy of the federal extension (~~shall~~) must be filed with the department on or before the date the Washington return is due, not including any extension of time for filing, or within thirty days of issuance, whichever is later.

(5) A person may obtain an extension of time for filing the Washington return as provided by rule of the department, if the person is required to file a Washington return under subsection (2) of this section, but is not required to file a federal return.

(6) During a state of emergency declared under RCW 43.06.010(12), the department, on its own motion or at the request of any taxpayer affected by the emergency, may extend the time for filing a Washington return under this section as the department deems proper.

Part VII

Clarifying that licensing information may not be disclosed for commercial purposes

Sec. 701. RCW 19.02.115 and 2013 c 144 s 26 are each amended to read as follows:

(1) ~~((For purposes of this section))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Disclose" means to make known to any person in any manner licensing information(~~;~~).

(b) "Licensing information" means any information created or obtained by the department in the administration of this chapter and chapters 19.80 and 59.30 RCW, which information relates to any person who: (i) Has applied for or has been issued a license or trade name; or (ii) has been issued an assessment or delinquency fee. Licensing information includes initial and renewal business license applications, and business licenses(~~;~~).

(c) "Person" has the same meaning as in RCW 82.04.030 and also includes the state and the state's departments and institutions(~~;~~ and).

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency.

(2) Licensing information is confidential and privileged, and except as authorized by this section, neither the department nor any other person may disclose any licensing information. Nothing in this chapter requires any person possessing licensing information made confidential and privileged by this section to delete information from such information so as to permit its disclosure.

(3) This section does not prohibit the department of revenue, or any other person receiving licensing information from the department under this subsection, from:

(a) Disclosing licensing information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In which the person about whom such licensing information is sought and the department, another state agency, or a local government are adverse parties in the proceeding; or

(ii) Involving a dispute arising out of the department's administration of chapter 19.80 or 59.30 RCW, or this chapter if the licensing information relates to a party in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director prescribes by rules adopted pursuant to chapter 34.05 RCW, such licensing information regarding a license applicant or license holder to such license applicant or license holder or to such person or persons as that license applicant or license holder may designate in a request for, or consent to, such disclosure, or to any other person, at the license applicant's or license holder's request, to the extent necessary to comply with a request for information or assistance made by the license applicant or license holder to such other person. However, licensing information not received from the license applicant or holder must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the license applicant, license holder, or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies, which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the license applicant or license holder by the order of any court;

(c) Publishing statistics so classified as to prevent the identification of particular licensing information;

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(d) Disclosing licensing information for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions, or licensing;

(e) Permitting the department's records to be audited and examined by the proper state officer, his or her agents and employees;

(f) Disclosing any licensing information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax or license enforcement. A peace officer or county prosecuting attorney who receives the licensing information may disclose that licensing information only for use in the investigation and a related court proceeding, or in the court proceeding for which the licensing information originally was sought;

(g) Disclosing, in a manner that is not associated with other licensing information, the name of a license applicant or license holder, entity type, registered trade name, business address, mailing address, unified business identifier number, list of licenses issued to a person through the business licensing system established in this chapter and their issuance and expiration dates, and the dates of opening of a business. This subsection may not be construed as giving authority to the department to give, sell, or provide access to any list of persons for any commercial purpose;

(h) Disclosing licensing information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record and is not otherwise prohibited from disclosure;

(i) Disclosing any licensing information when the disclosure is specifically authorized under any other section of the Revised Code of Washington;

(j) Disclosing licensing information to the proper officer of the licensing or tax department of any city, town, or county of this state, for official purposes. If the licensing information does not relate to a license issued by the city, town, or county requesting the licensing information, disclosure may be made only if the laws of the requesting city, town, or county grants substantially similar privileges to the proper officers of this state; or

(k) Disclosing licensing information to the federal government for official purposes.

(4) Notwithstanding anything to the contrary in this section, a state agency or local government agency may disclose licensing information relating to a license issued on its behalf by the department pursuant to this chapter if the disclosure is authorized by another statute, local law, or administrative rule.

(5) The department, any other state agency, or local government may refuse to disclose licensing information that is otherwise disclosable under subsection (3) of this section if such disclosure would violate federal law or any information sharing agreement between the state or local government and federal government.

(6) Any person acquiring knowledge of any licensing information in the course of his or her employment with the department and any person acquiring knowledge of any licensing information as provided under subsection (3)(d), (e), (f), (j), or (k) of this section, who discloses any such licensing information to another person not entitled to knowledge of such licensing information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person must forfeit such office or employment and is incapable of holding any public office or employment in this state for a period of two years thereafter.

Part VIII

Background investigations

Sec. 801. RCW 82.01.060 and 2011 c 298 s 36 are each amended to read as follows:

The director of revenue, hereinafter in chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in chapter 26, Laws of 1967 ex. sess. referred to as the department, must:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules as he or she may deem necessary or desirable to carry out the powers and duties imposed upon him or her or the department by the legislature. However, the director may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(3) Rules adopted by the tax commission before July 23, 1995, remain in force until such time as they may be revised or rescinded by the director;

(4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

(5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

(6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner;

(7) Provide the opportunity for any person feeling aggrieved by any action taken against the person by the department in the administration of chapters 19.02, 19.80, and 59.30 RCW to request a review of the department's action. Such review may be conducted as a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494; and

(8)(a) Establish background investigation policies applicable to those current and prospective department employees and contractors that are or may be authorized by the department to access federal tax information. Such policies must require a criminal history record check through the Washington state patrol criminal identification system and through the federal bureau of investigation, at the expense of the department. The record check must include a fingerprint check using a complete Washington state criminal identification fingerprint card, which must be forwarded by the Washington state patrol to the federal bureau of investigation. The department's background investigation policies must also satisfy any specific background investigation standards established by the internal revenue service.

(b) Information received by the department pursuant to this subsection may be used only for the purposes of making, supporting, or defending decisions regarding the appointment, hiring, or retention of persons, or for complying with any requirements from the internal revenue service. Further dissemination or use of the information is prohibited, notwithstanding any other provision of law.

Part IX**Revising the date by which the department of revenue is required to provide estimates of the amount of public forestland that is available for timber harvesting**

Sec. 901. RCW 84.33.089 and 2004 c 177 s 6 are each amended to read as follows:

(1) The department ~~((shall))~~ must estimate the number of acres of public forestland that are available for timber harvesting. The department ~~((shall))~~ must provide the estimates for each county and for each taxing district within each county by ~~((August 30th))~~ October 1st of each year except that the department may authorize a county, at the county's option, to make its own estimates for public forestland in that county. In estimating the number of acres, the department ~~((shall))~~ must use the best available information to include public land comparable to private land that qualifies as forestland for assessment purposes and exclude other public lands. The department is not required to update the estimates unless improved information becomes available. The department of natural resources ~~((shall))~~ must assist the department with these determinations by providing any data and information in the possession of the department of natural resources on public forestlands, broken out by county and legal description, including a detailed map of each county showing the location of the described lands. The data and information ~~((shall))~~ must be provided to the department by July 15th of each year. In addition, the department may contract with other parties to provide data or assistance necessary to implement this section.

(2) To accommodate the phase-in of the county forest excise tax on the harvest of timber from public lands as provided in RCW 84.33.051, the department ~~((shall))~~ must adjust its actual estimates of the number of acres of public forestland that are available for timber harvesting. The department ~~((shall))~~ must reduce its estimates for the following years by the following amounts:

- (a) For calendar year 2005, 70 percent;
- (b) For calendar year 2006, 62.5 percent;
- (c) For calendar year 2007, 55 percent;
- (d) For calendar year 2008, 47.5 percent;
- (e) For calendar year 2009, 40 percent;
- (f) For calendar year 2010, 32.5 percent;
- (g) For calendar year 2011, 22.5 percent;
- (h) For calendar year 2012, 15 percent;
- (i) For calendar year 2013, 7.5 percent; and
- (j) For calendar year 2014 and thereafter, the department ~~((shall))~~ may not reduce its estimates of the number of acres of public forestland that are available for timber harvesting.

Part X**Electronic communication of confidential property tax information**

NEW SECTION. Sec. 1001. A new section is added to chapter 84.08 RCW to read as follows:

(1) The department may provide electronically any assessment, notice, or other information that is subject to the confidentiality provisions of RCW 84.08.210 or 84.40.340, to any person authorized to receive the information.

(2) The department must use methods reasonably designed to protect information provided electronically as authorized in subsection (1) of this section from unauthorized disclosure. However, the provisions of this subsection (2) may be waived by a taxpayer. The waiver must be in writing and may be provided to the department electronically. A waiver continues until revoked in writing by the taxpayer. Such revocation may be provided to the department electronically in a manner provided or approved by the department.

Part XI**Miscellaneous**

NEW SECTION. Sec. 1101. RCW 82.32.805 and 82.32.808 do not apply to any provisions of this act.

NEW SECTION. Sec. 1102. (1) Except as otherwise provided in this section, part I of this act takes effect January 1, 2018.

(2) Section 102 of this act takes effect April 1, 2018."

Correct the title.

NONA SNELL,, Deputy Chief Clerk

MOTION

Senator Fain moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5358.

Senator Fain spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5358.

The motion by Senator Fain carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5358 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5358, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5358, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5358, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5346 with the following amendment(s): 5346-S AMH SEIT H2469.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1103. A new section is added to chapter 44.04 RCW to read as follows:

The secretary of the senate and the chief clerk of the house of representatives may administer and conduct a legislative page scholarship program to provide resources for Washington students who participate in the page programs of the senate or house of representatives. The scholarship program should provide assistance to students, based on financial need, who qualify for a

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page program. The program is called the Gina Grant Bull memorial legislative page scholarship program.

NEW SECTION. Sec. 1104. A new section is added to chapter 44.04 RCW to read as follows:

(1) The secretary of the senate and the chief clerk of the house of representatives may solicit and accept gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. Any legislative member or legislative employee may solicit the same types of contributions for the secretary of the senate and the chief clerk of the house of representatives.

(2) Moneys received under this section may be used only for establishing and operating the legislative page scholarship program authorized in section 1 of this act.

(3) Moneys received under this section must be deposited in the Gina Grant Bull memorial legislative page scholarship account established in section 3 of this act.

(4) The secretary of the senate and the chief clerk of the house of representatives must adopt joint rules to govern and protect the receipt and expenditure of the proceeds.

NEW SECTION. Sec. 1105. A new section is added to chapter 44.04 RCW to read as follows:

The Gina Grant Bull memorial legislative page scholarship account is created in the custody of the state treasurer. All moneys received under section 1 of this act must be deposited in the account. Expenditures from the account may be made only for the purposes of the legislative page scholarship program in section 1 of this act. Only the secretary of the senate or the chief clerk of the house of representatives or their designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

NEW SECTION. Sec. 1106. A new section is added to chapter 42.52 RCW to read as follows:

This chapter does not prohibit the secretary of the senate, the chief clerk of the house of representatives, or their designee from soliciting and accepting contributions to the Gina Grant Bull memorial legislative page scholarship account created in section 3 of this act. Furthermore, this chapter does not prohibit any legislative member or legislative employee from soliciting gifts for the Gina Grant Bull memorial legislative page scholarship account.

Sec. 1107. RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Walsh moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5346.

Senator Walsh spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Walsh that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5346.

The motion by Senator Walsh carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5346 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5346, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5346, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5346, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5359 with the following amendment(s): 5359 AMH CDHT H2421.2

On page 3, line 2, after "351, Laws of 2011." insert "By January 1, 2018, the department of labor and industries and the professional educator standards board must each submit a report to the legislature, including an assessment on how its licensing, certification, and apprenticeship programs apply training and experience acquired by military members and their spouses outside of Washington, and recommendations about whether such programs should be included in the reporting schedule within this subsection."

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5359 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5359, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1958,

ENGROSSED HOUSE BILL NO. 2201,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5474 with the following amendment(s): 5474-S2 AMH AGNR H2451.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1108. The legislature finds that elk hoof disease poses a significant threat to the state, including elk populations and livestock. While the legislature recognizes the efforts of the department of fish and wildlife thus far, more aggressive steps are necessary to achieve a better understanding of the hoof disease epidemic facing the state's elk populations and to ensure proactive management and treatment actions are pursued.

Sec. 1109. RCW 77.12.047 and 2001 c 253 s 14 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:
(a) Specifying the times when the taking of wildlife, fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful.

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(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state. However, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an area with elk affected by hoof disease to any other location except:

(i) Consistent with a process developed by the department with input from the affected federally recognized tribes for translocation for monitoring or hoof disease management purposes; or

(ii) Within an elk herd management plan area affected by hoof disease.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2)(a) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

(b) "Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

NEW SECTION. Sec. 1110. A new section is added to chapter 77.12 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the legislature designates Washington State University college of veterinary medicine as the state lead in developing a program to monitor and assess causes of and

potential solutions for elk hoof disease. The college must establish an elk monitoring system in southwest Washington in order to carry out this mission. In conducting this work, the college must work collaboratively with entities including the department, the state veterinarian, and any tribes with interest in participating. The college must provide regular updates, at minimum on an annual basis, to the appropriate committees of the legislature and the commission on its findings, program needs, and any recommendations.

NEW SECTION. Sec. 1111. The department of fish and wildlife must immediately adopt or amend any rule as necessary to implement, and ensure rules are consistent with, this act."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5474.

Senator Pearson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5474.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5474 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5474, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5474, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5474, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:32 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, April 14, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, April 14, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 13, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SABINE THOMAS, appointed October 3, 2016, for the term ending September 30, 2021, as Member of the Cascadia College Board of Trustees.

Sincerely,
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9264.

MOTION

On motion of Senator Schoesler, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Schoesler, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 13, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1086,
- HOUSE BILL NO. 1278,
- SUBSTITUTE HOUSE BILL NO. 1444,
- SUBSTITUTE HOUSE BILL NO. 1520,
- SUBSTITUTE HOUSE BILL NO. 1845,
- HOUSE BILL NO. 1906,
- SUBSTITUTE HOUSE BILL NO. 1944,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 13, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- HOUSE BILL NO. 1091,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,
- HOUSE BILL NO. 1150,
- HOUSE BILL NO. 1250,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481,
- ENGROSSED HOUSE BILL NO. 1648,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814,
- ENGROSSED HOUSE BILL NO. 1924,
- HOUSE BILL NO. 1983,
- SUBSTITUTE HOUSE BILL NO. 1988,
- ENGROSSED HOUSE BILL NO. 2003,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5198,
- SENATE BILL NO. 5674.

MOTION

On motion of Senator Schoesler, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SHB 2182 by House Committee on Capital Budget (originally sponsored by Representative Peterson)

AN ACT Relating to creating the tiered taxation on hazardous substance possession to provide for the current program's immediate needs and a more stable source of revenue in the future act of 2017; amending RCW 82.21.030; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Schoesler, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

NINETY SIXTH DAY, APRIL 14, 2017

2017 REGULAR SESSION

At 10:03 a.m., on motion of Senator Schoesler, the Senate
adjourned until 2:00 o'clock p.m. Monday, April 17, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETY NINTH DAY

NOON SESSION

Senate Chamber, Olympia
Monday, April 17, 2017

The Senate was called to order at 2:02 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Lovine Anderson and Mr. Grant Bransteller, presented the Colors. Page Miss Adriana Cruz led the Senate in the Pledge of Allegiance. Reverend Dr. Martha Greene of Westminster Presbyterian Church, Olympia offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 14, 2017

MR. PRESIDENT:
The Speaker has signed:

- SENATE BILL NO. 5039,
- SUBSTITUTE SENATE BILL NO. 5069,
- SUBSTITUTE SENATE BILL NO. 5077,
- ENGROSSED SENATE BILL NO. 5128,
- SUBSTITUTE SENATE BILL NO. 5133,
- SUBSTITUTE SENATE BILL NO. 5196,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5293,
- SENATE BILL NO. 5331,
- SECOND SUBSTITUTE SENATE BILL NO. 5347,
- SUBSTITUTE SENATE BILL NO. 5366,
- SENATE BILL NO. 5488,
- SUBSTITUTE SENATE BILL NO. 5514,
- SUBSTITUTE SENATE BILL NO. 5537,
- SECOND SUBSTITUTE SENATE BILL NO. 5546,
- SENATE BILL NO. 5662,
- SENATE BILL NO. 5736,
- SUBSTITUTE SENATE BILL NO. 5835,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 14, 2017

MR. PRESIDENT:
The Speaker has signed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,
- ENGROSSED HOUSE BILL NO. 1201,
- SUBSTITUTE HOUSE BILL NO. 1234,
- SUBSTITUTE HOUSE BILL NO. 1258,
- HOUSE BILL NO. 1262,
- HOUSE BILL NO. 1274,

- HOUSE BILL NO. 1281,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296,
- ENGROSSED HOUSE BILL NO. 1322,
- HOUSE BILL NO. 1352,
- HOUSE BILL NO. 1395,
- SUBSTITUTE HOUSE BILL NO. 1417,
- SUBSTITUTE HOUSE BILL NO. 1462,
- HOUSE BILL NO. 1475,
- SUBSTITUTE HOUSE BILL NO. 1490,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
- ENGROSSED HOUSE BILL NO. 1507,
- SUBSTITUTE HOUSE BILL NO. 1521,
- SUBSTITUTE HOUSE BILL NO. 1526,
- HOUSE BILL NO. 1530,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538,
- HOUSE BILL NO. 1578,
- HOUSE BILL NO. 1623,
- SUBSTITUTE HOUSE BILL NO. 1671,
- HOUSE BILL NO. 1676,
- SUBSTITUTE HOUSE BILL NO. 1683,
- HOUSE BILL NO. 1709,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1713,
- SUBSTITUTE HOUSE BILL NO. 1717,
- HOUSE BILL NO. 1721,
- SUBSTITUTE HOUSE BILL NO. 1738,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,
- SUBSTITUTE HOUSE BILL NO. 1741,
- SUBSTITUTE HOUSE BILL NO. 1747,
- HOUSE BILL NO. 1757,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1802,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,
- SUBSTITUTE HOUSE BILL NO. 1815,
- SUBSTITUTE HOUSE BILL NO. 1816,
- HOUSE BILL NO. 1829,
- HOUSE BILL NO. 1931,
- HOUSE BILL NO. 1959,
- SUBSTITUTE HOUSE BILL NO. 2037,
- HOUSE BILL NO. 2038,
- HOUSE BILL NO. 2064,
- SUBSTITUTE HOUSE BILL NO. 2138,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5925 by Senators Keiser and Honeyford
AN ACT Relating to liquor licenses; and amending RCW 66.24.655, 66.24.650, and 66.24.363.

Referred to Committee on Commerce, Labor & Sports.

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EHB 1958 by Representatives Harmsworth, Young, Rodne and Stanford

AN ACT Relating to regional transit authority property taxes imposed on less than a whole parcel; amending RCW 81.104.175; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

EHB 2201 by Representatives Pellicciotti, Slatter, Reeves, Clibborn, Lovick, Ormsby, Pollet, Kilduff, Kloba, Orwall, Sells, Stanford, Wylie and Senn

AN ACT Relating to the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016 by creating a market value adjustment program to provide a credit based on the difference between the vehicle valuation schedule used by the authority to determine the tax amount under current law and the vehicle valuation schedule in RCW 82.44.035 in a manner that limits the delay of the voter approved 2016 plan; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed House Bill No. 1958 and Engrossed House Bill No. 2201 which were held at the desk.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Fortunato moved adoption of the following resolution:

SENATE RESOLUTION
8633

By Senators Fortunato, Braun, Rossi, Bailey, Pearson, Padden, Zeiger, Wilson, Short, Miloscia, Fain, Baumgartner, Ericksen, Rivers, Honeyford, Walsh, and Conway

WHEREAS, Today, we honor the Fraternal Order of Eagles, an organization that has promoted peace, prosperity, gladness, and hope since its founding in 1898; and

WHEREAS, It brings us great pride to know this organization was founded in Washington state by a group of theater directors in Seattle, and throughout the organization's history its had seven

different American presidents hold membership, including Theodore Roosevelt, John F. Kennedy, and Ronald Reagan; and

WHEREAS, The Fraternal Order of Eagles has gone from the original six founding members to boasting nearly 800,000 members and more than 1,500 locations across the United States and Canada; and

WHEREAS, Fraternity members and locations have consistently upheld the Fraternity motto of "liberty, truth, justice, and equality" by using its organization and influence to promote well-being in its members' communities and spearheading movements to aid those who are struggling; and

WHEREAS, The Fraternal Order of Eagles has had a monumental impact on social legislation, its notable achievements include the institution of Mother's Day, ending age-based discrimination with its Jobs After 40 program, being a driving force behind the implementation of Social Security, and being an avid and influential proponent for worker's compensation; and

WHEREAS, The Fraternal Order of Eagles has committed millions of dollars to various causes concerned with social welfare, including donating over one million dollars to Saint Jude's Children's Research Hospital, and 25 million dollars to the University of Iowa to fund the Fraternal Order of Eagles Diabetes Research Center; and

WHEREAS, The Fraternal Order of Eagles has shown passionate investment in its members' communities, distributing thousands of plaques and monoliths bearing the Ten Commandments to public parks, courthouses, and city halls in promotion of a moral foundation for our society;

NOW, THEREFORE, BE IT RESOLVED, That after 119 years of service to people and communities across the country, it is with great respect that the Washington State Senate honor the Fraternal Order of Eagles and its members; and recognize their numerous and admirable achievements, passion and drive to help those in need, and unflinching principles of "liberty, truth, justice, and equality."

Senator Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

The motion by Senator Fortunato carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Fraternal Order of Eagles who were seated in the gallery.

MOTION

Senator Rossi moved adoption of the following resolution:

SENATE RESOLUTION
8654

By Senator Rossi

WHEREAS, Washington is our nation's second largest producer of premium wine; and

WHEREAS, Today, the Washington wine industry has achieved international fame for its outstanding wine products, with Washington wine being shipped to all 50 states and to more than 40 countries across the world; and

WHEREAS, Washington wines now contribute more than 4.8 billion dollars annually to our state's economy and support over 25,000 jobs in every corner of our state; and

WHEREAS, Washington is now home to over 350 growers of wine grapes and over 900 wineries, which span nearly 50,000 acres of choice vineyard land planted with vinifera grapes in fourteen officially designated American Viticultural Areas: Ancient Lakes, Columbia Gorge, Columbia Valley, Horse Heaven Hills, Lake Chelan, Lewis-Clark Valley, Naches Heights, Puget Sound, Rattlesnake Hills, Red Mountain, Snipes Mountain, Yakima Valley, Wahluke Slope, and Walla Walla Valley; and

WHEREAS, Ste. Michelle Wine Estates traces its roots to the repeal of Prohibition and was a pioneer of vinifera grape production in Washington; and

WHEREAS, The golden anniversary of the first Ste. Michelle wines from vinifera grapes grown in eastern Washington will be celebrated this year; and

WHEREAS, In 1974, Ste. Michelle brought global recognition to the Washington wine industry, when its 1972 Riesling placed first in a blind tasting held by the Los Angeles Times; and

WHEREAS, In 1976, Ste. Michelle opened its iconic French-style winery Chateau, anchoring its home of Woodinville as a premium wine destination; and

WHEREAS, In 1978, the Chateau Ste. Michelle estate and grounds were added to the National Register of Historic Places; and

WHEREAS, Chateau Ste. Michelle opens its amphitheater as a beautiful concert venue for the enjoyment of its visitors in the summertime; and

WHEREAS, Chateau Ste. Michelle now attracts more than 300,000 visitors each year; and

WHEREAS, Chateau Ste. Michelle has been honored as Winery of the Year by Wine & Spirits magazine a record twenty-two times, more than any other winery in our country; and

WHEREAS, Chateau Ste. Michelle has a long history of giving back to the industry and community by using the net proceeds from its popular Summer Concert Series to help fund its charitable-giving program, which supports some 400 nonprofit organizations annually, and has provided more than 3 million dollars for scholarships for high-achieving, low-income students at Washington universities; and

WHEREAS, Chateau Ste. Michelle has been instrumental in the development of a state-of-the-art research and teaching institution for our state's wine industry, leading to the establishment of the Ste. Michelle Wine Estates Wine Science Center at the Washington State University campus in the Tri-Cities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the extraordinary achievements of Chateau Ste. Michelle and the economic benefits and the luxuries it provides for the people of the state of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all the citizens of Washington to visit and enjoy the excellent events hosted by Chateau Ste. Michelle; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Chateau Ste. Michelle.

Senators Rossi, Saldaña and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

The motion by Senator Rossi carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Eric Lent, Vice President and General Counsel for Chateau Ste Michelle Winery, who was seated in the gallery.

PERSONAL PRIVILEGE

Senator Rossi: "These (bottles of wine) are from Chateau Ste Michelle and they wanted to make sure that you actually would remember them and what their contributions are to the state of Washington. And you are probably saying to yourself, 'How come Senator Rossi hasn't done more resolutions?' That is probably what you are saying to yourself right now. But, thank you Mr. President."

REPLY BY THE PRESIDENT

President Habib: "Thank you Senator Rossi and thank you to Chateau Ste Michelle, and thank you to the attorneys who I am sure have vetted these fine gifts for us."

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that TRACY GUERIN, Gubernatorial Appointment No. 9190, be confirmed as Director of the Department of Retirement Systems - Agency Head.

Senators Hunt, Conway, Schoesler and Bailey spoke in favor of passage of the motion.

APPOINTMENT OF TRACY GUERIN

The President declared the question before the Senate to be the confirmation of TRACY GUERIN, Gubernatorial Appointment No. 9190, as Director of the Department of Retirement Systems - Agency Head.

The Secretary called the roll on the confirmation of TRACY GUERIN, Gubernatorial Appointment No. 9190, as Director of the Department of Retirement Systems - Agency Head and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

TRACY GUERIN, Gubernatorial Appointment No. 9190, having received the constitutional majority was declared confirmed as Director of the Department of Retirement Systems - Agency Head.

MOTION

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On motion of Senator Fain, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,
- ENGROSSED HOUSE BILL NO. 1201,
- SUBSTITUTE HOUSE BILL NO. 1234,
- SUBSTITUTE HOUSE BILL NO. 1258,
- HOUSE BILL NO. 1262,
- HOUSE BILL NO. 1274,
- HOUSE BILL NO. 1281,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296,
- ENGROSSED HOUSE BILL NO. 1322,
- HOUSE BILL NO. 1352,
- HOUSE BILL NO. 1395,
- SUBSTITUTE HOUSE BILL NO. 1417,
- SUBSTITUTE HOUSE BILL NO. 1462,
- HOUSE BILL NO. 1475,
- SUBSTITUTE HOUSE BILL NO. 1490,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493,
- ENGROSSED HOUSE BILL NO. 1507,
- SUBSTITUTE HOUSE BILL NO. 1521,
- SUBSTITUTE HOUSE BILL NO. 1526,
- HOUSE BILL NO. 1530,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538,
- HOUSE BILL NO. 1578,
- HOUSE BILL NO. 1623,
- SUBSTITUTE HOUSE BILL NO. 1671,
- HOUSE BILL NO. 1676,
- SUBSTITUTE HOUSE BILL NO. 1683,
- HOUSE BILL NO. 1709,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1713,
- SUBSTITUTE HOUSE BILL NO. 1717,
- HOUSE BILL NO. 1721,
- SUBSTITUTE HOUSE BILL NO. 1738,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,
- SUBSTITUTE HOUSE BILL NO. 1741,
- SUBSTITUTE HOUSE BILL NO. 1747,
- HOUSE BILL NO. 1757,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1802,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,
- SUBSTITUTE HOUSE BILL NO. 1815,
- SUBSTITUTE HOUSE BILL NO. 1816,
- HOUSE BILL NO. 1829,
- HOUSE BILL NO. 1931,
- HOUSE BILL NO. 1959,
- SUBSTITUTE HOUSE BILL NO. 2037,
- HOUSE BILL NO. 2038,
- HOUSE BILL NO. 2064,
- SUBSTITUTE HOUSE BILL NO. 2138.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:
The House passed SUBSTITUTE SENATE BILL NO. 5779 with the following amendment(s): 5779-S AMH APP H2608.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1112. Health transformation in Washington state requires a multifaceted approach to implement sustainable solutions for the integration of behavioral and physical health. Effective integration requires a holistic approach and cannot be limited to one strategy or model. Bidirectional integration of primary care and behavioral health is a foundational strategy to reduce health disparities and provide better care coordination for patients regardless of where they choose to receive care.

An important component to health care integration supported both by research and experience in Washington is primary care behavioral health, a model in which behavioral health providers, sometimes called behavioral health consultants, are fully integrated in primary care. The primary care behavioral health model originated more than two decades ago, has become standard practice nationally in patient centered medical homes, and has been endorsed as a viable integration strategy by Washington's Dr. Robert J. Bree Collaborative.

Primary care settings are a gateway for many individuals with behavioral health and primary care needs. An estimated one in four primary care patients have an identifiable behavioral health need and as many as seventy percent of primary care visits are impacted by a psychosocial component. A behavioral health consultant engages primary care patients and their caregivers on the same day as a medical visit, often in the same exam room. This warm hand-off approach fosters coordinated whole-person care, increases access to behavioral health services, and reduces stigma and cultural barriers in a cost-effective manner. Patients are provided evidence-based brief interventions and skills training, with more severe needs being effectively engaged, assessed, and referred to appropriate specialized care.

While the benefits of primary care behavioral health are not restricted to children, the primary care behavioral health model also provides a unique opportunity to engage children who have a strong relationship with primary care, identify problems early, and assure healthy development. Investment in primary care behavioral health creates opportunities for prevention and early detection that pay dividends throughout the life cycle.

The legislature also recognizes that for individuals with more complex behavioral health disorders, there are tremendous barriers to accessing primary care. Whole-person care in behavioral health is an evidence-based model for integrating primary care into behavioral health settings where these patients already receive care. Health disparities among people with behavioral health disorders have been well-documented for decades. People with serious mental illness or substance use disorders continue to experience multiple chronic health conditions and dramatically reduced life expectancy while also constituting one of the highest-cost and highest-risk populations. Two-thirds of premature deaths are due to preventable or treatable medical conditions such as cardiovascular, pulmonary, and infectious diseases, and forty-four percent of all cigarettes consumed nationally are smoked by people with serious mental illness.

The whole-person care in behavioral health model allows behavioral health providers to take responsibility for managing the full array of physical health needs, providing routine basic health screening, and ensuring integrated primary care by actively coordinating with or providing on-site primary care services.

Providers in Washington need guidance on how to effectively implement bidirectional integration models in a manner that is also financially sustainable. Payment methodologies must be

scrutinized to remove nonessential restrictions and limitations that restrict the scope of practice of behavioral health professionals, impede same-day billing for behavioral health and primary care services, abet billing errors, and stymie innovation that supports wellness and health integration.

NEW SECTION. Sec. 1113. A new section is added to chapter 74.09 RCW to read as follows:

(1) By August 1, 2017, the authority must complete a review of payment codes available to health plans and providers related to primary care and behavioral health. The review must include adjustments to payment rules if needed to facilitate bidirectional integration. The review must involve stakeholders and include consideration of the following principles to the extent allowed by federal law:

(a) Payment rules must allow professionals to operate within the full scope of their practice;

(b) Payment rules should allow medically necessary behavioral health services for covered patients to be provided in any setting;

(c) Payment rules should allow medically necessary primary care services for covered patients to be provided in any setting;

(d) Payment rules and provider communications related to payment should facilitate integration of physical and behavioral health services through multifaceted models, including primary care behavioral health, whole-person care in behavioral health, collaborative care, and other models;

(e) Payment rules should be designed liberally to encourage innovation and ease future transitions to more integrated models of payment and more integrated models of care;

(f) Payment rules should allow health and behavior codes to be reimbursed for all patients in primary care settings as provided by any licensed behavioral health professional operating within their scope of practice, including but not limited to psychiatrists, psychologists, psychiatric advanced registered nurse professionals, physician assistants working with a supervising psychiatrist, psychiatric nurses, mental health counselors, social workers, chemical dependency professionals, chemical dependency professional trainees, marriage and family therapists, and mental health counselor associates under the supervision of a licensed clinician;

(g) Payment rules should allow health and behavior codes to be reimbursed for all patients in behavioral health settings as provided by any licensed health care provider within the provider's scope of practice;

(h) Payment rules which limit same-day billing for providers using the same provider number, require prior authorization for low-level or routine behavioral health care, or prohibit payment when the patient is not present should be implemented only when consistent with national coding conventions and consonant with accepted best practices in the field.

(2) Concurrent with the review described in subsection (1) of this section, the authority must create matrices listing the following codes available for provider payment through medical assistance programs: All behavioral health-related codes; and all physical health-related codes available for payment when provided in licensed behavioral health agencies. The authority must clearly explain applicable payment rules in order to increase awareness among providers, standardize billing practices, and reduce common and avoidable billing errors. The authority must disseminate this information in a manner calculated to maximally reach all relevant plans and providers. The authority must update the provider billing guide to maintain consistency of information.

(3) The authority must inform the governor and relevant committees of the legislature by letter of the steps taken pursuant to this section and results achieved once the work has been completed.

NEW SECTION. Sec. 1114. A new section is added to chapter 74.09 RCW to read as follows:

(1) By August 1, 2017, the authority must complete a review of payment codes available to health plans and providers related to primary care and behavioral health. The review must include adjustments to payment rules if needed to facilitate bidirectional integration. The review must involve stakeholders and include consideration of the following principles to the extent allowed by federal law:

(a) Payment rules must allow professionals to operate within the full scope of their practice;

(b) Payment rules should allow medically necessary behavioral health services for covered patients to be provided in any setting;

(c) Payment rules should allow medically necessary primary care services for covered patients to be provided in any setting;

(d) Payment rules and provider communications related to payment should facilitate integration of physical and behavioral health services through multifaceted models, including primary care behavioral health, whole-person care in behavioral health, collaborative care, and other models;

(e) Payment rules should be designed liberally to encourage innovation and ease future transitions to more integrated models of payment and more integrated models of care;

(f) Payment rules should allow health and behavior codes to be reimbursed for all patients in primary care settings as provided by any licensed behavioral health professional operating within their scope of practice, including but not limited to psychiatrists, psychologists, psychiatric advanced registered nurse professionals, physician assistants working with a supervising psychiatrist, psychiatric nurses, mental health counselors, social workers, substance use disorder professionals, substance use disorder professional trainees, marriage and family therapists, and mental health counselor associates under the supervision of a licensed clinician;

(g) Payment rules should allow health and behavior codes to be reimbursed for all patients in behavioral health settings as provided by any licensed health care provider within the provider's scope of practice;

(h) Payment rules which limit same-day billing for providers using the same provider number, require prior authorization for low-level or routine behavioral health care, or prohibit payment when the patient is not present should be implemented only when consistent with national coding conventions and consonant with accepted best practices in the field.

(2) Concurrent with the review described in subsection (1) of this section, the authority must create matrices listing the following codes available for provider payment through medical assistance programs: All behavioral health-related codes; and all physical health-related codes available for payment when provided in licensed behavioral health agencies. The authority must clearly explain applicable payment rules in order to increase awareness among providers, standardize billing practices, and reduce common and avoidable billing errors. The authority must disseminate this information in a manner calculated to maximally reach all relevant plans and providers. The authority must update the provider billing guide to maintain consistency of information.

(3) The authority must inform the governor and relevant committees of the legislature by letter of the steps taken pursuant to this section and results achieved once the work has been completed.

NEW SECTION. Sec. 1115. A new section is added to chapter 74.09 RCW to read as follows:

(1) For children who are eligible for medical assistance and who have been identified as requiring mental health treatment, the authority must oversee the coordination of resources and services through (a) the managed health care system as defined in RCW

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74.09.325 and (b) tribal organizations providing health care services. The authority must ensure the child receives treatment and appropriate care based on their assessed needs, regardless of whether the referral occurred through primary care, school-based services, or another practitioner.

(2) The authority must require each managed health care system as defined in RCW 74.09.325 and each behavioral health organization to develop and maintain adequate capacity to facilitate child mental health treatment services in the community or transfers to a behavioral health organization, depending on the level of required care. Managed health care systems and behavioral health organizations must:

- (a) Follow up with individuals to ensure an appointment has been secured;
- (b) Coordinate with and report back to primary care provider offices on individual treatment plans and medication management, in accordance with patient confidentiality laws;
- (c) Provide information to health plan members and primary care providers about the behavioral health resource line available twenty-four hours a day, seven days a week; and
- (d) Maintain an accurate list of providers contracted to provide mental health services to children and youth. The list must contain current information regarding the providers' availability to provide services. The current list must be made available to health plan members and primary care providers.

(3) This section expires June 30, 2020.

Sec. 1116. RCW 74.09.010 and 2013 2nd sp.s. c 10 s 8 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Bidirectional integration" means integrating behavioral health services into primary care settings and integrating primary care services into behavioral health settings.

(3) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

~~((3))~~ (4) "Chronic care management" means the health care management within a health home of persons identified with, or at high risk for, one or more chronic conditions. Effective chronic care management:

- (a) Actively assists patients to acquire self-care skills to improve functioning and health outcomes, and slow the progression of disease or disability;
- (b) Employs evidence-based clinical practices;
- (c) Coordinates care across health care settings and providers, including tracking referrals;
- (d) Provides ready access to behavioral health services that are, to the extent possible, integrated with primary care; and
- (e) Uses appropriate community resources to support individual patients and families in managing chronic conditions.

~~((4))~~ (5) "Chronic condition" means a prolonged condition and includes, but is not limited to:

- (a) A mental health condition;
- (b) A substance use disorder;
- (c) Asthma;
- (d) Diabetes;
- (e) Heart disease; and
- (f) Being overweight, as evidenced by a body mass index over twenty-five.

~~((5))~~ (6) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee.

~~((6))~~ (7) "Department" means the department of social and health services.

~~((7))~~ (8) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

~~((8))~~ (9) "Director" means the director of the Washington state health care authority.

~~((9))~~ (10) "Full benefit dual eligible beneficiary" means an individual who, for any month: Has coverage for the month under a medicare prescription drug plan or medicare advantage plan with part D coverage; and is determined eligible by the state for full medicaid benefits for the month under any eligibility category in the state's medicaid plan or a section 1115 demonstration waiver that provides pharmacy benefits.

~~((10))~~ (11) "Health home" or "primary care health home" means coordinated health care provided by a licensed primary care provider coordinating all medical care services, and a multidisciplinary health care team comprised of clinical and nonclinical staff. The term "coordinating all medical care services" shall not be construed to require prior authorization by a primary care provider in order for a patient to receive treatment for covered services by an optometrist licensed under chapter 18.53 RCW. Primary care health home services shall include those services defined as health home services in 42 U.S.C. Sec. 1396w-4 and, in addition, may include, but are not limited to:

- (a) Comprehensive care management including, but not limited to, chronic care treatment and management;
- (b) Extended hours of service;
- (c) Multiple ways for patients to communicate with the team, including electronically and by phone;
- (d) Education of patients on self-care, prevention, and health promotion, including the use of patient decision aids;
- (e) Coordinating and assuring smooth transitions and follow-up from inpatient to other settings;
- (f) Individual and family support including authorized representatives;
- (g) The use of information technology to link services, track tests, generate patient registries, and provide clinical data; and
- (h) Ongoing performance reporting and quality improvement.

~~((11))~~ (12) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

~~((12))~~ (13) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

~~((13))~~ (14) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

~~((14))~~ (15) "Medical care services" means the limited scope of care financed by state funds and provided to persons who are not eligible for medicaid under RCW 74.09.510 and who are eligible for the aged, blind, or disabled assistance program authorized in RCW 74.62.030 or the essential needs and housing support program pursuant to RCW 74.04.805.

~~((15))~~ (16) "Multidisciplinary health care team" means an interdisciplinary team of health professionals which may include, but is not limited to, medical specialists, nurses, pharmacists, nutritionists, dieticians, social workers, behavioral and mental health providers including substance use disorder prevention and treatment providers, doctors of chiropractic, physical therapists, licensed complementary and alternative medicine practitioners,

home care and other long-term care providers, and physicians' assistants.

~~((16))~~ (17) "Nursing home" means nursing home as defined in RCW 18.51.010.

~~((17))~~ (18) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

~~((18))~~ (19) "Primary care behavioral health" means a health care integration model in which behavioral health care is colocated, collaborative, and integrated within a primary care setting.

(20) "Primary care provider" means a general practice physician, family practitioner, internist, pediatrician, ~~((osteopath))~~ osteopathic physician, naturopath, physician assistant, osteopathic physician assistant, and advanced registered nurse practitioner licensed under Title 18 RCW.

~~((19))~~ (21) "Secretary" means the secretary of social and health services.

(22) "Whole-person care in behavioral health" means a health care integration model in which primary care services are integrated into a behavioral health setting either through colocation or community-based care management.

Sec. 1117. RCW 74.09.495 and 2016 c 96 s 3 are each amended to read as follows:

To better assure and understand issues related to network adequacy and access to services, the authority and the department shall report to the appropriate committees of the legislature by December 1, 2017, and annually thereafter, on the status of access to behavioral health services for children birth through age seventeen using data collected pursuant to RCW 70.320.050.

(1) At a minimum, the report must include the following components broken down by age, gender, and race and ethnicity:

~~((4))~~ (a) The percentage of discharges for patients ages six through seventeen who had a visit to the emergency room with a primary diagnosis of mental health or alcohol or other drug dependence during the measuring year and who had a follow-up visit with any provider with a corresponding primary diagnosis of mental health or alcohol or other drug dependence within thirty days of discharge;

~~((2))~~ (b) The percentage of health plan members with an identified mental health need who received mental health services during the reporting period; and

~~((3))~~ (c) The percentage of children served by behavioral health organizations, including the types of services provided.

(2) The report must also include the number of children's mental health providers available in the previous year, the languages spoken by those providers, and the overall percentage of children's mental health providers who were actively accepting new patients.

NEW SECTION. Sec. 1118. A new section is added to chapter 74.09 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, in order to increase the availability of behavioral health services and incentivize adoption of the primary care behavioral health model, the authority must establish a methodology and rate which provides increased reimbursement to providers for behavioral health services provided to patients in primary care settings.

Sec. 1119. RCW 70.320.020 and 2014 c 225 s 107 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms,

crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5)(a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data ~~((have has))~~ has been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

(6) The authority and department must establish a performance measure to be integrated into the statewide common measure set which tracks effective integration practices of behavioral health services in primary care settings.

NEW SECTION. Sec. 1120. RCW 18.205.040 (Use of title) and 2014 c 225 s 108, 2008 c 135 s 17, & 1998 c 243 s 4 are each repealed.

NEW SECTION. Sec. 1121. Section 2 of this act takes effect only if Engrossed Substitute House Bill No. 1340 (including any later amendments or substitutes) is not signed into law by the governor by the effective date of this section.

NEW SECTION. Sec. 1122. Section 3 of this act takes effect only if Engrossed Substitute House Bill No. 1340 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5779.

Senator Brown spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5779.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5779 by voice vote.

MOTION

On motion of Senator Saldaña, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5779, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5779, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5779, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5849 with the following amendment(s): 5849 AMH REEV H2682.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1123. The legislature finds that:

- (1) Veterans are national heroes who have made great sacrifices in their lives for the protection of our nation;
- (2) Due to the relatively high number of military installations in our state, as well as the standard of living in our state, many veterans choose to live in Washington;
- (3) Many veterans have a need for support services, including peer-to-peer counseling services. Some veterans need to talk about their experiences with combat, deployment, or other situations experienced during their time in the military. Often, there is no person better prepared to speak with a veteran about his or her experiences than another veteran;
- (4) In 2009, the state of Texas created an award winning peer-to-peer counseling network, called the military veteran peer network. On a voluntary basis, veterans elect to receive

specialized training about the facilitation of group counseling sessions. After receiving their training, the volunteers create peer-to-peer support groups in their local communities;

(5) Veterans living in Washington would benefit from a program that is similar to the military veteran peer network.

Sec. 1124. RCW 43.60A.100 and 1991 c 55 s 1 are each amended to read as follows:

The department of veterans affairs, to the extent funds are made available, shall: (1) Contract with professional counseling specialists to provide a range of direct treatment services to ~~((war))~~ combat-affected state veterans and to those national guard and reservists who served in the Middle East, and their family members; (2) provide additional treatment services to Washington state Vietnam veterans for posttraumatic stress disorder, particularly for those veterans whose posttraumatic stress disorder has intensified or initially emerged due to ~~((the war))~~ combat in the Middle East; (3) provide an educational program designed to train primary care professionals, such as ~~((mental))~~ behavioral health professionals, about the effects of ~~((war))~~ combat-related stress and trauma; (4) provide informational and counseling services for the purpose of establishing and fostering peer-support networks throughout the state for families of deployed members of the reserves and the Washington national guard; (5) provide for veterans' families, a referral network of community mental health providers who are skilled in treating deployment stress, combat stress, and posttraumatic stress; and (6) offer training and support for volunteers interested in providing peer-to-peer support to other veterans.

NEW SECTION. Sec. 1125. The legislature finds that:

- (1) Washington state provides a stated preference for hiring veterans and provides a scoring preference for hiring and promotional opportunities to veterans in the form of enhanced test scores;
- (2) Few agencies outside of law enforcement use tests in hiring or promotion;
- (3) Veterans have experience that is broader than law enforcement and the state can benefit by recruiting people with this experience;
- (4) Veterans leave service with experience in transportation, teaching and education, logistics, computer technology, health care, media and communications, construction and engineering, and administrative support;
- (5) Many state agencies and other public employers are struggling to fill and retain employees in key positions;
- (6) Many public and private employers have developed veteran hiring and recruitment programs that take advantage of the broad experience that veterans bring to the job market.

NEW SECTION. Sec. 1126. A new section is added to chapter 43.41 RCW to read as follows:

- (1) The office shall develop a military recruitment program that targets veterans and gives them credit for their knowledge, skills, and leadership abilities. In developing the program, the office shall consult with the department of enterprise services, department of veteran affairs, the state military transition council, the veterans employee resource group, and other interested stakeholders. Program development must include, but is not limited to, identifying: (a) Public and private military recruitment programs and ways those programs can be used in Washington; (b) similar military and state job classes and develop a system to provide veterans with experience credit for similar work; and (c) barriers to state employment and opportunities to better utilize veterans experience.
- (2) The office shall report to the legislature with a draft plan by January 1, 2018, that includes draft bill language if necessary.

NEW SECTION. Sec. 1127. A new section is added to chapter 43.60A RCW to read as follows:

By December 31, 2018, the department of veterans affairs must submit a report to the legislature on the veteran peer-to-peer training and support program authorized in section 2 of this act to determine the effectiveness of the program in meeting the needs of veterans in the state. The report must include the number of veterans receiving peer-to-peer support and the location of such support services; the number of veterans trained through the program to provide peer-to-peer support; and the types of training and support services provided by the program. The report must also include an analysis of peer-to-peer training and support programs developed by other states, as well as in the private and nonprofit sectors, in order to evaluate best practices for implementing and managing the veteran peer-to-peer training and support program authorized in section 2 of this act."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Angel moved that the Senate concur in the House amendment(s) to Senate Bill No. 5849.

Senator Angel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Angel that the Senate concur in the House amendment(s) to Senate Bill No. 5849.

The motion by Senator Angel carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5849 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5849, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5849, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Nelson

SENATE BILL NO. 5849, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5806 with the following amendment(s): 5806-S AMH WYLI H2618.3

Beginning on page 6, line 26, strike all of subsection (2) and insert the following:

"(2)(a) The joint Oregon-Washington legislative action committee is established, with sixteen members as provided in this subsection:

(i) The speaker and minority leader of the house of representatives of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's house of representatives.

(ii) The majority leader and minority leader of the senate of each state shall jointly appoint four members, two from each of the two largest caucuses of their state's senate.

(b) The legislative action committee shall choose its cochaIRS from among its membership, one each from the senate and the house of representatives of both states.

(c) Executive agencies, including the departments of transportation and the transportation commissions, shall cooperate with the committee and provide information and other assistance as the cochaIRS may reasonably request.

(d) Staff support for the legislative action committee must be provided by the Washington house of representatives office of program research, Washington senate committee services, and, contingent upon the acceptance by the legislature of the state of Oregon of the invitation in subsection (1) of this section to participate in the legislative action committee, the Oregon legislative policy and research office.

(e) Legislative members of the legislative action committee are reimbursed for travel expenses. For Washington legislative members, this reimbursement must be in accordance with RCW 44.04.120.

(f) The expenses of the legislative action committee must be paid jointly by both states' senate and house of representatives. In Washington, committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(g) Each meeting of the legislative action committee must allow an opportunity for public comment. Legislative action committee meetings must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives of both states."

BERNARD DEAN, Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5806.

Senator Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5806.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5806 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5806, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5806, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Ericksen, Padden and Pearson

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5806, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5715 with the following amendment(s): 5715 AMH APP H2611.1

Strike everything after the enacting clause and insert the following:

"Sec. 1128. RCW 74.46.485 and 2011 1st sp.s. c 7 s 4 are each amended to read as follows:

(1) The legislature recognizes that staff and resources needed to adequately care for individuals with cognitive or behavioral impairments is not limited to support for activities of daily living.

Therefore, the department shall:

(a) Employ the resource utilization group (~~(HH)~~ IV) case mix classification methodology. The department shall use the (~~forty-four~~) fifty-seven group index maximizing model for the resource utilization group (~~(HH)~~ IV) grouper version (~~(5-14)~~) MDS 3.05, but the department may revise or update the classification methodology to reflect advances or refinements in resident assessment or classification, subject to federal requirements. The department may adjust by no more than thirteen percent the case mix index for (~~any of the lowest ten~~) resource utilization group categories beginning with PA1 through (~~PE2~~) PB2 to any case mix index that aids in achieving the purpose and intent of RCW 74.39A.007 and cost-efficient care, excluding behaviors, and allowing for exceptions for limited placement options; and

(b) Implement minimum data set 3.0 under the authority of this section (~~and RCW 74.46.431(3)~~). The department must notify nursing home contractors twenty-eight days in advance the date of implementation of the minimum data set 3.0. In the notification, the department must identify for all semiannual rate settings following the date of minimum data set 3.0 implementation a previously established semiannual case mix adjustment established for the semiannual rate settings that will be used for semiannual case mix calculations in direct care until minimum data set 3.0 is fully implemented.

(2) The department is authorized to adjust upward the weights for resource utilization groups BA1-BB2 related to cognitive or behavioral health to ensure adequate access to appropriate levels of care.

(3) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

(~~(3)~~) (4) A default case mix group may also be established for cases in which there is an untimely assessment for the resident.

The default case mix group and case mix weight for these cases shall be designated by the department.

Sec. 1129. RCW 74.46.561 and 2016 c 131 s 1 are each amended to read as follows:

(1) The legislature adopts a new system for establishing nursing home payment rates beginning July 1, 2016. Any payments to nursing homes for services provided after June 30, 2016, must be based on the new system. The new system must be designed in such a manner as to decrease administrative complexity associated with the payment methodology, reward nursing homes providing care for high acuity residents, incentivize quality care for residents of nursing homes, and establish minimum staffing standards for direct care.

(2) The new system must be based primarily on industry-wide costs, and have three main components: Direct care, indirect care, and capital.

(3) The direct care component must include the direct care and therapy care components of the previous system, along with food, laundry, and dietary services. Direct care must be paid at a fixed rate, based on one hundred percent or greater of statewide case mix neutral median costs, but shall be set so that a nursing home provider's direct care rate does not exceed one hundred eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2). Direct care must be performance-adjusted for acuity every six months, using case mix principles. Direct care must be regionally adjusted using county wide wage index information available through the United States department of labor's bureau of labor statistics. There is no minimum occupancy for direct care. The direct care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(4) The indirect care component must include the elements of administrative expenses, maintenance costs, and housekeeping services from the previous system. A minimum occupancy assumption of ninety percent must be applied to indirect care. Indirect care must be paid at a fixed rate, based on ninety percent or greater of statewide median costs. The indirect care component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(5) The capital component must use a fair market rental system to set a price per bed. The capital component must be adjusted for the age of the facility, and must use a minimum occupancy assumption of ninety percent.

(a) Beginning July 1, 2016, the fair rental rate allocation for each facility must be determined by multiplying the allowable nursing home square footage in (c) of this subsection by the RS means rental rate in (d) of this subsection and by the number of licensed beds yielding the gross unadjusted building value. An equipment allowance of ten percent must be added to the unadjusted building value. The sum of the unadjusted building value and equipment allowance must then be reduced by the average age of the facility as determined by (e) of this subsection using a depreciation rate of one and one-half percent. The depreciated building and equipment plus land valued at ten percent of the gross unadjusted building value before depreciation must then be multiplied by the rental rate at seven and one-half percent to yield an allowable fair rental value for the land, building, and equipment.

(b) The fair rental value determined in (a) of this subsection must be divided by the greater of the actual total facility census from the prior full calendar year or imputed census based on the number of licensed beds at ninety percent occupancy.

(c) For the rate year beginning July 1, 2016, all facilities must be reimbursed using four hundred square feet. For the rate year beginning July 1, 2017, allowable nursing facility square footage

must be determined using the total nursing facility square footage as reported on the medicaid cost reports submitted to the department in compliance with this chapter. The maximum allowable square feet per bed may not exceed four hundred fifty.

(d) Each facility must be paid at eighty-three percent or greater of the median nursing facility RS means construction index value per square foot for Washington state. The department may use updated RS means construction index information when more recent square footage data becomes available. The statewide value per square foot must be indexed based on facility zip code by multiplying the statewide value per square foot times the appropriate zip code based index. For the purpose of implementing this section, the value per square foot effective July 1, 2016, must be set so that the weighted average FRV \fair rental value.doc rate is not less than ten dollars and eighty cents ppd \per patient day.doc. The capital component rate allocations calculated in accordance with this section must be adjusted to the extent necessary to comply with RCW 74.46.421.

(e) The average age is the actual facility age reduced for significant renovations. Significant renovations are defined as those renovations that exceed two thousand dollars per bed in a calendar year as reported on the annual cost report submitted in accordance with this chapter. For the rate beginning July 1, 2016, the department shall use renovation data back to 1994 as submitted on facility cost reports. Beginning July 1, 2016, facility ages must be reduced in future years if the value of the renovation completed in any year exceeds two thousand dollars times the number of licensed beds. The cost of the renovation must be divided by the accumulated depreciation per bed in the year of the renovation to determine the equivalent number of new replacement beds. The new age for the facility is a weighted average with the replacement bed equivalents reflecting an age of zero and the existing licensed beds, minus the new bed equivalents, reflecting their age in the year of the renovation. At no time may the depreciated age be less than zero or greater than forty-four years.

(f) A nursing facility's capital component rate allocation must be rebased annually, effective July 1, 2016, in accordance with this section and this chapter.

(6) A quality incentive must be offered as a rate enhancement beginning July 1, 2016.

(a) An enhancement no larger than five percent and no less than one percent of the statewide average daily rate must be paid to facilities that meet or exceed the standard established for the quality incentive. All providers must have the opportunity to earn the full quality incentive payment.

(b) The quality incentive component must be determined by calculating an overall facility quality score composed of four to six quality measures. For fiscal year 2017 there shall be four quality measures, and for fiscal year 2018 there shall be six quality measures. Initially, the quality incentive component must be based on minimum data set quality measures for the percentage of long-stay residents who self-report moderate to severe pain, the percentage of high-risk long-stay residents with pressure ulcers, the percentage of long-stay residents experiencing one or more falls with major injury, and the percentage of long-stay residents with a urinary tract infection. Quality measures must be reviewed on an annual basis by a stakeholder work group established by the department. Upon review, quality measures may be added or changed. The department may risk adjust individual quality measures as it deems appropriate.

(c) The facility quality score must be point based, using at a minimum the facility's most recent available three-quarter average CMS \centers for medicare and medicaid services.doc quality data. Point thresholds for each quality measure must be established using the corresponding statistical values for the

quality measure (QM) point determinants of eighty QM points, sixty QM points, forty QM points, and twenty QM points, identified in the most recent available five-star quality rating system technical user's guide published by the center for medicare and medicaid services.

(d) Facilities meeting or exceeding the highest performance threshold (top level) for a quality measure receive twenty-five points. Facilities meeting the second highest performance threshold receive twenty points. Facilities meeting the third level of performance threshold receive fifteen points. Facilities in the bottom performance threshold level receive no points. Points from all quality measures must then be summed into a single aggregate quality score for each facility.

(e) Facilities receiving an aggregate quality score of eighty percent of the overall available total score or higher must be placed in the highest tier (tier V), facilities receiving an aggregate score of between seventy and seventy-nine percent of the overall available total score must be placed in the second highest tier (tier IV), facilities receiving an aggregate score of between sixty and sixty-nine percent of the overall available total score must be placed in the third highest tier (tier III), facilities receiving an aggregate score of between fifty and fifty-nine percent of the overall available total score must be placed in the fourth highest tier (tier II), and facilities receiving less than fifty percent of the overall available total score must be placed in the lowest tier (tier I).

(f) The tier system must be used to determine the amount of each facility's per patient day quality incentive component. The per patient day quality incentive component for tier IV is seventy-five percent of the per patient day quality incentive component for tier V, the per patient day quality incentive component for tier III is fifty percent of the per patient day quality incentive component for tier V, and the per patient day quality incentive component for tier II is twenty-five percent of the per patient day quality incentive component for tier V. Facilities in tier I receive no quality incentive component.

(g) Tier system payments must be set in a manner that ensures that the entire biennial appropriation for the quality incentive program is allocated.

(h) Facilities with insufficient three-quarter average CMS \centers for medicare and medicaid services.doc quality data must be assigned to the tier corresponding to their five-star quality rating. Facilities with a five-star quality rating must be assigned to the highest tier (tier V) and facilities with a one-star quality rating must be assigned to the lowest tier (tier I). The use of a facility's five-star quality rating shall only occur in the case of insufficient CMS \centers for medicare and medicaid services.doc minimum data set information.

(i) The quality incentive rates must be adjusted semiannually on July 1 and January 1 of each year using, at a minimum, the most recent available three-quarter average CMS \centers for medicare and medicaid services.doc quality data.

(j) Beginning July 1, 2017, the percentage of short-stay residents who newly received an antipsychotic medication must be added as a quality measure. The department must determine the quality incentive thresholds for this quality measure in a manner consistent with those outlined in (b) through (h) of this subsection using the centers for medicare and medicaid services quality data.

(k) Beginning July 1, 2017, the percentage of direct care staff turnover must be added as a quality measure using the centers for medicare and medicaid services' payroll-based journal and nursing home facility payroll data. Turnover is defined as an employee departure. The department must determine the quality incentive thresholds for this quality measure using data from the centers for medicare and medicaid services' payroll-based journal, unless such data is not available, in which case the

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department shall use direct care staffing turnover data from the most recent medicaid cost report.

(7) Reimbursement of the safety net assessment imposed by chapter 74.48 RCW and paid in relation to medicaid residents must be continued.

(8) The direct care and indirect care components must be rebased in even-numbered years, beginning with rates paid on July 1, 2016. Rates paid on July 1, 2016, must be based on the 2014 calendar year cost report. On a percentage basis, after rebasing, the department must confirm that the statewide average daily rate has increased at least as much as the average rate of inflation, as determined by the skilled nursing facility market basket index published by the centers for medicare and medicaid services, or a comparable index. If after rebasing, the percentage increase to the statewide average daily rate is less than the average rate of inflation for the same time period, the department is authorized to increase rates by the difference between the percentage increase after rebasing and the average rate of inflation.

(9) The direct care component provided in subsection (3) of this section is subject to the reconciliation and settlement process provided in RCW 74.46.022(6). Beginning July 1, 2016, pursuant to rules established by the department, funds that are received through the reconciliation and settlement process provided in RCW 74.46.022(6) must be used for technical assistance, specialized training, or an increase to the quality enhancement established in subsection (6) of this section. The legislature intends to review the utility of maintaining the reconciliation and settlement process under a price-based payment methodology, and may discontinue the reconciliation and settlement process after the 2017-2019 fiscal biennium.

(10) Compared to the rate in effect June 30, 2016, including all cost components and rate add-ons, no facility may receive a rate reduction of more than one percent on July 1, 2016, more than two percent on July 1, 2017, or more than five percent on July 1, 2018. To ensure that the appropriation for nursing homes remains cost neutral, the department is authorized to cap the rate increase for facilities in fiscal years 2017, 2018, and 2019.

NEW SECTION. **Sec. 1130.** If specific funding for the purpose of this act, referencing the act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Senate Bill No. 5715.

Senator Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Senate Bill No. 5715.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5715 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5715, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5715, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Nelson

SENATE BILL NO. 5715, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5635 with the following amendment(s): 5635 AMH PS H2526.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1131.** RCW 9A.56.360 and 2013 c 153 s 1 are each amended to read as follows:

(1) A person commits retail theft with special circumstances if he or she commits theft of property from a mercantile establishment with one of the following special circumstances:

(a) To facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;

(b) The person was, at the time of the theft, in possession of an item, article, implement, or device used, under circumstances evincing an intent to use or employ, or designed to overcome security systems including, but not limited to, lined bags or tag removers; or

(c) The person committed theft at three or more separate and distinct mercantile establishments within a one hundred eighty-day period.

(2) A person is guilty of retail theft with special circumstances in the first degree if the theft involved constitutes theft in the first degree. Retail theft with special circumstances in the first degree is a class B felony.

(3) A person is guilty of retail theft with special circumstances in the second degree if the theft involved constitutes theft in the second degree. Retail theft with special circumstances in the second degree is a class C felony.

(4) A person is guilty of retail theft with special circumstances in the third degree if the theft involved constitutes theft in the third degree. Retail theft with special circumstances in the third degree is a class C felony.

(5) For the purposes of this section, "special circumstances" means the particular aggravating circumstances described in subsection (1)(a) through (c) of this section.

(6)(a) A series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the retail theft with special circumstances involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred. In no case may an aggregated series of thefts, or a single theft that has been aggregated in one county, be prosecuted in more than one county.

(b) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for the decision."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5635.

Senators Padden and Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5635.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5635 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5635, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Nelson

SENATE BILL NO. 5635, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5618 with the following amendment(s): 5618-S AMH ELHS H2482.1

Strike everything after the enacting clause and insert the following:

"Sec. 1132. RCW 10.31.100 and 2016 c 203 s 9 and 2016 c 113 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the

presence of an officer, except as provided in subsections (1) through ~~((12))~~ (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

~~(3) ((A police officer shall, at the request of a parent or guardian, arrest the sixteen or seventeen year old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW 10.99.020 in the preceding four hours. Nothing in this subsection removes a police officer's existing authority provided in this section to make an arrest.~~

~~((4))~~ Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

~~((5))~~ (4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

~~((6))~~ (5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

~~((7))~~ (6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

~~((8))~~ (7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

~~((9))~~ (8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

~~((10))~~ (9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

~~((11))~~ (10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

~~((12))~~ (11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

~~((13))~~ (12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

~~((14))~~ (13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

~~((15))~~ (14) Except as specifically provided in subsections (2), (3), (4), ~~((5))~~ and ~~((8))~~ (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((16))~~ (15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or ~~((10))~~ (9) of this section if the police officer acts in good faith and without malice.

~~((17))~~ (16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

~~((18) A juvenile detention facility shall book into detention any person under age eighteen brought to that detention facility pursuant to an arrest for assaulting a family or household member as defined in RCW 10.99.020.)"~~

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5618.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5618.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5618 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5618, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5618, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5618, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5632 with the following amendment(s): 5632 AMH PS H2525.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1133.** RCW 9A.56.350 and 2009 c 431 s 15 are each amended to read as follows:

(1) A person is guilty of organized retail theft if he or she:

(a) Commits theft of property with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice;

(b) Possesses stolen property, as defined in RCW 9A.56.140, with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice; ((or))

(c) Commits theft of property with a cumulative value of at least seven hundred fifty dollars from one or more mercantile establishments within a period of up to one hundred eighty days; or

(d) Commits theft of property with a cumulative value of at least seven hundred fifty dollars from a mercantile establishment with no less than six accomplices and makes or sends at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft. For the purposes of this subsection, "electronic communication" has the same meaning as defined in RCW 9.61.260(5).

(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of five thousand dollars or more. Organized retail theft in the first degree is a class B felony.

(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of at least seven hundred fifty dollars, but less than five thousand dollars. Organized retail theft in the second degree is a class C felony.

(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred. For purposes of subsection (1)(d) of this section, thefts committed by the principal and accomplices may be aggregated into one count and the value of all the property shall be the value considered in determining the degree of organized retail theft involved.

(5) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline

aggregating the prosecution of the decision and the reasons for such decision."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Senate Bill No. 5632.

Senators O'Ban and Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Senate Bill No. 5632.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5632 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5632, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5632, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hasegawa, Hunt, Lias and Saldaña

Excused: Senator Nelson

SENATE BILL NO. 5632, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Padden: "Thank you Mr. President. I just wanted to say a few words about the late Senator Mike Carrell since this bill is one that he worked on when he was Vice-Chair of the Law & Justice Committee. Senator Carrell was a remarkable senator. I knew him first when I actually chaired the House Law & Justice Committee back in 1994 and he was a brand new representative at that time and he was kind of focused, not exclusively, but primarily on father's rights issues. And then when I came back to the Senate in 2011 and he was now a senator, to see the maturity and change and I saw how well he worked with a number of people, including the gentlelady from the 27th District and especially former Senator Hargrove. I will never forget when he was suffering so much and had to be out of the Senate and Senator Hargrove told him 'Don't worry, if there is a bill that would have passed with your vote, I will make sure that it is not defeated.' And you just don't see that very much any more, they had such a close friendship. Anyway, he was a remarkable senator. I always enjoyed his Mr. Science lectures, all of us, as a high school science teacher. And I just think it is very fitting that his successor would carry this bill and that we finally would pass it. So, thank you Mr. President."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Padden. Thank you for bringing that memory and that recollection of Senator Carrell to us. As we commemorate every year those who have been lost that previous year, we also remember that there are those who have been lost in previous years and it is wonderful to have them and their legacy be made real to us. Especially for those of us who knew but didn't get a chance to work with him closely, so thank you for bringing that Senator Padden."

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5035 with the following amendment(s): 5035-S AMH CODY H2621.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1134. The legislature finds that the process for approval of investigational drugs, biological products, and devices in the United States protects future patients from premature, ineffective, and unsafe medications and treatments over time, but the process often takes many years. Patients who have a terminal illness do not have the luxury of waiting until an investigational drug, biological product, or device receives final approval from the United States food and drug administration. The legislature further finds that patients who have a terminal illness should be permitted to pursue the preservation of their own lives by accessing available investigational drugs, biological products, and devices. The use of available investigational drugs, biological products, and devices is a decision that should be made by the patient with a terminal illness in consultation with the patient's health care provider so that the decision to use an investigational drug, biological product, or device is made with full awareness of the potential risks, benefits, and consequences to the patient and the patient's family.

The legislature, therefore, intends to allow terminally ill patients to use potentially lifesaving investigational drugs, biological products, and devices.

NEW SECTION. Sec. 1135. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Eligible patient" means an individual who meets the requirements of section 4 of this act.
- (2) "Health care facility" means a clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.
- (3) "Hospital" means a health care institution licensed under chapter 70.41, 71.12, or 72.23 RCW.
- (4) "Investigational product" means a drug, biological product, or device that has successfully completed phase one and is currently in a subsequent phase of a clinical trial approved by the United States food and drug administration assessing the safety of the drug, biological product, or device under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355.
- (5) "Issuer" means any state purchased health care programs under chapter 41.05 or 74.09 RCW, a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.
- (6) "Manufacturer" means a person or other entity engaged in the manufacture or distribution of drugs, biological products, or devices.

(7) "Physician" means a physician licensed under chapter 18.71 RCW or an osteopathic physician and surgeon licensed under chapter 18.57 RCW.

(8) "Serious or immediately life-threatening disease or condition" means a stage of disease in which there is reasonable likelihood that death will occur within six months or in which premature death is likely without early treatment.

NEW SECTION. Sec. 1136. (1) An eligible patient and his or her treating physician may request that a manufacturer make an investigational product available for treatment of the patient. The request must include a copy of the written informed consent form described in section 5 of this act and an explanation of why the treating physician believes the investigational product may help the patient.

(2) Upon receipt of the request and the written informed consent form, the manufacturer may, but is not required to, make the investigational product available for treatment of the eligible patient. Prior to making the investigational product available, the manufacturer shall enter into an agreement with the treating physician and the eligible patient providing that the manufacturer will transfer the investigational product to the physician and the physician will use the investigational product to treat the eligible patient.

NEW SECTION. Sec. 1137. A patient is eligible to request access to and be treated with an investigational product if:

- (1) The patient is eighteen years of age or older;
- (2) The patient is a resident of this state;
- (3) The patient's treating physician attests to the fact that the patient has a serious or immediately life-threatening disease or condition;
- (4) The patient acknowledges having been informed by the treating physician of all other treatment options currently approved by the United States food and drug administration;
- (5) The patient's treating physician recommends that the patient be treated with an investigational product;
- (6) The patient is unable to participate in a clinical trial for the investigational product because the patient's physician has contacted one or more clinical trials or researchers in the physician's practice area and has determined, using the physician's professional judgment, that there are no clinical trials reasonably available for the patient to participate in, that the patient would not qualify for a clinical trial, or that delay in waiting to join a clinical trial would risk further harm to the patient; and
- (7) In accordance with section 5 of this act, the patient has provided written informed consent for the use of the investigational product, or, if the patient lacks the capacity to consent, the patient's legally authorized representative has provided written informed consent on behalf of the patient.

NEW SECTION. Sec. 1138. (1) Prior to treatment of the eligible patient with an investigational product, the treating physician shall obtain written informed consent, consistent with the requirements of RCW 7.70.060(1), and signed by the eligible patient or, if the patient lacks the capacity to consent, his or her legally authorized representative.

- (2) Information provided in order to obtain the informed consent must, to the extent possible, include the following:
 - (a) That the patient has been diagnosed with a serious or immediately life-threatening disease or condition and explains the currently approved products and treatments for the disease or condition from which the eligible patient suffers;
 - (b) That all currently approved and conventionally recognized treatments are unlikely to prolong the eligible patient's life;
 - (c) Clear identification of the investigational product that the eligible patient seeks to use;

(d) The potentially best and worst outcomes of using the investigational product and a realistic description of the most likely outcome. This description must include the possibility that new, unanticipated, different, or worse symptoms may result and that death could be hastened by the proposed treatment. The description must be based on the physician's knowledge of the proposed treatment in conjunction with an awareness of the eligible patient's condition;

(e) That the eligible patient's health benefit plan is not obligated to pay for the investigational product or any harm caused to the eligible patient by the investigational product, unless otherwise specifically required to do so by law or contract, and that in order to receive the investigational product the patient may be required to pay the costs of administering the investigational product; and

(f) That the eligible patient is liable for all expenses consequent to the use of the investigational product, except as otherwise provided in the eligible patient's health benefit plan or a contract between the eligible patient and the manufacturer of the investigational product.

(3) The document must be signed and dated by the eligible patient's treating physician and witnessed in writing by at least one adult.

NEW SECTION. Sec. 1139. (1) An issuer may, but is not required to, provide coverage for the cost or the administration of an investigational product provided to an eligible patient pursuant to this chapter.

(2)(a) An issuer may deny coverage to an eligible patient who is treated with an investigational product for harm to the eligible patient caused by the investigational product and is not required to cover the costs associated with receiving the investigational product or the costs demonstrated to be associated with an adverse effect that is a result of receiving the investigational product.

(b) Except as stated in (a) of this subsection, an issuer may not deny coverage to an eligible patient for: (i) The eligible patient's serious or immediately life-threatening disease or condition; (ii) benefits that accrued before the day on which the eligible patient was treated with an investigational product; or (iii) palliative or hospice care for an eligible patient who was previously treated with an investigational product but who is no longer being treated with an investigational product.

NEW SECTION. Sec. 1140. A hospital or health care facility:

(1) May, but is not required to, allow a health care practitioner who is privileged to practice or who is employed at the hospital or health care facility to treat, administer, or provide an investigational product to an eligible patient under this chapter;

(2) May establish a policy regarding treating, administering, or providing investigational products under this chapter; and

(3) Is not obligated to pay for the investigational product or any harm caused to the eligible patient by the product, or any care that is necessary as a result of the use of the investigational product, including under chapter 70.170 RCW.

NEW SECTION. Sec. 1141. (1) This act does not create a private right of action.

(2) A health care practitioner does not commit unprofessional conduct under RCW 18.130.180 and does not violate the applicable standard of care by:

(a) Obtaining an investigational product pursuant to this chapter;

(b) Refusing to recommend, request, prescribe, or otherwise provide an investigational product pursuant to this chapter;

(c) Administering an investigational product to an eligible patient pursuant to this chapter; or

(d) Treating an eligible patient with an investigational product pursuant to this chapter.

(3) The following persons and entities are immune from civil or criminal liability and administrative actions arising out of

treatment of an eligible patient with an investigational product, other than acts or omissions constituting gross negligence or willful or wanton misconduct:

(a) A health care practitioner who recommends or requests an investigational product for an eligible patient in compliance with this chapter;

(b) A health care practitioner who refuses to recommend or request an investigational product for a patient seeking access to an investigational product;

(c) A manufacturer that provides an investigational product to a health care practitioner in compliance with this chapter;

(d) A hospital or health care facility where an investigational product is either administered or provided to an eligible patient in compliance with this chapter; and

(e) A hospital or health care facility that does not allow a health care practitioner to provide treatment with an investigational product or enforces a policy it has adopted regarding treating, administering, or providing care with an investigational product.

NEW SECTION. Sec. 1142. The pharmacy quality assurance commission may adopt rules necessary to implement this chapter.

Sec. 1143. RCW 69.04.570 and 2012 c 117 s 338 are each amended to read as follows:

Except as permitted by chapter 69--- RCW (the new chapter created in section 12 of this act), no person shall introduce or deliver for introduction into intrastate commerce any new drug which is subject to section 505 of the federal act unless an application with respect to such drug has become effective thereunder. No person shall introduce or deliver for introduction into intrastate commerce any new drug which is not subject to section 505 of the federal act, unless (1) it has been found, by appropriate tests, that such drug is not unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; and (2) an application has been filed under this section of this chapter with respect to such drug: PROVIDED, That the requirement of subsection (2) of this section shall not apply to any drug introduced into intrastate commerce at any time prior to the enactment of this chapter or introduced into interstate commerce at any time prior to the enactment of the federal act: PROVIDED FURTHER, That if the director finds that the requirement of subsection (2) of this section as applied to any drug or class of drugs, is not necessary for the protection of the public health, he or she shall promulgate regulations of exemption accordingly.

Sec. 1144. RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "Commission" means the pharmacy quality assurance commission.

(e) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules.

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(f)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.--- RCW (the new chapter created in section 12 of this act) to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(g) "Deliver" or "delivery(ς)" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(h) "Department" means the department of health.

(i) "Designated provider" has the meaning provided in RCW 69.51A.010.

(j) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(k) "Dispenser" means a practitioner who dispenses.

(l) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(m) "Distributor" means a person who distributes.

(n) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(o) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(p) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(q) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(r) "Isomer" means an optical isomer, but in subsection (dd)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(s) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(t) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(u) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(v) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(w) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(x) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(y) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(z) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(aa) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

(bb) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(cc) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (v) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(dd) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(ff) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(gg) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(hh) "Plant" has the meaning provided in RCW 69.51A.010.

(ii) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(jj) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(kk) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(ll) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(mm) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(nn) "Recognition card" has the meaning provided in RCW 69.51A.010.

(oo) "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

(pp) "Secretary" means the secretary of health or the secretary's designee.

(qq) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(rr) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(ss) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

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(tt) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

SUBSTITUTE SENATE BILL NO. 5327,
 SUBSTITUTE SENATE BILL NO. 5346,
 SUBSTITUTE SENATE BILL NO. 5358,
 SENATE BILL NO. 5359,
 SECOND SUBSTITUTE SENATE BILL NO. 5474.

NEW SECTION. Sec. 1145. Sections 1 through 9 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 1146. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5119 with the following amendment(s): 5119 AMH LG H2454.1

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5035.

Senator Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5035.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5035 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5035, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5035, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Nelson

SUBSTITUTE SENATE BILL NO. 5035, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5022,
 SENATE BILL NO. 5030,
 SUBSTITUTE SENATE BILL NO. 5138,
 SUBSTITUTE SENATE BILL NO. 5152,
 SENATE BILL NO. 5177,
 ENGROSSED SENATE BILL NO. 5234,
 SECOND SUBSTITUTE SENATE BILL NO. 5258,
 ENGROSSED SENATE BILL NO. 5266,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 57.20 RCW to read as follows:

(1) The board of commissioners of a district with revenues of five million dollars or more in each of the preceding three years that were audited in accordance with RCW 43.09.260 may by resolution adopt a policy to issue its own warrants for payment of claims or other obligations of the district. The board of commissioners, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president of the board of commissioners, authorizing the county treasurer to pay all the warrants specified by date, number, name, and amount, and the accounting funds on which the warrants are drawn. The district may then issue the warrants specified in the general certificate.

(2) The board of commissioners of a district with revenues greater than two hundred fifty thousand dollars and less than five million dollars in each of the preceding three years that were audited in accordance with RCW 43.09.260 may upon agreement between the county treasurer and the district commission, with approval of the district commission by resolution, adopt a policy to issue its own warrants for payment of claims or other obligations of the district. The board of commissioners, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president of the board of commissioners, authorizing the county treasurer to pay all the warrants specified by date, number, name, and amount, and the accounting funds on which the warrants are drawn. The district may then issue the warrants specified in the general certificate.

NEW SECTION. Sec. 2. A new section is added to chapter 57.08 RCW to read as follows:

(1) Any water-sewer district may elect to contract for asset management service of its water storage assets in accordance with this section. If a water-sewer district elects to contract under this subsection for all, some, or one component of water storage asset management services for its water storage assets, each water-sewer district shall publish notice of its requirements to procure asset management service of its water storage assets. The announcement must concisely state the scope and nature of the water storage asset management service for which a contract is required and encourage firms to submit proposals to meet these requirements. If a water-sewer district chooses to negotiate a water storage asset management service contract under this section, no otherwise applicable statutory procurement requirement applies.

(2) The water-sewer district may negotiate a fair and reasonable water storage asset management service contract with the firm that submits the best proposal based on criteria that is established by the water-sewer district.

(3) If the water-sewer district is unable to negotiate a satisfactory water storage asset management service contract with the firm

that submits the best proposal, negotiations with that firm must formally be terminated and the water-sewer district may select another firm in accordance with this section and continue negotiation until a water storage asset management service contract is reached or the selection process is terminated.

(4) For the purposes of this section:

(a) "Water storage asset management services" means the financing, designing, improving, operating, maintaining, repairing, testing, inspecting, cleaning, administering, or managing, or any combination thereof, of a water storage asset.

(b) "Water storage asset" means water storage structures and associated distribution systems, such as the water tank, tower, well, meter, or water filter.

Sec. 3. RCW 70.95A.020 and 1973 c 132 s 3 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Municipality" shall mean any city, town, county, ~~((or))~~ port district, or water-sewer district in the state;

(2) "Facility" or "facilities" shall mean any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof, or any interest therein, and all real and personal properties deemed necessary in connection therewith whether or not now in existence, which is used or to be used by any person, corporation or municipality in furtherance of the purpose of abating, controlling or preventing pollution;

(3) "Pollution" shall mean any form of environmental pollution, including but not limited to water pollution, air pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution;

(4) "Governing body" shall mean the body or bodies in which the legislative powers of the municipality are vested;

(5) "Mortgage" shall mean a mortgage or a mortgage and deed of trust or other security device; and

(6) "Department" shall mean the state department of ecology."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Senate Bill No. 5119.

Senator Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Senate Bill No. 5119.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5119 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5119, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5119, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

SENATE BILL NO. 5119, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5173 with the following amendment(s): 5173-S.E AMH ENGR H2419.E

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 43.19.003 and 2011 1st sp.s. c 43 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of enterprise services.

(2) "Director" means the director of enterprise services.

(3) "State agency" means every state agency, office, officer, board, commission, institution, and institution of higher education, including all state universities, regional universities, The Evergreen State College, and community and technical colleges.

Sec. 5. RCW 43.19.782 and 2011 1st sp.s. c 43 s 508 are each amended to read as follows:

(1) ~~((The director))~~ In consultation with the department and upon delegation, a state agency shall appoint a loss prevention review team when the death of a person, serious injury to a person, or other substantial loss is alleged or suspected to be caused at least in part by the actions of a state agency~~((, unless the director in his or her discretion determines that the incident does not merit review))~~ except when the death, injury, or substantial loss is already being investigated by another federal or state agency, or by the affected state agency, pursuant to the federal or state agency requirements. Any review conducted by another agency or under other requirements must contain elements of subsection (3) of this section and must comply with section 3 of this act to the extent section 3 of this act does not conflict with statutes or rules governing those reviews. The department may also direct a state agency to conduct a loss prevention review ~~((team may also be appointed when any other substantial loss occurs as a result of agency policies, litigation or defense practices, or other management practices. When the director decides not to appoint a loss prevention review team he or she shall issue a statement of the reasons for the director's decision. The statement shall be made available on the department's web site. The director's decision pursuant to this section to appoint or not appoint a loss prevention review team shall not be admitted into evidence in a civil or administrative proceeding.))~~ after consultation with the affected agency as to the purpose, scope, necessary resources, and intended outcomes of the loss prevention review. The department may provide guidance to the state agency conducting the loss prevention review as requested by the state agency.

(2) A loss prevention review team shall consist of at least three ~~((but no more than five))~~ persons, and may include independent consultants, contractors, or state employees, but it shall not include any person ~~((employed by the agency))~~ directly involved in the loss or risk of loss giving rise to the review, nor any person with testimonial knowledge of the incident to be reviewed. At least one member of the review team shall have expertise relevant to the matter under review, but no more than half of the review team members may be employees of the affected agency.

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(3) The loss prevention review team shall review the death, serious injury, or other incident and the circumstances surrounding it, evaluate its causes, and recommend steps to reduce the risk of such incidents occurring in the future. The loss prevention review team shall accomplish these tasks by reviewing relevant documents~~((;))~~ and interviewing persons with relevant knowledge~~((; and reporting its recommendations))~~. The loss prevention review team must submit a report in writing to the director and the ~~((director))~~ head of the state agency involved in the loss or risk of loss ~~((within the time requested by the director))~~. The report must include the teams' findings, analyze the causes and contributing factors, analyze future risk, include methods that the agency will use to address and mitigate the risks identified, which may include changes to policies or procedures, and any legislative recommendation necessary to address and carry out the risk treatment strategies identified in the subject report and include the manner in which the agency will measure the effectiveness of its changes. The final report shall not disclose the contents of any documents required by law or regulation to be kept private or confidential, or that are subject to legal privilege or exemption.

(4) ~~((Pursuant to guidelines established by the director,))~~ The director may develop and enact rules to implement the provisions of this chapter that apply to all state agency loss prevention review teams. State agencies must notify the department immediately upon becoming aware of a death, serious injury, or other substantial loss that is alleged or suspected to be caused at least in part by the actions of the state agency.

(5) All state agencies shall provide the loss prevention review team ready access to relevant documents in their possession and ready access to their employees.

Sec. 6. RCW 43.19.783 and 2011 1st sp.s. c 43 s 509 are each amended to read as follows:

(1) The final report from ~~((a))~~ the state agency's loss prevention review team to the director shall be made public by the director promptly ~~((upon receipt))~~ after review, and shall be subject to public disclosure. The final report shall be subject to discovery in a civil or administrative proceeding. However, the final report shall not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to subsection (2) of this section.

(2) The relevant excerpt or excerpts from the final report of a loss prevention review team may be used to impeach a fact witness in a civil or administrative proceeding only if the party wishing to use the excerpt or excerpts from the report first shows the court by clear and convincing evidence that the witness, in testimony provided in deposition or at trial in the present proceeding, has contradicted his or her previous statements to the loss prevention review team on an issue of fact material to the present proceeding. In that case, the party may use only the excerpt or excerpts necessary to demonstrate the contradiction. This section shall not be interpreted as expanding the scope of material that may be used to impeach a witness.

(3) No member of a loss prevention review team may be examined in a civil or administrative proceeding as to (a) the work of the loss prevention review team, (b) the incident under review, (c) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the loss prevention review team or the incident under review, or (d) the statements, deliberations, thoughts, analyses, or impressions of any other member of the loss prevention review team, or any person who provided information to it, relating to the work of the loss prevention review team or the incident under review.

(4) Any document that exists prior to the appointment of a loss prevention review team, or that is created independently of such

a team, does not become inadmissible merely because it is reviewed or used by the loss prevention review team. A person does not become unavailable as a witness merely because the person has been interviewed by or has provided a statement to a loss prevention review team. However, if called as a witness, the person may not be examined regarding the person's interactions with the loss prevention review team, including without limitation whether the loss prevention review team interviewed the person, what questions the loss prevention review team asked, and what answers the person provided to the loss prevention review team. This section shall not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(5) Documents prepared by or for the loss prevention review team are inadmissible and may not be used in a civil or administrative proceeding, except that excerpts may be used to impeach the credibility of a witness under the same circumstances that excerpts of the final report may be used pursuant to subsection (2) of this section.

(6) The restrictions set forth in this section shall not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with the death, injury, or other incident reviewed by the loss prevention review team.

(7) ~~((Within one hundred twenty days after completion of the final report of a loss prevention review team, the agency under review shall issue to the department a response to the report. The response will indicate (a) which of the report's recommendations the agency hopes to implement, (b) whether implementation of those recommendations will require additional funding or legislation, and (c) whatever other information the director may require. This response shall be considered part of the final report and shall be subject to all provisions of this section that apply to the final report, including without limitation the restrictions on admissibility and use in civil or administrative proceedings and the obligation of the director to make the final report public.))~~

~~((8))~~ Nothing in RCW ~~((43.41.370))~~ 43.19.782 or this section is intended to limit the scope of a legislative inquiry into or review of an incident that is the subject of a loss prevention review. ~~((9))~~ (8) Nothing in RCW ~~((43.41.370))~~ 43.19.782 or in this section affects chapter 70.41 RCW and application of that chapter to state-owned or managed hospitals licensed under chapter 70.41 RCW."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Chase moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5173.

Senator Chase spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Chase that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5173.

The motion by Senator Chase carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5173 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5173, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5173, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5665 with the following amendment(s): 5665.E AMH ENGR H2446.E

Strike everything after the enacting clause and insert the following:

"Sec. 7. RCW 66.28.270 and 2009 c 373 s 11 are each amended to read as follows:

(1) Nothing in this chapter prohibits the use of checks, credit or debit cards, prepaid accounts, electronic funds transfers, and other similar methods as approved by the board, as cash payments for purposes of this title. Electronic (~~(fund-s)~~) funds transfers must be: ~~((+))~~ (a) Voluntary; ~~((2))~~ (b) conducted pursuant to a prior written agreement of the parties that includes a provision that the purchase be initiated by an irrevocable invoice or sale order before the time of delivery; ~~((3))~~ (c) initiated by the retailer, manufacturer, importer, or distributor no later than the first business day following delivery; and ~~((4))~~ (d) completed as promptly as is reasonably practical, and in no event ~~((s))~~ later than five business days following delivery.

(2) Any person licensed as a distributor of beer, spirits, and/or wine may pass credit card fees on to a purchaser licensed to sell beer, spirits, and/or wine for consumption on the licensed premises, if the decision to use a credit card is entirely voluntary and the credit card fees are set out as a separate line item on the distributor's invoice. Nothing in this section requires the use of a credit card by any licensee. The credit card fee authorized under this section may not exceed the actual fee imposed by the credit card issuer.

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5665.

Senator Wilson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5665.

The motion by Senator Wilson carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5665 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5665, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5665, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5665, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5691 with the following amendment(s): 5691 AMH JUDI H2455.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 8. The legislature finds that an incapacitated person should retain basic rights enjoyed by the public, including the freedom of associating with family and friends. A court or guardian should not remove or restrict the rights of an incapacitated person under a guardianship except when absolutely necessary to protect the incapacitated person. The legislature finds that less restrictive alternatives are preferred to guardianships and limited guardianships when they provide adequate support for an incapacitated person's needs. The legislature also recognizes that less restrictive alternatives are typically less expensive to administer than a guardianship, thereby preserving state resources, court resources, and the incapacitated person's estate. A less restrictive alternative may be in the form of a power of attorney, or a trust, or other legal, financial, or medical directives that allow an incapacitated person to enjoy a greater degree of individual liberty and decision making than for persons under a guardianship.

Sec. 9. RCW 11.88.120 and 2015 c 293 s 1 are each amended to read as follows:

(1)(a) At any time after establishment of a guardianship or appointment of a guardian, the court may, upon the death of the guardian or limited guardian, or, for other good reason, modify or terminate the guardianship or replace the guardian or limited guardian or modify the authority of a guardian or limited guardian. Such action may be taken based on the court's own motion, based on a motion by an attorney for a person or entity, based on a motion of a person or entity representing themselves, or based on a written complaint, as described in this section. The court may grant relief under this section as it deems just and in

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the best interest of the incapacitated person. For any hearing to modify or terminate a guardianship, the incapacitated person shall be given reasonable notice of the hearing and of the incapacitated person's right to be represented at the hearing by counsel of his or her own choosing.

(b) The court must modify or terminate a guardianship when a less restrictive alternative, such as a power of attorney or a trust, will adequately provide for the needs of the incapacitated person. In any motion to modify or terminate a guardianship with a less restrictive alternative, the court should consider any recent medical reports; whether a condition is reversible; testimony of the incapacitated person; testimony of persons most closely related by blood, marriage, or state registered domestic partnership to the incapacitated person; testimony of persons entitled to notice of special proceedings under RCW 11.92.150; and other needs of the incapacitated person that are not adequately served in a guardianship or limited guardianship that may be better served with a less restrictive alternative. All motions under the provisions of this subsection (1)(b) must be heard within sixty days unless an extension of time is requested by a party or a guardian ad litem within such sixty-day period and granted for good cause shown. An extension granted for good cause should not exceed an additional sixty days from the date of the request of the extension, and the court must set a new hearing date.

(2)(a) An unrepresented person or entity may submit a complaint to the court. Complaints must be addressed to one of the following designees of the court: The clerk of the court having jurisdiction in the guardianship, the court administrator, or the guardianship monitoring program, and must identify the complainant and the incapacitated person who is the subject of the guardianship. The complaint must also provide the complainant's address, the case number (if available), and the address of the incapacitated person (if available). The complaint must state facts to support the claim.

(b) By the next judicial day after receipt of a complaint from an unrepresented person, the court's designee must ensure the original complaint is filed and deliver the complaint to the court.

(c) Within fourteen days of being presented with a complaint, the court must enter an order to do one or more of the following actions:

(i) To show cause, with fourteen days' notice, directing the guardian to appear at a hearing set by the court in order to respond to the complaint;

(ii) To appoint a guardian ad litem to investigate the issues raised by the complaint or to take any emergency action the court deems necessary to protect the incapacitated person until a hearing can be held;

(iii) To dismiss the complaint without scheduling a hearing, if it appears to the court that the complaint: Is without merit on its face; is filed in other than good faith; is filed for an improper purpose; regards issues that have already been adjudicated; or is frivolous. In making a determination, the court may review the matter and consider previous behavior of the complainant that is documented in the guardianship record;

(iv) To direct the guardian to provide, in not less than fourteen days, a written report to the court on the issues raised in the complaint;

(v) To defer consideration of the complaint until the next regularly scheduled hearing in the guardianship, if the date of that hearing is within the next three months, provided that there is no indication that the incapacitated person will suffer physical, emotional, financial, or other harm as a result of the court's deferral of consideration;

(vi) To order other action, in the court's discretion, in addition to doing one or more of the actions set out in this subsection.

(d) If after consideration of the complaint, the court believes that the complaint is made without justification or for reason to harass or delay or with malice or other bad faith, the court has the power to levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, fees, striking pleadings, or other appropriate relief.

(3) The court may order persons who have been removed as guardians to deliver any property or records belonging to the incapacitated person in accordance with the court's order. Similarly, when guardians have died or been removed and property or records of an incapacitated person are being held by any other person, the court may order that person to deliver it in accordance with the court's order. Disobedience of an order to deliver (~~shall be~~) is punishable as contempt of court.

(4) The administrative office of the courts must develop and prepare(¶), in consultation with interested persons, a model form for the complaint described in subsection (2)(a) of this section and a model form for the order that must be issued by the court under subsection (2)(c) of this section.

(5) The board may send a grievance it has received regarding an active guardian case to the court's designee with a request that the court review the grievance and take any action the court deems necessary. This type of request from the board must be treated as a complaint under this section and the person who sent the complaint must be treated as the complainant. The court must direct the clerk to transmit a copy of its order to the board. The board must consider the court order when taking any further action and note the court order in any final determination.

(6) In any court action under this section that involves a professional guardian, the court must direct the clerk of the court to send a copy of the order entered under this section to the board.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Board" means the certified professional guardianship board.

(b) "Complaint" means a written submission by an unrepresented person or entity, who is referred to as the complainant."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Senate Bill No. 5691.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Senate Bill No. 5691.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5691 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5691, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5691, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5691, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5705 with the following amendment(s): 5705-S AMH HCW H2477.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 10. The state finds that the department should not reduce the number of license violations found by field inspectors for the purpose of allowing licensed behavioral health service providers to avoid liability in a manner that permits the violating service provider to continue to provide care at the risk of public safety. The state also recognizes the need to prohibit fraudulent transfers of licenses between licensed behavioral health service providers found in violation of the terms of their license agreement and their family members.

Sec. 11. RCW 71.24.037 and 2016 sp.s. c 29 s 505 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed behavioral health service providers and services, whether those service providers and services are licensed to provide solely mental health services, substance use disorder treatment services, or services to persons with co-occurring disorders.

(2) Minimum standards for licensed behavioral health service providers shall, at a minimum, establish: Qualifications for staff providing services directly to persons with mental disorders, substance use disorders, or both, the intended result of each service, and the rights and responsibilities of persons receiving behavioral health services pursuant to this chapter. The secretary shall provide for deeming of licensed behavioral health service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between behavioral health service providers.

(4) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(5) No licensed behavioral health service provider may advertise or represent itself as a licensed behavioral health service provider if approval has not been granted, has been denied, suspended, revoked, or canceled.

(6) Licensure as a behavioral health service provider is effective for one calendar year from the date of issuance of the license. The license must specify the types of services provided by the behavioral health service provider that meet the standards adopted under this chapter. Renewal of a license must be made in

accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(7) Licensure as a licensed behavioral health service provider must specify the types of services provided that meet the standards adopted under this chapter. Renewal of a license must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensed behavioral health service providers may not provide types of services for which the licensed behavioral health service provider has not been certified. Licensed behavioral health service providers may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(9) The department periodically shall inspect licensed behavioral health service providers at reasonable times and in a reasonable manner.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed behavioral health service provider refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(11) The department shall maintain and periodically publish a current list of licensed behavioral health service providers.

(12) Each licensed behavioral health service provider shall file with the department upon request, data, statistics, schedules, and information the department reasonably requires. A licensed behavioral health service provider that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license revoked or suspended.

(13) The department shall use the data provided in subsection (12) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(14) Any settlement agreement entered into between the department and licensed behavioral health service providers to resolve administrative complaints, license violations, license suspensions, or license revocations may not reduce the number of violations reported by the department unless the department concludes, based on evidence gathered by inspectors, that the licensed behavioral health service provider did not commit one or more of the violations.

(15) In cases in which a behavioral health service provider that is in violation of licensing standards attempts to transfer or sell the behavioral health service provider to a family member, the transfer or sale may only be made for the purpose of remedying license violations and achieving full compliance with the terms of the license. Transfers or sales to family members are prohibited in cases in which the purpose of the transfer or sale is to avoid liability or reset the number of license violations found before the transfer or sale. If the department finds that the owner intends to transfer or sell, or has completed the transfer or sale of, ownership of the behavioral health service provider to a family member solely for the purpose of resetting the number of violations found before the transfer or sale, the department may not renew the

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behavioral health service provider's license or issue a new license to the behavioral health service provider."
Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5705.

Senators Becker and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5705.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5705 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5713 with the following amendment(s): 5713-S AMH HE H2516.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 12. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of commerce.
- (2) "Eligible applicant" means any government entity or any nongovernment entity, association, or organization that is not a private vocational school, that:
 - (a) Offers, or plans to offer, a skilled worker awareness program; and
 - (b) Has partnered with industry to either offer or fund a skilled worker awareness program.
- (3) "Grant program" means the skilled worker outreach, recruitment, and career awareness grant program.

(4) "Grant review committee" means the skilled worker outreach, recruitment, and career awareness grant program review committee created in section 5 of this act.

(5) "Matching grant" means a grant funded by the state to match funding provided by an eligible applicant to support efforts to increase the state's skilled workforce.

(6) "Skilled worker awareness program" means a program designed to increase awareness of, and enrollment in, accredited educational, occupational, state-approved preapprenticeship, apprenticeship, and similar training programs that: (a) Train individuals to perform skills needed in the workforce; and (b) award industry or state-recognized certificates, credentials, associate degrees, professional licenses, or similar evidence of achievement but not including bachelor's or higher degrees.

NEW SECTION. Sec. 13. (1) Subject to availability of amounts appropriated for this specific purpose, the skilled worker outreach, recruitment, and career awareness grant program is created. The purpose of the grant program is to increase the state's skilled workforce by raising awareness of the state's worker training programs.

(2)(a) Under the grant program, the department must award matching grants to eligible applicants that will engage in outreach and recruiting efforts to increase enrollment in and completion of worker training programs.

(b) Recipients of the grant must provide matching cash funding. The recipient's match must be two dollars for each one dollar of the grant. The recipient's match may not be in the form of in-kind contributions.

NEW SECTION. Sec. 14. (1) The department shall administer the grant program and establish a process for accepting grant applications, including application guidelines and deadlines.

(2) By January 1, 2018, and annually no later than January 1st thereafter, the department shall start accepting grant applications.

NEW SECTION. Sec. 15. (1) To be considered for a matching grant, an eligible applicant must include, at a minimum, the following information in its application:

- (a) A description of how the matching grant will be used to provide outreach, education, and recruitment for training programs;
- (b) A description of the training programs the applicant plans to promote, the particular skills taught by that training program, and the number of years the training program has been in operation;
- (c) Past, current, and projected enrollment in the training program the applicant plans to promote and the estimated increases in enrollment, if the training program has been in existence;
- (d) If the applicant is promoting an existing training program, a comparison of the number of participants who enroll in the training program and the number of participants who complete the program over a five-year period, if available;
- (e) Specific industry needs or gaps in the workforce that the training program will or does address;
- (f) A description of intended or existing partnerships with industry members, including those where training program participants will have the opportunity to earn income or credit hours;
- (g) Costs or the anticipated costs to implement the skilled worker awareness program;
- (h) Resources that the eligible applicant will commit in matching dollars and, if the applicant already has a skilled worker awareness program, existing resources that the applicant has invested in recruiting, outreach, and funding of its skilled worker awareness program; and
- (i) Any other information the department requires.

(2) Upon receipt of an application that satisfies the requirements in this section, the department must send the application to the grant review committee for its consideration.

NEW SECTION. Sec. 16. (1) The department must establish a grant review committee to review grant applications and make recommendations on who should receive a matching grant and the amount. The grant review committee must consist of eleven members with representatives from the following:

- (a) The department of labor and industries;
- (b) The employment security department;
- (c) The department of enterprise services;
- (d) The workforce training and education coordinating board;
- (e) The state board for community and technical colleges;
- (f) Two representatives from business;
- (g) Two representatives from labor; and
- (h) Two representatives from the Washington apprenticeship and training council.

(2) The grant review committee shall designate a chair to oversee the committee's meetings.

(3) The grant review committee shall establish criteria for ranking eligible applicants for matching grant awards. The grant review committee shall consider and rank eligible applicants based on which applicants currently are able to or have the best potential to:

- (a) Reach a broad diverse audience, including populations with barriers as identified in the state's comprehensive workforce training and education plan, through their recruitment and outreach efforts;
- (b) Collaborate with and utilize centers of excellence within the community and technical college system;
- (c) Significantly increase enrollment and completion of the training program the applicant plans to promote;
- (d) Fill existing needs for skilled workers in the market; and
- (e) Demonstrate the following, prioritized in the following order:
 - (i) That the eligible applicant will provide monetary contributions from its own resources; and
 - (ii) That the eligible applicant has secured:
 - (A) An industry partner; or
 - (B) Monetary contributions from an industry partner, conditional job placement guarantees, or articulation agreements.

(4) The grant review committee shall submit its recommendations to the director of the department, who shall determine to whom and in what amounts to award matching grants. Matching grants must be awarded no later than April 1st each year following the application submittal deadline.

NEW SECTION. Sec. 17. Grant recipients may not use matching grants for tuition subsidies or to reduce tuition for any training program.

NEW SECTION. Sec. 18. (1) Each eligible applicant that receives a matching grant shall submit a quarterly report and an annual report to the grant review committee on the outcomes achieved. The grant recipient shall include in the report at least the following measurable outcomes:

- (a) The manner in which the grant recipient has used the matching grant for outreach and recruitment;
- (b) The number of participants enrolled in and the number of participants who completed the training program being promoted, both before the matching grant was awarded and since the matching grant was received;
- (c) The number of participants who obtained employment in an industry for which the participant was trained under the training program promoted by the recipient, including information about the industry in which the participants are employed;
- (d) The number of participants recruited; and
- (e) Any other information the grant review committee determines appropriate.

(2) By December 1, 2019, and by each December 1st thereafter, the grant review committee shall submit an annual report to the governor and appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036. The report must include:

- (a) The number of matching grants awarded in the prior year, including the amount, recipient, and duration of each matching grant;
- (b) The number of individuals who enrolled in and completed training programs promoted by each grant recipient;
- (c) The number of individuals who obtained employment in a position that uses the skills for which they were trained through a training program promoted by a grant recipient; and
- (d) Other information obtained from grant recipients' reports under subsection (1) of this section.

NEW SECTION. Sec. 19. To assist with implementation of the grant program, the department, in coordination with the workforce training and education coordinating board and the workforce training customer advisory committee, shall coordinate skilled worker awareness programs throughout the state. The coordination must include:

- (1) Partnering with industry associations, labor-management programs, and businesses to assess and determine their workforce needs; and
- (2) Coordinating with training program providers on skill sets being developed and the quality of students being trained.

NEW SECTION. Sec. 20. The skilled worker outreach, recruitment, and career awareness grant program account is created in the custody of the state treasurer. The department shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the skilled worker outreach, recruitment, and career awareness grant program and private contributions to the program. Expenditures from the account shall only be used for matching grants provided to grant recipients. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 21. This chapter expires July 1, 2022.

NEW SECTION. Sec. 22. Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5713.

Senators Wilson and Palumbo spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5713.

The motion by Senator Wilson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5713 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5713, as amended by the House.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5713, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

SUBSTITUTE SENATE BILL NO. 5713, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5285 with the following amendment(s): 5285-S2 AMH HE H2470.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 23. (1) The legislature finds that the agriculture, environment, outdoor recreation, and natural resources economic sectors can offer rewarding career paths for students who are interested in the natural world and are excited by the idea of having a career with outdoor opportunities. Not only are these careers currently available to students, but the United States department of agriculture predicts, in their recent report on employment opportunities for college graduates in food, agriculture, renewable natural resources, outdoor recreation, and the environment, that employment opportunities in these fields are expected to increase.

(2) The legislature further finds that thousands of Washington students do not have access to the types of education that are necessary to guide them down the pathways leading to marketable job skills and productive careers in the agriculture, environment, outdoor recreation, and natural resources economic sectors. Long-term career success in these fields require the ability to identify, apply, and integrate concepts from science, technology, engineering, and mathematics as they specifically relate to the agriculture, environment, outdoor recreation, and natural resources economic sectors and the sectors' related careers.

(3) The legislature further finds that students will have the information they need to consider careers in the agriculture, environment, outdoor recreation, and natural resources economic sectors if educators are provided with actual applications of how to put integrated learning into action and facilitating experiences that allow students to get outdoors and learn in real-world and community-connected environments.

(4) The legislature further finds that the economic opportunities available for students interested in agriculture, natural resources, outdoor recreation, or the environment can be more readily unlocked if educators are provided with information on worker demand and qualifications so that they are equipped to assist students to access the economic opportunity and help make connections between education and outdoor careers. The information needed by educators to make these connections can

be accomplished through a statewide workforce study of potential jobs in these fields.

NEW SECTION. Sec. 24. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the workforce training and education coordinating board shall conduct a workforce assessment for the agriculture, natural resources, outdoor recreation, and environment sectors. The purpose of the study is to assess the available data on current and projected employment levels and hiring demand for skilled mid-level workers in the agriculture, environment, outdoor recreation, and natural resources economic sectors in the state. Ultimately, this information is being collected so that educators have better information available as they develop programs for informing students about potential careers.

(b) The study must use a broad definition for the mid-level skilled occupations included in the study and identify up to five regions of the state based on the specific workforce characteristics of agriculture, natural resources, outdoor recreation, and environment employers.

(2) The study required by this section must, at a minimum:

(a) Include assessment of:

(i) Data from the employment security department on the current and projected levels of employment and net job vacancies;

(ii) Data used by workforce development councils in identifying demand for workers in their areas;

(iii) Data from the United States census bureau; and

(iv) Data from the United States census bureau's longitudinal employer-household dynamics dataset.

(b) Identify and interview a sample of major employers from the agriculture, environment, outdoor recreation, and natural resources economic sectors in each region to assess employers' perspective and expectations on employment and hiring of skilled mid-level workers in their industry and area. The study must also include an assessment of food and fiber processing jobs in the state.

(3) In conducting any study pursuant to this section, the workforce training and education coordinating board must convene and consult with a steering committee to define the scope of mid-level skilled occupations considered, validate designation of specific regions to be analyzed, and assist in the design of information collection. The steering committee must include representatives of statewide business organizations and a delegate of the state board for community and technical colleges who will be staff.

(4) In implementing this section, the workforce training and education coordinating board may complete the work directly or, at its discretion, contract the assignment, or portions of the assignment, to a third party or parties chosen by the workforce training and education coordinating board. However, the final delivered product must be reported under the workforce training and education coordinating board.

(5) The report must include recommendations on current sources that provide the most representative and useful information for educators and counselors, further steps to improve the specificity, timeliness, and quality of information available on skilled workforce needs and issues in the areas of the state, and steps necessary to extend this work both into entry level and advanced level occupations, and into identification of specific skills that are key to enabling workers to be productive in this sector.

(6) Consistent with RCW 43.01.036, the study required by this section must be completed and the results reported to the legislature by October 15, 2018.

(7) This section expires June 30, 2019."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wilson moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5285.

Senator Wilson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5285.

The motion by Senator Wilson carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5285 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5285, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5285, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5285, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5402 with the following amendment(s): 5402-S AMH TR H2395.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 25.** The legislature finds that Washington state is the nation's number one "Bike Friendly State." However, people who bike encounter road safety dangers that result in severe injury and death. Bicycle ridership has significantly increased over the last ten years, and the number of injuries and fatalities are also on the rise, despite the five percent annual reduction goal. The Cooper Jones act of 1998 laid the groundwork to begin a focus on bicycle safety and education. It is the intent of the legislature that the Cooper Jones bicycle safety advisory council continue that work with a focus on a review of best practices for the reduction and eventual elimination of bicycle-related injuries and fatalities in contribution to Washington state's adoption of Target Zero.

NEW SECTION. **Sec. 26.** A new section is added to chapter 43.59 RCW to read as follows:

(1) Within amounts appropriated to the traffic safety commission, the commission must convene the Cooper Jones bicyclist safety

advisory council comprised of stakeholders who have a unique interest or expertise in bicyclist and road safety.

(2) The purpose of the council is to review and analyze data related to bicyclist fatalities and serious injuries to identify points at which the transportation system can be improved and to identify patterns in bicyclist fatalities and serious injuries.

(3)(a) The council may include, but is not limited to:

(i) A representative from the commission;

(ii) An emergency medical technician from the county in which the most bicyclist deaths have occurred;

(iii) A representative from the Washington association of sheriffs and police chiefs;

(iv) Multiple members of law enforcement who have investigated bicyclist fatalities;

(v) A traffic engineer;

(vi) A representative from the department of transportation;

(vii) A representative of cities, and up to two stakeholders, chosen by the council, who represent municipalities in which at least one bicyclist fatality has occurred in the previous three years;

(viii) A representative from a bicyclist advocacy group;

(ix) A transportation planner with a focus on multimodal planning;

(x) A public health official, researcher, or epidemiologist; and

(xi) A member of an academic transportation research organization, such as the transportation research board.

(b) The commission may invite other representatives of stakeholder groups to participate in the council as deemed appropriate by the commission. Additionally, the commission may invite a victim or family member of a victim to participate in the council.

(4) The council must meet at least quarterly. By December 31st of each year, the council must issue an annual report detailing any findings and recommendations to the governor and the transportation committees of the legislature. The commission must provide the annual report electronically to all municipal governments and state agencies that participated in the council during that calendar year. Additionally, the council must report any budgetary or fiscal recommendations to the office of financial management and the legislature by August 1, 2018.

(5) As part of the review of bicyclist fatalities and serious injuries that occur in Washington, the council may review any available information, including accident information maintained in existing databases; statutes, rules, policies, or ordinances governing bicyclists and traffic related to the incidents; and any other relevant information. The council may make recommendations regarding changes in statutes, ordinances, rules, and policies that could improve bicyclist safety. Additionally, the council may make recommendations on how to improve traffic fatality and serious injury data quality.

(6)(a) Documents prepared by or for the council are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a review by the council, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by the council. For confidential information, such as personally identifiable information and medical records, which are obtained by the council, neither the commission nor the council may publicly disclose such confidential information. No person who was in attendance at a meeting of the council or who participated in the creation, retention, collection, or maintenance of information or documents specifically for the commission or the council shall be permitted to testify in any civil action as to the content of such proceedings or of the documents and information prepared specifically as part of the activities of the council. However,

recommendations from the council and the commission generally may be disclosed without personal identifiers.

(b) The council may review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary: Any law enforcement incident documentation, such as incident reports, dispatch records, and victim, witness, and suspect statements; any supplemental reports, probable cause statements, and 911 call taker's reports; and any other information determined to be relevant to the review. The commission and the council must maintain the confidentiality of such information to the extent required by any applicable law.

(7) If acting in good faith, without malice, and within the parameters of and protocols established under this chapter, representatives of the commission and the council are immune from civil liability for an activity related to reviews of particular fatalities and serious injuries.

(8) This section must not be construed to provide a private civil cause of action.

(9)(a) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend the gifts, grants, or endowments from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560.

(b) Subject to the appropriation of funds for this specific purpose, the council may provide grants targeted at improving bicyclist safety in accordance with recommendations made by the council.

(10) By December 1, 2018, the council must report to the transportation committees of the legislature on the strategies that have been deployed to improve bicyclist safety by the council and make a recommendation as to whether the council should be continued and if there are any improvements the legislature can make to improve the council.

(11) For purposes of this section:

(a) "Bicyclist fatality" means any death of a bicyclist resulting from a collision with a vehicle, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(b) "Council" means the Cooper Jones bicyclist safety advisory council.

(c) "Serious injury" means any injury other than a fatal injury that prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred.

(12) This section expires June 30, 2019."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5402.

Senator Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5402.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5402 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Short

SUBSTITUTE SENATE BILL NO. 5402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5470 with the following amendment(s): 5470-S.E AMH ENVI H2465.2

Strike everything after the enacting clause and insert the following:

"Sec. 27. RCW 78.60.010 and 1974 ex.s. c 43 s 1 are each amended to read as follows:

The public has a direct interest in the safe, orderly, and nearly pollution-free development of the geothermal resources of the state, as ~~((hereinafter in RCW 79.76.030(1)))~~ defined in RCW 78.60.030. The legislature hereby declares that it is in the best interests of the state to further the development of geothermal resources for the benefit of all of the citizens of the state while at the same time fully providing for the protection of the environment. The development of geothermal resources shall be so conducted as to protect the rights of landowners, other owners of interests therein, and the general public. In providing for such development, it is the purpose of this chapter to provide for the orderly exploration, safe drilling, production, and proper abandonment of geothermal resources in the state of Washington.

Sec. 28. RCW 78.60.070 and 2007 c 338 s 1 are each amended to read as follows:

(1) Any person proposing to drill a well or redrill an abandoned well for geothermal resources shall file with the department a written application for a permit to commence such drilling or redrilling on a form prescribed by the department accompanied by a permit fee of two hundred dollars. The department shall forward a duplicate copy to the department of ecology within ten days of filing.

(2) Upon receipt of a proper application relating to drilling or redrilling the department shall set a date, time, and place for a public hearing on the application ~~(, which hearing shall be in the county in which the drilling or redrilling is proposed to be made, and shall instruct the applicant to publish notices of such application and hearing by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the drilling or~~

~~redrilling is proposed to be made and in such other appropriate information media as the department may direct)). The public hearing on the drilling application shall be in the county in which the drilling or redrilling is proposed to be made.~~

(3) Any person proposing to drill a core hole for the purpose of gathering geothermal data, including but not restricted to heat flow, temperature gradients, and rock conductivity, shall be required to obtain a single permit ~~((for each)) covering all~~ core holes according to subsection (1) of this section, including a single permit fee ~~((for each core hole, but no notice need be published, and no hearing need be held. Such core holes that penetrate more than seven hundred and fifty feet into bedrock shall be deemed geothermal test wells and subject to the payment of a permit fee and to the requirement in subsection (2) of this section for public notices and hearing. In the event geothermal energy is discovered in a core hole, the hole shall be deemed a geothermal well and subject to the permit fee, notices, and hearing)).~~ Such core holes as described by this subsection are not required to be the subject of a public hearing but are subject to all other provisions of this chapter, including a bond or other security as specified in RCW 78.60.130.

(4) All moneys paid to the department under this section shall be deposited with the state treasurer for credit to the general fund.

Sec. 29. RCW 78.60.120 and 1974 ex.s. c 43 s 12 are each amended to read as follows:

(1) Before any operation to plug and abandon or suspend the operation of any well is commenced, the owner or operator shall submit in writing a notification of abandonment or suspension of operations to the department for approval. No operation to abandon or suspend the operation of a well shall commence without approval by the department. The department shall respond to such notification in writing within ten working days following receipt of the notification.

(2) Failure to abandon or suspend operations in accordance with the method approved by the department shall constitute a violation of this chapter, and the department shall take appropriate action under the provisions of RCW ~~((79.76.270))~~ 78.60.270." Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Brown moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5470.

Senators Brown and Carlyle spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brown that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5470.

The motion by Senator Brown carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5470 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5470, as amended by the House.

MOTION

On motion of Senator Saldaña, Senator Liias was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5470, as amended by the House, and

the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Liias

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5581 with the following amendment(s): 5581 AMH SANT H2483.4

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 30.** This chapter is intended to provide authority for two or more public benefit hospital entities to participate in a joint self-insurance program covering property or liability risks. This chapter provides public benefit hospital entities with the exclusive source of authority to jointly self-insure property and liability risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services with other public benefit hospital entities, except as otherwise provided in this chapter. This chapter must be liberally construed to grant public benefit hospital entities maximum flexibility in jointly self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every joint self-insurance program. In addition, this chapter is intended to require every joint self-insurance program for public benefit hospital entities established under this chapter to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW or industrial insurance under chapter 51.14 RCW.

NEW SECTION. **Sec. 31.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Hospital services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services provided in a hospital setting.

(2) "Property and liability risks" include the risk of property damage or loss sustained by a public benefit hospital entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the entity.

(3) "Public benefit hospital entity" means any of the following:

(a) A public hospital district organized under the laws of this state or another state and any agency or instrumentality of a public hospital district including, but not limited to, a legal entity created to conduct a joint self-insurance program for public hospital

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districts that is operating in accordance with chapter 48.62 RCW; or

(b) A nonprofit corporation, whether organized under the laws of this state or another state, that meets the following requirements:

(i) The nonprofit corporation operates one or more hospitals each of which is licensed for three hundred sixty or fewer beds by the department of health pursuant to chapter 70.41 RCW; and

(ii) The nonprofit corporation is engaged in providing hospital services.

(4) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(5) "State risk manager" means the risk manager of the office of risk management within the department of enterprise services.

NEW SECTION. Sec. 32. (1) The governing body of a public benefit hospital entity may join or form a self-insurance program together with one or more other public benefit hospital entities, and may jointly purchase insurance or reinsurance with one or more other public benefit hospital entities for property and liability risks only as permitted under this chapter. Public benefit hospital entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program may include the organization of a separate legal or administrative entity with powers delegated to the entity.

(3) If provided for in the organizational documents, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in a form and amount as provided for in the organizational documents;

(e) Obligate the program's participants to pledge revenues or contribute money to secure the obligations or pay the expenses of the program, including the establishment of a reserve or fund for coverage; and

(f) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(4) Every joint self-insurance program governed by this chapter must appoint the state risk manager as its attorney to receive service of, and upon whom must be served, all legal process issued against the program in this state upon causes of action arising in this state.

(a) Service upon the state risk manager as attorney constitutes service upon the program. Service upon joint self-insurance programs subject to this chapter may only occur by service upon the state risk manager. At the time of service, the plaintiff shall pay to the state risk manager a fee to be set by the state risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the state risk manager, each joint self-insurance program must designate by name and address the person to whom the state risk manager must forward legal process that is served upon him or her. The joint self-insurance program may change this person by filing a new designation.

(c) The appointment of the state risk manager as attorney is irrevocable, binds any successor in interest or to the assets or liabilities of the joint self-insurance program, and remains in effect as long as there is in force in this state any contract made

by the joint self-insurance program or liabilities or duties arising from the contract.

(d) The state risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, must be sent by the state risk manager to the person designated to receive legal process by the joint self-insurance program in its most recent designation filed with the state risk manager. Proceedings must not commence against the joint self-insurance program, and the program must not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the state risk manager.

NEW SECTION. Sec. 33. This chapter does not apply to a public benefit hospital entity that:

(1) Individually self-insures for property and liability risks; or

(2) Participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, regulated under chapter 48.92 RCW, is a captive insurer authorized in its state of domicile, or participates in a local government risk pool formed under chapter 48.62 RCW.

NEW SECTION. Sec. 34. The state risk manager shall adopt rules governing the management and operation of joint self-insurance programs for public benefit hospital entities that cover property or liability risks. All rules must be appropriate for the type of program and class of risk covered. The state risk manager's rules must include:

(1) Standards for the management, operation, and solvency of joint self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures;

(3) Standards for contracts between joint self-insurance programs and private businesses, including standards for contracts between third-party administrators and programs; and

(4) Standards that preclude public hospital districts or other public entities participating in the joint self-insurance program from subsidizing, regardless of the form of subsidy, public benefit hospital entities that are not public hospital districts or public entities. These standards do not apply to the consideration attributable to the ownership interest of a public hospital district or other public entity in a separate legal or administrative entity organized with respect to the program.

NEW SECTION. Sec. 35. Before the establishment of a joint self-insurance program covering property or liability risks by public benefit hospital entities, the entities must obtain the approval of the state risk manager. The entities proposing the creation of a joint self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager that provides at least the following information:

(1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations;

(2) The amount and method of funding the covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the joint self-insurance program;

(5) The legal form of the program including, but not limited to, any articles of incorporation, bylaws, charter, or trust agreement or other agreement among the participating entities;

(6) The agreements with participants in the program defining the responsibilities and benefits of each participant and management;

(7) The proposed accounting, depositing, and investment practices of the program;

- (8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;
- (9) A designation of the individual to whom service of process must be forwarded by the state risk manager on behalf of the program;
- (10) All contracts between the program and private persons providing risk management, claims, or other administrative services;
- (11) A professional analysis of the feasibility of the creation and maintenance of the program;
- (12) A legal determination of the potential federal and state tax liabilities of the program; and
- (13) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

NEW SECTION. Sec. 36. A public benefit hospital entity may participate in a joint self-insurance program covering property or liability risks with similar public benefit hospital entities from other states if the program satisfies the following requirements:

- (1) An ownership interest in the program is limited to some or all of the public benefit hospital entities of this state and public benefit hospital entities of other states that are provided insurance by the program;
 - (2) The participating public benefit hospital entities of this state and other states shall elect a board of directors to manage the program, a majority of whom must be affiliated with one or more of the participating public benefit hospital entities;
 - (3) The program must provide coverage through the delivery to each participating public benefit hospital entity of one or more written policies affecting insurance of covered risks;
 - (4) The program must be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;
 - (5) The financial statements of the program must be audited annually by the certified public accountants for the program, and these audited financial statements must be delivered to the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;
 - (6) The investments of the program must be initiated only with financial institutions or broker-dealers, or both, doing business in those states in which participating public benefit hospital entities are located, and these investments must be audited annually by the certified public accountants for the program;
 - (7) The treasurer of a multistate joint self-insurance program must be designated by resolution of the program and the treasurer must be located in the state of one of the participating entities;
 - (8) The participating entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, retrospective premiums, or assessments, if assets of the program are insufficient to cover the program's liabilities; and
 - (9) The program must obtain approval from the state risk manager in accordance with this chapter and must remain in compliance with this chapter, except if provided otherwise under this section.
- NEW SECTION. Sec. 37.** (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove of the formation of the joint self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.
- (2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) If the state risk manager determines that a joint self-insurance program covering property or liability risks is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by certified mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the attorney general of the violation.

(c) After hearing or with the consent of a program governed under this chapter and in addition to or in lieu of a continuation of the cease and desist order, the state risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying the fine must specify the period within which the fine must be fully paid. The period within which the fine must be paid must not be less than fifteen and no more than thirty days from the date of the order. Upon failure to pay the fine when due, the state risk manager shall request the attorney general to bring a civil action on the state risk manager's behalf to collect the fine. The state risk manager shall pay any fine collected to the state treasurer for the account of the general fund.

(4) Each joint self-insurance program approved by the state risk manager shall annually file a report with the state risk manager providing:

- (a) Details of any changes in the articles of incorporation, bylaws, charter, or trust agreement or other agreement among the participating public benefit hospital entities;
- (b) Copies of all the insurance coverage documents;
- (c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;
- (d) An actuarial analysis;
- (e) A list of contractors and service providers;
- (f) The financial and loss experience of the program; and
- (g) Other information as required by rule of the state risk manager.

(5) A joint self-insurance program requiring the state risk manager's approval may not engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the state risk manager shall specify in detail the reasons for the denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 38. (1) A joint self-insurance program may by resolution of the program designate a person having experience with investments or financial matters as treasurer of the program. The program must require a bond obtained from a surety company in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

(2) All interest and earnings collected on joint self-insurance program funds belong to the program and must be deposited to the program's credit in the proper program account.

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NEW SECTION. Sec. 39. (1) An employee or official of a participating public benefit hospital entity in a joint self-insurance program may not directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. An employee or official of a participating public benefit hospital entity in a joint self-insurance program may not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) RCW 48.30.140, 48.30.150, and 48.30.157 apply to the use of insurance producers by a joint self-insurance program.

NEW SECTION. Sec. 40. A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, fees assessed under chapter 48.02 RCW, chapters 48.32 and 48.32A RCW, business and occupation taxes imposed under chapter 82.04 RCW, and any assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to, and no exemption is provided for, insurance companies issuing policies to cover program risks, and does not apply to or provide an exemption for third-party administrators or insurance producers serving the joint self-insurance program.

NEW SECTION. Sec. 41. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a joint self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations must be charged to the joint self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

NEW SECTION. Sec. 42. (1) Any person who files reports or furnishes other information required under this title, required by the state risk manager under the authority granted under this title, or which is useful to the state risk manager in the administration of this title, is immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the state risk manager, unless actual malice, fraud, or bad faith is shown.

(2) The state risk manager and his or her agents and employees are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the state risk manager unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted under this section is in addition to any common law or statutory privilege or immunity enjoyed by such person. This section is not intended to abrogate or modify in any way such common law or statutory privilege or immunity.

NEW SECTION. Sec. 43. Sections 1 through 13 of this act constitute a new chapter in Title 48 RCW."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Angel moved that the Senate concur in the House amendment(s) to Senate Bill No. 5581.

Senator Angel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Angel that the Senate concur in the House amendment(s) to Senate Bill No. 5581.

The motion by Senator Angel carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5581 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5581, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5581, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Liias

SENATE BILL NO. 5581, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5644 with the following amendment(s): 5644-S AMH CB H2449.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 44. A host district of a cooperative skill center must maintain a separate minor repair and maintenance capital account for facilities constructed or renovated with state funding. Participating school districts must make annual deposits into the account to pay for future minor repair and maintenance costs of those facilities. The host district has authority to collect those deposits by charging participating districts an annual per-pupil facility fee."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5644.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5644.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5644 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5644, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5644, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5644, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5661 with the following amendment(s): 5661 AMH APP H2607.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 45. The law enforcement officers' and firefighters' plan 2 retirement board shall study the requirement that members of plan 2 that are veterans make member contributions to the retirement plan for service credit in cases where the member left employment to serve during a specific conflict, but was not awarded a campaign badge or medal. The conflicts include: The crisis in Lebanon, the invasion of Grenada, Operation Just Cause in Panama, Operation Restore Hope in Somalia, Operation Uphold Democracy in Haiti, Operation Joint Endeavor in Bosnia, Operation Noble Eagle, Operation Enduring Freedom in Southern or Central Asia, and Operation Iraqi Freedom. The board shall work with the department of retirement systems and the military department to estimate the number of additional members that could become eligible for service credit without contributions, estimate the number of members that may be eligible for refunds if such a policy extended to past service credit purchases, and estimate the costs to the plan that would result from such policy changes. The board shall report the findings of the study to the appropriate committees of the legislature by January 1, 2018.

NEW SECTION. Sec. 46. Section 1 of this act is added to chapter 41.26 RCW, but because of its temporary nature, shall not be codified."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Senate Bill No. 5661.

Senator Rolfes spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Senate Bill No. 5661.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5661 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5661, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5661, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5661, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5404 with the following amendment(s): 5404-S AMH ED H2484.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 47. A new section is added to chapter 28A.210 RCW to read as follows:

(1) Any person, including students, parents, and school personnel, may possess topical sunscreen products to help prevent sunburn while on school property, at a school-related event or activity, or at summer camp. As excepted in RCW 28A.210.260, a sunscreen product may be possessed and applied under this section without the prescription or note of a licensed health care professional if the product is regulated by the United States food and drug administration for over-the-counter use. For student use, a sunscreen product must be supplied by a parent or guardian.

(2) Schools are encouraged to educate students about sun safety guidelines.

(3) Nothing in this section requires school personnel to assist students in applying sunscreen.

(4) As used in this section, "school" means a public school, school district, educational service district, or private school with any of grades kindergarten through twelve.

Sec. 48. RCW 28A.210.260 and 2013 c 180 s 1 are each amended to read as follows:

Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication, topical medication, eye drops, ear drops, or nasal spray, of any nature to students who are in the custody of the school district or school at the time of

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administration, but are not required to do so by this section, subject to the following conditions:

- (1) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer oral medications, topical medications, eye drops, ear drops, or nasal spray to students, the acquisition of parent requests and instructions, and the acquisition of requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication;
- (2) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;
- (3) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;
- (4) The public school district or the private school is in receipt of (a) a written, current and unexpired request from a licensed health professional prescribing within the scope of his or her prescriptive authority for administration of the medication, as there exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials, and (b) written, current and unexpired instructions from such licensed health professional prescribing within the scope of his or her prescriptive authority regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive workdays;
- (5) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to subsection (1) of this section and in substantial compliance with the prescription of a licensed health professional prescribing within the scope of his or her prescriptive authority or the written instructions provided pursuant to subsection (4) of this section. If a school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance must be administered by the school nurse. If no school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance may be administered by a trained school employee or parent-designated adult who is not a school nurse. The board of directors shall allow school personnel, who have received appropriate training and volunteered for such training, to administer a nasal spray that is a legend drug or a controlled substance. After a school employee who is not a school nurse administers a nasal spray that is a legend drug or a controlled substance, the employee shall summon emergency medical assistance as soon as practicable;
- (6) The medication is first examined by the employee administering the same to determine in his or her judgment that it appears to be in the original container and to be properly labeled; and
- (7) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to delegate to, train, and supervise the designated school district personnel in proper medication procedures;
- (8)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who

receives additional training from a health care professional or expert in epileptic seizure care selected by the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW must file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter;

(9) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy to ensure a safe, therapeutic learning environment. Training may also be provided by an epilepsy educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees must show evidence of comparable training. The parent-designated adult must also receive additional training as established in subsection (8)(a) of this section for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents;

(10) This section does not apply to topical sunscreen products regulated by the United States food and drug administration for over-the-counter use. Provisions related to possession and application of topical sunscreen products are in section 1 of this act.

NEW SECTION. Sec. 49. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district.

NEW SECTION. Sec. 50. This act may be known and cited as the student sun safety education act.

NEW SECTION. Sec. 51. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5404.

Senator Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5404.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5404 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5404, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5404, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5404, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5274 with the following amendment(s): 5274 AMH APP H2494.1

Strike everything after the enacting clause and insert the following:

"Sec. 52. RCW 43.43.120 and 2011 1st sp.s. c 5 s 6 are each amended to read as follows:

As used in this section and RCW 43.43.130 through 43.43.320, unless a different meaning is plainly required by the context:

(1) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(2) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(3)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(c) In calculating average final salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by the member during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the chief; and

(ii) Any compensation forgone by a member during the 2011-2013 fiscal biennium as a result of reduced work hours,

mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the chief. Reductions to current pay shall not include elimination of previously agreed upon future salary reductions.

(4) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(5)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrol officers; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehouse workers.

(6) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under chapter 41.45 RCW.

(7) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(8) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(9) "Director" means the director of the department of retirement systems.

(10) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.040.

(11) "Employee" means any commissioned employee of the Washington state patrol.

(12) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(13) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(14) "Member" means any person included in the membership of the retirement fund.

(15) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

(16) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(17) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(18) "Retirement board" means the board provided for in this chapter.

(19) "Retirement fund" means the Washington state patrol retirement fund.

(20) "Retirement system" means the Washington state patrol retirement system.

(21)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001, and prior to July 1, 2017. On or after July 1, 2017, salary shall exclude overtime earnings in excess of seventy hours per year in total related to either RCW 47.46.040 or any voluntary overtime.

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(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, earned prior to July 1, 2017, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay. On or after July 1, 2017, salary shall exclude overtime earnings in excess of seventy hours per year in total related to either RCW 47.46.040 or any voluntary overtime. (c) The addition of overtime earnings related to RCW 47.46.040 or any voluntary overtime earned on or after July 1, 2017, in this act is a benefit improvement that increases the member maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

(22) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(23) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(24) "State treasurer" means the treasurer of the state of Washington.

Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Senate Bill No. 5274.

Senator Conway spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Senate Bill No. 5274.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5274 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5274, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5274, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5049 with the following amendment(s): 5049 AMH JUDI H2402.1

Strike everything after the enacting clause and insert the following:

"Sec. 53. RCW 8.26.010 and 1988 c 90 s 1 are each amended to read as follows:

(1) The purposes of this chapter are:

(a) To establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of public works programs of the state and local governments in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons;

(b) To encourage and expedite the acquisition of real property for public works programs by agreements with owners, to reduce litigation and relieve congestion in the courts, to assure consistent treatment for owners affected by state and local programs, and to promote public confidence in state and local land acquisition practices;

(c) To require the state, local public agencies, and other persons who have the authority to acquire property by eminent domain under state law to comply with the provisions of this act in order to assure the fair and equitable treatment of all persons and property owners impacted by public projects.

~~(2) ((Notwithstanding the provisions and limitations of this chapter requiring a local public agency to comply with the provisions of this chapter, the governing body of any local public agency may elect not to comply with the provisions of RCW 8.26.035 through 8.26.115 in connection with a program or project not receiving federal financial assistance. Any person who has the authority to acquire property by eminent domain under state law may elect not to comply with RCW 8.26.180 through 8.26.200 in connection with a program or project not receiving federal financial assistance.~~

~~(3)) Any determination by the head of a state agency or local public agency administering a program or project as to payments under this chapter is subject to review pursuant to chapter 34.05 RCW; otherwise, no provision of this chapter may be construed to give any person a cause of action in any court.~~

~~((4)) (3) Unless otherwise prohibited by law, any state or local public agency providing a grant, loan, or matching funds for any program or project that displaces persons who are eligible for relocation assistance under this chapter may not limit, restrict, or otherwise prohibit grant, loan, or matching fund money from being used for any required relocation assistance payments.~~

(4) The governing body of any local public agency may elect not to comply with the provisions of RCW 8.26.035 through 8.26.115 in connection with a program or project not receiving federal financial assistance initiated on or before December 31, 2017.

(5) Nothing in this chapter may be construed as creating in any condemnation proceedings brought under the power of eminent

domain, any element of value or of damage not in existence immediately before March 16, 1988."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Senate Bill No. 5049.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Senate Bill No. 5049.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5049 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5049, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5049, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5049, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5391 with the following amendment(s): 5391 AMH RYUC KLEE 105

On page 3, at the beginning of line 29, strike "conversation" and insert "conservation"

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Senate Bill No. 5391.

Senator Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Senate Bill No. 5391.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5391 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5391, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5391, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5391, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5454 with the following amendment(s): 5454 AMH LG H2490.2

Strike everything after the enacting clause and insert the following:

"**Sec. 54.** RCW 52.04.061 and 2010 c 136 s 2 are each amended to read as follows:

(1) A city or town (~~lying adjacent~~) located within reasonable proximity to a fire protection district may be annexed to such district if at the time of the initiation of annexation the population of the city or town is 300,000 or less. The legislative authority of the city or town may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby. If the board of fire commissioners of the fire protection district shall concur in the annexation, notification thereof shall be transmitted to the legislative authority or authorities of the counties in which the city or town and the district are situated.

(2) (~~When a city or town is located in two counties, and at least eighty percent of the population resides in one county, all of that portion of the city lying in that county and encompassing eighty percent of the population may be annexed to a fire protection district if at the time of the initiation of annexation the proposed area lies adjacent to a fire protection district, and the population of the proposed area is greater than five thousand but less than ten thousand. The legislative authority of the city or town may initiate annexation by the adoption of an ordinance stating an intent to join the fire protection district and finding that the public interest will be served thereby. If the board of fire commissioners of the fire protection district shall concur in the annexation, notification thereof must be transmitted to the legislative authority or authorities of the counties in which the city or town and the district are situated.~~) For the purposes of this section, "reasonable proximity" means geographical areas near enough to each other so that governance, management, and services can be delivered effectively.

Sec. 55. RCW 52.04.071 and 2011 c 10 s 82 are each amended to read as follows:

The county legislative authority or authorities shall by resolution call a special election to be held in the city (~~partial city as set forth in RCW 52.04.061(2).~~) or town and in the fire protection district at the next date according to RCW 29A.04.321, and shall

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cause notice of the election to be given as provided for in RCW 29A.52.355.

The election on the annexation of the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town into the fire protection district shall be conducted by the auditor of the county or counties in which the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town and the fire protection district are located in accordance with the general election laws of the state. The results thereof shall be canvassed by the canvassing board of the county or counties. No person is entitled to vote at the election unless he or she is a qualified elector in the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town or unless he or she is a qualified elector within the boundaries of the fire protection district. The ballot proposition shall be in substantially the following form:

"Shall the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town of be annexed to and be a part of fire protection district?

YES

NO "

If a majority of the persons voting on the proposition in the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town and a majority of the persons voting on the proposition in the fire protection district vote in favor thereof, the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town shall be annexed and shall be a part of the fire protection district.

Sec. 56. RCW 52.04.081 and 2009 c 115 s 3 are each amended to read as follows:

The annual tax levies authorized by chapter 52.16 RCW shall be imposed throughout the fire protection district, including any city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town annexed thereto. Any city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town annexed to a fire protection district is entitled to levy up to three dollars and sixty cents per thousand dollars of assessed valuation less any regular levy made by the fire protection district or by a library district under RCW 27.12.390 in the incorporated area: PROVIDED, That the limitations upon regular property taxes imposed by chapter 84.55 RCW apply.

Sec. 57. RCW 52.04.091 and 2009 c 115 s 4 are each amended to read as follows:

When any city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town is annexed to a fire protection district under RCW 52.04.061 and 52.04.071, thereafter, any territory annexed by the city shall also be annexed and be a part of the fire protection district.

Sec. 58. RCW 52.04.101 and 2009 c 115 s 5 are each amended to read as follows:

The legislative body of such a city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town which has annexed to such a fire protection district(~~(,)~~) may, by resolution, present to the voters of such city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town a proposition to withdraw from said fire protection district at any general election held at least three years following the annexation to the fire protection district. If the voters approve such a proposition to withdraw from said fire protection district, the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town shall have a vested right in the capital assets of the district proportionate to the taxes levied within the corporate boundaries of the city(~~(, partial city as set forth in RCW 52.04.061(2),)~~) or town and utilized by the fire protection district to acquire such assets.

Sec. 59. RCW 52.04.111 and 2010 c 8 s 15001 are each amended to read as follows:

(1) When any city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town is annexed to a fire protection district

under RCW 52.04.061 and 52.04.071, any employee of the fire department of such city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town who (~~((1))~~): **(a)** Was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire protection district (~~((2))~~); **(b)** will, as a direct consequence of annexation, be separated from the employ of the city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town(~~(,)~~); and (~~((3))~~) **(c)** can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer his or her employment to the fire protection district as provided in this section and RCW 52.04.121 and 52.04.131.

(2) For purposes of this section and RCW 52.04.121 and 52.04.131, employee means an individual whose employment with a city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town has been terminated because the city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town was annexed by a fire protection district for purposes of fire protection.

Sec. 60. RCW 52.04.121 and 2009 c 115 s 7 are each amended to read as follows:

(1) An eligible employee may transfer into the fire protection district civil service system, if any, or if none, then may request transfer of employment under this section by filing a written request with the board of fire commissioners of the fire protection district and by giving written notice to the legislative authority of the city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town. Upon receipt of such request by the board of fire commissioners the transfer of employment shall be made. The employee so transferring will: **(a)** Be on probation for the same period as are new employees of the fire protection district in the position filled, but if the transferring employee has already completed a probationary period as a firefighter prior to the transfer, then the employee may only be terminated during the probationary period for failure to adequately perform assigned duties, not meeting the minimum qualifications of the position, or behavior that would otherwise be subject to disciplinary action(~~(,)~~); **(b)** be eligible for promotion no later than after completion of the probationary period(~~(,)~~); **(c)** receive a salary at least equal to that of other new employees of the fire protection district in the position filled(~~(,)~~); and **(d)** in all other matters, such as retirement, vacation, and sick leave, have all the rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district from the beginning of employment with the city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town fire department: PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town shall, upon receipt of such notice, transmit to the board of fire commissioners a record of the employee's service with the city, code city, (~~(partial city as set forth in RCW 52.04.061(2),)~~) or town which shall be credited to such employee as a part of the period of employment in the fire protection district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the fire protection district as the district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who

transfer as provided in this section and RCW 52.04.111 and 52.04.131 shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire protection district when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

Sec. 61. RCW 52.04.131 and 2009 c 115 s 8 are each amended to read as follows:

When a city, code city, (~~(partial city as set forth in RCW 52.04.061(2)),~~) or town is annexed to a fire protection district and as a result any employee is laid off who is eligible to transfer to the fire protection district pursuant to this section and RCW 52.04.111 and 52.04.121, the city, code city, (~~(partial city as set forth in RCW 52.04.061(2)),~~) or town shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the fire protection district.

Sec. 62. RCW 52.04.171 and 2010 c 63 s 1 are each amended to read as follows:

All property located within the boundaries of a city, (~~(partial city as set forth in RCW 52.04.061(2)),~~) or town annexing into a fire protection district, which property is subject to an excess levy by the city or town for the repayment of voter-approved indebtedness for fire protection related capital improvements incurred prior to the effective date of the annexation, is exempt from voter-approved excess property taxes levied by the annexing fire protection district for the repayment of indebtedness issued prior to the effective date of the annexation.

Sec. 63. RCW 52.06.010 and 1989 c 63 s 13 are each amended to read as follows:

(1) A fire protection district may merge with another (~~(adjacent)~~) fire protection district located within a reasonable proximity, on such terms and conditions as they agree upon, in the manner provided in this title. The fire protection districts may be located in different counties. The district desiring to merge with another district, or the district from which it is proposed that a portion of the district be merged with another district, shall be called the "merging district." The district into which the merger is to be made shall be called the "merger district." The merger of any districts under chapter 52.06 RCW is subject to potential review by the boundary review board or boards of the county in which the merging district, or the portion of the merging district that is proposed to be merged with another district, is located.

(2) For the purposes of this section, "reasonable proximity" means geographical areas near enough to each other so that governance, management, and services can be delivered effectively."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Senate Bill No. 5454.

Senator Short spoke in favor of the motion.

MOTION

On motion of Senator Saldaña, Senator Chase was excused.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Senate Bill No. 5454.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5454 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5454, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5454, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Chase

SENATE BILL NO. 5454, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5628 with the following amendment(s): 5628-S.E AMH LG H2489.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 64. A new section is added to chapter 52.02 RCW to read as follows:

(1) As an alternative to the petition method of formation for fire protection districts provided in this chapter, the legislative authority of a city or town may by resolution, subject to the approval of the voters, establish a fire protection district with boundaries that are the same as the corporate boundaries of the city or town for the provision of fire prevention services, fire suppression services, and emergency medical services, and for the protection of life and property within the city or town.

(a) Any resolution adopted by a city or town under this section to establish a fire protection district must, at a minimum:

(i) Contain a financing plan for the fire protection district. As part of the financing plan, the city or town may propose the imposition of revenue sources authorized by this title for fire protection districts, such as property taxes, as provided in chapter 52.16 RCW, or benefit charges, as provided in chapter 52.18 RCW; and

(ii) Set a date for a public hearing on the resolution.

(b) The financing plan in the resolution adopted by the city or town must contain the following information regarding property taxes that will be imposed by the fire protection district and city or town subsequent to the formation of the district:

(i) The dollar amount the fire protection district will levy in the first year in which the fire protection district imposes any of the regular property taxes in RCW 52.16.130, 52.16.140, or 52.16.160;

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(ii) The city's or town's highest lawful levy for the purposes of RCW 84.55.092, reduced by the fire protection district's levy amount from (b)(i) of this subsection. This reduced highest lawful levy becomes the city's or town's highest lawful levy since 1986 for subsequent levy limit calculations under chapter 84.55 RCW; and

(iii) The estimated aggregate net dollar amount impact on property owners within the city or town based on the changes described in (b)(i) and (ii) of this subsection (1).

(c) If a city or town proposes the initial imposition of a benefit charge as a revenue source for the fire protection district under (a) of this subsection, the resolution adopted by the city or town must comply with the requirements of RCW 52.18.030.

(d) Notice of public hearing on a resolution adopted by a city or town must be published for three consecutive weeks in a newspaper of general circulation in the city or town, and must be posted for at least fifteen days prior to the date of the hearing in three public places within the boundaries of the proposed fire protection district. All notices must contain the time, date, and place of the public hearing.

(2)(a) A resolution adopted under this section is not effective unless approved by the voters of the city or town at a general election. The resolution must be approved:

(i) By a simple majority of the voters of the city or town; or

(ii) If the resolution proposes the initial imposition of a benefit charge, by sixty percent of the voters of the city or town.

(b) An election to approve or reject a resolution forming a fire protection district, including the proposed financial plan and any imposition of revenue sources for the fire protection district, must be conducted by the election officials of the county or counties in which the proposed district is located in accordance with the general election laws of the state. If a resolution forming a fire protection district provides that the fire protection district will be governed by a board of fire commissioners, as permitted under section 6 of this act, then the initial fire commissioners must be elected at the same election where the resolution is submitted to the voters authorizing the creation of the fire protection district. The election must be held at the next general election date, according to RCW 29A.04.321 and 29A.04.330, occurring after the date of the public hearing on the resolution adopted by the city or town legislative authority. The ballot title must include the information regarding property taxes that is required to be in the financing plan of the resolution under subsection (1)(b) of this section.

(c) If a ballot proposition on the resolution is approved by voters, as provided in (a) of this subsection, the county legislative authority shall by resolution declare the fire protection district organized under the name designated in the ballot proposition.

(d) Nothing contained in this chapter may be construed to alter a municipal airport fire department or affect any powers authorized under RCW 14.08.120(2). If a question arises as to whether this chapter modifies the affairs of municipal airports in any way, the answer is no.

(3) A city or town must reduce its general fund regular property tax levy by the total combined levy of the fire protection district as proposed by the district in accordance with subsection (1)(b)(i) of this section. The reduced levy amount of the city or town must occur in the first year in which the fire protection district imposes any of the property taxes in RCW 52.16.130, 52.16.140, or 52.16.160 and must be specified in the financing plan and ballot proposition as provided in this section. If the fire protection district does not impose all three levies under RCW 52.16.130, 52.16.140, and 52.16.160 when it begins operations, the city must further reduce its general fund regular property tax levy if the district initially imposes any of the levies in subsequent years, by

the amount of such levy or levies initially imposed in a subsequent year.

NEW SECTION. Sec. 65. A new section is added to chapter 52.02 RCW to read as follows:

(1) A fire protection district may establish an ambulance service to be operated as a public utility. However, the fire protection district may not provide for the establishment of an ambulance service utility that would compete with any existing private ambulance service unless the fire protection district determines that the area served by the fire protection district, or a substantial portion of that area, is not adequately served by an existing private ambulance service.

(2) In determining the adequacy of an existing private ambulance service, the fire protection district must take into consideration objective generally accepted medical standards and reasonable levels of service, which must be published by the fire protection district. If a fire protection district makes a preliminary conclusion that an existing private ambulance service is inadequate, the fire protection district must allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and accepted levels of service. If the fire protection district makes a second preliminary conclusion of inadequacy within a twenty-four month period, the fire protection district may immediately issue a call for bids or establish its own ambulance service utility and is not required to afford the private ambulance service another sixty-day period to meet the generally accepted medical standards and reasonable levels of service.

(3) A private ambulance service that is not licensed by the department of health, or has had its license denied, suspended, or revoked, is not entitled to a sixty-day period to demonstrate adequacy, and the fire protection district may immediately issue a call for bids or establish an ambulance service utility.

(4) A private ambulance service that abandons service in the area served by the fire protection district, or a substantial portion of the area served by the fire protection district, is not entitled to a sixty-day period to demonstrate adequacy, and the fire protection district may immediately issue a call for bids or establish an ambulance service utility. If a fire protection district becomes aware of an intent to abandon service at a future date, the fire protection district may immediately issue a call for bids or establish an ambulance service utility to avoid an interruption in service.

(5) For purposes of this section, "fire protection district" means a fire protection district established by the legislative authority of a city or town pursuant to section 1 of this act.

Sec. 66. RCW 84.55.092 and 1998 c 16 s 3 are each amended to read as follows:

(1) The regular property tax levy for each taxing district other than the state may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter including any levy authorized under RCW 52.16.160 that would have been imposed but for the limitation in RCW 52.18.065, applicable upon imposition of the benefit charge under chapter 52.18 RCW.

(2) The purpose of subsection (1) of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

(3) Subsection (1) of this section does not apply to any portion of a city or town's regular property tax levy that has been reduced as

part of the formation of a fire protection district under section 1 of this act.

Sec. 67. RCW 29A.36.071 and 2015 c 172 s 3 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district or a proposed fire protection district, as provided in section 1 of this act, may exceed seventy-five words. If the local governmental unit is a city or a town, or if the ballot title is for a referendum under RCW 35.13A.115, the concise statement (~~shall~~) must be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement (~~shall~~) must be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement (~~shall~~) must be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government (~~shall~~) must be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

NEW SECTION. Sec. 68. A new section is added to chapter 52.02 RCW to read as follows:

(1) Except as provided otherwise in the resolution adopted by the legislative authority of a city or town establishing a fire protection district under section 1 of this act, all powers, duties, and functions of the city or town fire department pertaining to fire protection and emergency services of the city or town are transferred to the fire protection district on its creation date.

(2)(a) The city or town fire department must transfer or deliver to the fire protection district:

(i) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the city or town fire department pertaining to fire protection and emergency services powers, functions, and duties;

(ii) All real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the city or town fire department in carrying out the fire protection and emergency services powers, functions, and duties; and

(iii) All funds, credits, or other assets held by the city or town fire department in connection with fire protection and emergency services powers, functions, and duties.

(b) Any appropriations made to the city or town fire department for carrying out the fire protection and emergency services powers, functions, and duties of the city or town must be transferred and credited to the fire protection district.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred to the fire protection district, the legislative authority of the city or town must make a determination as to the proper allocation.

(3) All rules and all pending business before the city or town fire department pertaining to the fire protection and emergency services powers, functions, and duties transferred must be continued and acted upon by the fire protection district, and all existing contracts and obligations remain in full force and must be performed by the fire protection district.

(4) The transfer of powers, duties, functions, and personnel of the city or town fire department do not affect the validity of any act performed before creation of the fire protection district.

(5) If apportionments of budgeted funds are required because of the transfers, the treasurer for the city or town fire department must certify the apportionments.

(6)(a) Subject to (c) of this subsection, all employees of the city or town fire department are transferred to the fire protection district on its creation date. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the fire protection district, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of the city or town fire department, including rights to:

(i) Compensation at least equal to the level at the time of transfer;

(ii) Retirement, vacation, sick leave, and any other accrued benefit;

(iii) Promotion and service time accrual; and

(iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.

(b) If a city or town provides for civil service in its fire department, the collective bargaining representatives of the transferring employees and the fire protection district must negotiate regarding the establishment of a civil service system within the fire protection district.

(c) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law.

NEW SECTION. Sec. 69. A new section is added to chapter 52.14 RCW to read as follows:

(1) The members of the legislative authority of a city or town shall serve ex officio, by virtue of their office, as the fire commissioners of a fire protection district created under section 1 of this act.

(2) The legislative authority of a city or town may, within the initial resolution establishing the district's formation, relinquish governance authority of a fire protection district created under this act to an independently elected board of commissioners to be elected in accordance with RCW 52.14.060.

(3)(a) The legislative authority of a city or town may, by a majority vote of its members in an open public meeting, relinquish governance authority of a fire protection district created under this act to an appointed board of three fire commissioners at any time after formation. Each appointed commissioner serves until successors are elected at the next qualified election.

At the next qualified election, the person who receives the greatest number of votes for each commissioner position is elected to that position. The terms of office for the initial elected fire commissioners are staggered as follows:

(i) The person who is elected receiving the greatest number of votes is elected to a six-year term of office if the election is held in an odd-numbered year, or a five-year term of office if the election is held in an even-numbered year;

(ii) The person who is elected receiving the next greatest number of votes is elected to a four-year term of office if the election is

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held in an odd-numbered year, or a three-year term of office if the election is held in an even-numbered year; and

(iii) The other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year. The term of office for each subsequent commissioner is six years.

(b) If the legislative authority of a city or town relinquishes governance authority of a fire protection district after formation under this section, and that fire protection district maintains a fire department consisting wholly of personnel employed on a full-time, fully paid basis, that district shall have five fire commissioners. The terms of office for the initial elected fire commissioners are staggered as follows:

(i) The two people elected receiving the two greatest number of votes are elected to six-year terms of office if the election is held in an odd-numbered year, or five-year terms of office if the election is held in an even-numbered year;

(ii) The two people who are elected receiving the next two greatest number of votes are elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year; and

(iii) The other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year. The term of office for each subsequent commissioner is six years.

(c) If the legislative authority of a city or town relinquishes governance authority of a fire protection district after formation under this section, and that fire protection district has an annual budget of ten million dollars or more, that district must have seven fire commissioners. The terms of office for the initial elected fire commissioners are staggered as follows:

(i) The three people who are elected receiving the three greatest number of votes are elected to six-year terms of office if the election is held in an odd-numbered year, or five-year terms of office if the election is held in an even-numbered year;

(ii) The two people who are elected receiving the next two greatest number of votes are elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year; and

(iii) The other two people who are elected are elected to two-year terms of office if the election is held in an odd-numbered year, or one-year terms of office if the election is held in an even-numbered year. The term of office for each subsequent commissioner is six years.

Sec. 70. RCW 52.14.010 and 2012 c 174 s 1 are each amended to read as follows:

(1) The affairs of the district shall be managed by a board of fire commissioners composed initially of three registered voters residing in the district, except as provided otherwise in RCW 52.14.015 ((and)), 52.14.020, and section 6 of this act.

(2)(a) Each member of an elected board of fire commissioners shall each receive one hundred four dollars per day or portion thereof, not to exceed nine thousand nine hundred eighty-four dollars per year, for time spent in actual attendance at official meetings of the board or in performance of other services or duties on behalf of the district. Members serving in an ex officio capacity on a board of fire commissioners may not receive compensation, but shall receive necessary expenses in accordance with (b) of this subsection.

((In addition, they)) (b) Each member of a board of fire commissioners shall receive necessary expenses incurred in

attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firefighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

(c) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(3) The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firefighters without compensation. A commissioner actually serving as a volunteer firefighter may enjoy the rights and benefits of a volunteer firefighter.

(4) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(5) A person holding office as commissioner for two or more special purpose districts or serving ex officio as commissioner as a member of the legislative authority of a city or town shall receive only that per diem compensation authorized for one of his or her ~~((commissioner))~~ official positions as compensation for attending an official meeting or conducting official services or duties while representing more than one ~~((of his or her districts))~~ district or representing a municipality and a district. However, such commissioner may receive additional per diem compensation if approved by resolution of ~~((the))~~ the boards of ~~((the))~~ an affected commission~~((s))~~, city, or town.

Sec. 71. RCW 52.14.020 and 2012 c 174 s 2 are each amended to read as follows:

(1) In a fire protection district ~~((maintaining))~~ with elected commissioners that maintains a fire department consisting wholly of personnel employed on a full-time, fully-paid basis, there shall be five fire commissioners. A fire protection district with an annual budget of ten million dollars or more may have seven fire commissioners.

(2)(a) If two positions are created on boards of fire commissioners by this section, such positions shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general fire district election after the appointment, at which two commissioners shall be elected for six-year terms, and the other appointee to serve until the second general fire district election after the appointment, at which two commissioners shall be elected for six-year terms.

(b) If four positions are created on boards of fire commissioners by this section, such positions shall be filled initially as for a

vacancy, except that the appointees shall draw lots, three appointees to serve until the next general fire district election after the appointment, at which three commissioners shall be elected for six-year terms and two commissioners shall be elected for four-year terms, and the other appointee to serve until the second general fire district election after the appointment, at which two commissioners shall be elected for six-year terms.

Sec. 72. RCW 84.09.030 and 2012 c 186 s 17 are each amended to read as follows:

(1)(a) Except as provided in (b) (~~and~~), (c), and (d) of this subsection (1), for the purposes of property taxation and the levy of property taxes, the boundaries of counties, cities, and all other taxing districts shall be the established official boundaries of such districts existing on the first day of August of the year in which the property tax levy is made.

(b) The boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of August of that year.

(c) The boundaries of a school district that is required to receive or annex territory due to the dissolution of a financially insolvent school district under RCW 28A.315.225 must be the established official boundaries of such districts existing on the first day of September of the year in which the property tax levy is made.

(d) The boundaries of a newly established fire protection district authorized under section 1 of this act are the established official boundaries of the district as of the date that the voter-approved proposition required under section 1 of this act is certified.

(2) In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in the boundaries, is required by law to be filed in the office of the county auditor or other county official, the instrument shall be filed in triplicate. The officer with whom the instrument is filed shall transmit two copies of the instrument to the county assessor.

(3) No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5628.

Senator Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5628.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5628 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5628, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5628, as amended by the House, and

the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Chase

ENGROSSED SUBSTITUTE SENATE BILL NO. 5628, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5552 with the following amendment(s): 5552-S.E AMH JUDI H2404.1

Strike everything after the enacting clause and insert the following:

"Sec. 73. RCW 9.41.010 and 2015 c 1 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(4) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms

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license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(5) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

(6) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(7) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(8) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(9) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

(10) "Gun" has the same meaning as firearm.

(11) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(12) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(13) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(14) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(15) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(16) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(17) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(18) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(19) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(20) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(21) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

(22) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(23) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(24) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(25) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating

in an honor guard, for lawful purposes in the ordinary course of business.

(26) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(27) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(28) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

Sec. 74. RCW 9.41.113 and 2015 c 1 s 3 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

(a) The person is a licensed dealer;

(b) The purchaser or transferee is a licensed dealer; or

(c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements and fulfilling all federal and state recordkeeping requirements.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

~~((e))~~ (f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

~~((f))~~ (g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under eighteen years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; ~~((g))~~ (v) under circumstances in which the transferee and the firearm remain in the presence of the transferor; or (vi) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law; ~~((g))~~

~~((g))~~ (h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding sixty days. At the end of the sixty-day period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws; or (i) A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic.

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5552.

Senators Pedersen, Padden and Walsh spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5552.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5552 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5552, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5552, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Chase

ENGROSSED SUBSTITUTE SENATE BILL NO. 5552, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5808 with the following amendment(s): 5808-S.E AMH JUDI H2492.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 75. The legislature finds that agriculture plays a substantial role in the economy, culture, and history of Washington state. As an increasing number of Washington's citizens are removed from day-to-day agricultural experiences, agritourism provides a valuable opportunity for the public to interact with, experience, and understand agriculture. In addition, agritourism opportunities provide valuable options for farmers and ranchers and rural residents to maintain their operations and continue a traditional economic development opportunity in rural areas. Inherent risks exist on farms and ranches, some of which cannot be reasonably eliminated. Uncertainty of potential liability associated with inherent risks has a negative impact on the establishment and success of agritourism operations.

NEW SECTION. Sec. 76. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agritourism activity" means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to: Farming; ranching; historic, cultural, and on-site educational programs;

recreational farming programs that may include on-site hospitality services; guided and self-guided tours; petting zoos; farm festivals; corn mazes; harvest-your-own operations; hayrides; barn parties; horseback riding; fishing; and camping.

(2) "Agritourism professional" means any person in the business of providing one or more agritourism activities, whether or not for compensation.

(3) "Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions, natural conditions of land, vegetation, waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity, unless the participant acting in a negligent manner is a minor or is under the influence of alcohol or drugs.

(4) "Participant" means any person, other than the agritourism professional, who engages in an agritourism activity.

(5) "Person" means an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

NEW SECTION. Sec. 77. (1)(a) Except as provided in subsection (2) of this section, an agritourism professional is not liable for injury, loss, damage, or death of a participant resulting exclusively from any of the inherent risks of agritourism activities.

(b) Except as provided in subsection (2) of this section, no participant or participant's representative may pursue an action or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

(c) In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(2) Nothing in subsection (1) of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

(a) Commits an act or omission that is grossly negligent or constitutes willful or wanton disregard for the safety of the participant and that act or omission proximately causes injury, damage, or death to the participant.

(b) Has actual knowledge or reasonably should have known of an existing dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such an activity and does not make the danger known to the participant and the danger proximately causes injury, damage, or death to the participant.

(c) Permits minor participants to use facilities or engage in agritourism activities that are not reasonably appropriate for their age. This provision shall not be interpreted to relieve a parent or guardian of a minor participant of the duty to reasonably supervise the minor's participation in agritourism activities, including assessing whether the minor's participation in an agritourism activity is reasonably appropriate for his or her age.

(d) Knowingly permits participants to use facilities or engage in agritourism activities while under the influence of alcohol or drugs.

(e) Fails to warn participants as required by section 4 of this act.

(3) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

NEW SECTION. Sec. 78. (1) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (2) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The sign and contracts described in subsection (1) of this section must contain the following notice of warning:

"WARNING

Under Washington state law, there is limited liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such an injury or death results exclusively from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. We are required to ensure that in any activity involving minor children, only age-appropriate access to activities, equipment, and animals is permitted. You are assuming the risk of participating in this agritourism activity."

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section prohibits an agritourism professional from invoking the privilege of immunity provided by this section and sections 1 through 3 of this act and may be introduced as evidence in any claim for damages.

NEW SECTION. Sec. 79. Sections 1 through 4 of this act are each added to chapter 4.24 RCW."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Warnick moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5808.

Senator Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Warnick that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5808.

The motion by Senator Warnick carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5808 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5808, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5808, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille,

Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa, Kuderer and Palumbo

Excused: Senator Chase

ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

April 17, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1314,
SECOND SUBSTITUTE HOUSE BILL NO. 1402,
SUBSTITUTE HOUSE BILL NO. 1464,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 17, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1641,
SUBSTITUTE HOUSE BILL NO. 1867,
ENGROSSED HOUSE BILL NO. 2005,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 17, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1079,
SECOND SUBSTITUTE HOUSE BILL NO. 1170,
SUBSTITUTE HOUSE BILL NO. 1279,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1358,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,
ENGROSSED HOUSE BILL NO. 1595,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 17, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1038,
SUBSTITUTE HOUSE BILL NO. 1055,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1163,
SUBSTITUTE HOUSE BILL NO. 1183,
SUBSTITUTE HOUSE BILL NO. 1184,
SUBSTITUTE HOUSE BILL NO. 1200,

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SUBSTITUTE HOUSE BILL NO. 1273,
 SUBSTITUTE HOUSE BILL NO. 1275,
 SUBSTITUTE HOUSE BILL NO. 1467,
 SUBSTITUTE HOUSE BILL NO. 1605,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1612,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5834 with the following amendment(s): 5834.E AMH COG H2407.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 80. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a bonded and nonbonded spirits warehouse license for spirits warehouses that authorizes the storage and handling of bonded bulk spirits and, to the extent allowed under federal law and under rules adopted by the board, bottled spirits and the storage of tax-paid spirits not in bond. Under this license a licensee may maintain a warehouse for the storage of federally authorized spirits off the premises of a distillery for distillers qualified under RCW 66.24.140, 66.24.145, or 66.24.150, or entities otherwise licensed and permitted in this state, or bulk spirits transferred in bond from out-of-state distilleries and, to the extent allowed by federal law and under rules adopted by the board, bottled spirits, if the storage of the federally authorized spirits transferred into the state is for storage only and not for processing or bottling in the bonded spirits warehouse. A licensee must designate clearly in its license application to the board the sections of the warehouse that are bonded and nonbonded with a physical separation between such spaces. Only spirits in bond may be stored in the bonded sections of the warehouse and only spirits that have been removed from bond tax-paid may be stored in nonbonded areas of the warehouse. The proprietor of the warehouse must maintain a plan for tracking spirits being stored in the warehouse to ensure compliance with relevant bonding and tax obligations.

(2) The board must adopt similar qualifications for a spirits warehouse licensed under this section as required for obtaining a distillery license as specified in RCW 66.24.140, 66.24.145, and 66.24.150. A licensee must be a sole proprietor, a partnership, a limited liability company, a corporation, a port authority, a city, a county, or any other public entity or subdivision of the state that elects to license a bonded spirits warehouse as an agricultural or economic development activity. One or more domestic distilleries or manufacturers may operate as a partnership, corporation, business co-op, cotenant, or agricultural co-op for the purpose of obtaining a bonded and nonbonded spirits warehouse license or storing spirits in the facility under a common management and oversight agreement free of charge or for a fee.

(3) Spirits in bond may be removed from a bonded spirits warehouse for the purpose of being:

- (a) Exported from the state;
- (b) Returned to a distillery or spirits warehouse licensed under this section; or
- (c) Transferred to a distillery, spirits warehouse licensed under this section, or a licensed bottling or packaging facility.

- (4) Bottled spirits that are being removed from a spirits warehouse licensed under this section tax-paid may be:
 - (a) Transferred back to the distillery that produced them;
 - (b) Shipped to a licensed Washington spirits distributor;
 - (c) Shipped to a licensed Washington spirits retailer;
 - (d) Exported from the state; or
 - (e) Removed for direct shipping to a consumer pursuant to RCW 66.20.410.

(5) The ownership and operation of a spirits warehouse facility licensed under this section may be by a person or entity other than those described in this section acting in a commercial warehouse management position under contract for such licensed persons or entities on their behalf.

(6) A license applicant must demonstrate the right to have warehoused spirits under a valid federal permit held by a licensee who maintains ownership and title to the spirits while they are in storage in the spirits warehouse licensed under this section. The fee for this license is one hundred dollars per year.

(7) The board must adopt rules requiring a spirits warehouse licensed under this section to be physically secure, zoned for the intended use, and physically separated from any other use.

(8) The operator or licensee operating a spirits warehouse licensed under this section must submit to the board a monthly report of movement of spirits to and from a warehouse licensed under this section in a form prescribed by the board. The board may adopt other necessary procedures by which such warehouses are licensed and regulated.

(9) The board may require a single annual permit valid for a full calendar year issued to each licensee or entity warehousing spirits under this section that allows for unlimited transfers to and from such warehouse within that year. The fee for this permit is one hundred dollars per year.

(10) Handling of bottled spirits that have been removed from bond tax-paid and that reside in the spirits warehouse licensed under this section includes packaging and repackaging services; bottle labeling services; creating baskets or variety packs that may or may not include nonspirits products; and picking, packing, and shipping spirits orders on behalf of a licensed distillery direct to consumers in accordance with RCW 66.20.410. A distillery contracting with the operator of a spirits warehouse licensed under this section for handling bottled spirits must comply with all applicable state and federal laws and is responsible for financial transactions in direct to consumer shipping activities.

Sec. 81. RCW 66.24.640 and 2012 c 2 s 206 are each amended to read as follows:

Any distiller licensed under this title may act as a retailer and/or distributor to retailers selling for consumption on or off the licensed premises of spirits of its own production, and any manufacturer, importer, or bottler of spirits holding a certificate of approval may act as a distributor of spirits it is entitled to import into the state under such certificate. The board must by rule provide for issuance of certificates of approval to spirits suppliers. An industry member operating as a distributor and/or retailer under this section must comply with the applicable laws and rules relating to distributors and/or retailers, except that an industry member operating as a distributor under this section may maintain a warehouse off the distillery premises for the distribution of bottled spirits of its own production to spirits retailers within the state and for bottled foreign-made spirits that such distillery is entitled to distribute under this title, if the warehouse is within the United States and has been approved by the board."

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Baumgartner moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5834.

Senators Baumgartner and Lias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Baumgartner that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5834.

The motion by Senator Baumgartner carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5834 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5834, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5834, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille,

Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Pearson

Excused: Senator Chase

ENGROSSED SENATE BILL NO. 5834, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:23 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Tuesday, April 18, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, April 18, 2017

The Senate was called to order at 10:02 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Elaine Chavez and Miss Yasmin Olyae, presented the Colors. Page Miss Catherine Kirschbaum led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Tony Johnson of Tacoma First Nazarene Church.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Keiser moved adoption of the following resolution:

SENATE RESOLUTION
8648

By Senators Keiser, Nelson, Palumbo, Hunt, Zeiger, McCoy, Conway, Rivers, Miloscia, and Fain

WHEREAS, On June 21, 1947, Tacoma resident Harold Dahl and his son allegedly sighted six flying discs over Puget Sound near Vashon-Maury Island, an event now commonly known as "The Maury Island Incident"; and

WHEREAS, On June 22, 1947, Mr. Dahl alleges he was warned not to talk about what he saw by a man dressed in a black suit; and

WHEREAS, On June 24, 1947, pilot Kenneth Arnold alleges he saw nine unidentified flying objects ("UFO's") near Mt. Rainier; and

WHEREAS, These controversial sightings helped launch a pop culture phenomenon of UFO sightings across the United States during the summer of 1947, which became known as "The Summer of the Saucers"; and

WHEREAS, On August 8, 1947, two weeks after the Washington sightings, a UFO is alleged to have crashed outside

Roswell, New Mexico, and this alleged crash has since become the most well-known alleged UFO incident in history; and

WHEREAS, On August 1, 1947, Army Air Corp Intelligence Officers Capt. William L. Davidson and 1st Lt. Frank M. Brown, who interviewed Harold Dahl about his sighting, lost their lives when the B-25 Bomber they were piloting crashed outside of Kelso, Washington; and

WHEREAS, Following the tragic deaths of Davidson and Brown, Harold Dahl publicly claimed his sighting at Maury Island was a hoax; and

WHEREAS, Special Agents of the Federal Bureau of Investigation conducted an investigation of the deaths of Davidson and Brown and ultimately concluded that Dahl did not recant his story but that his claim of hoax was itself a fabrication to avoid further public attention and ridicule; and

WHEREAS, The FBI's conclusions and Dahl's secret were sealed for fifty years; and

WHEREAS, The Maury Island Incident and its surrounding circumstances have made immeasurable contributions to Washington State's cultural heritage and to popular culture worldwide, including most recently the 2014 award-winning motion picture "The Maury Island Incident," and the 2015 web series "The Maury Island Incident," produced in conjunction with the Washington FilmWorks Innovation Lab and Motion Picture Competitiveness Program; and

WHEREAS, On April 1, 2017, the 3rd Annual Burien UFO Festival will be held in the newest hipster hangout of downtown Olde Burien with wide community participation and good humor; and

WHEREAS, On the seventieth anniversary of the seminal UFO sightings events, the Washington State sightings should be recognized for both their prominence and primacy in the modern era of UFO popular culture;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to acknowledge the seventieth anniversary of the June 21, 1947, Maury Island Incident; the 1947 "Summer of the Saucers" popular culture phenomenon launched worldwide by these controversial events; and the first reference to the characters now popularly known as "men in black"; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize and honor the heroism and service of Army Air Corp Intelligence Officers Capt. William L. Davidson and 1st Lt. Frank M. Brown, who lost their lives following their investigation of the Maury Island Incident when their airplane crashed outside of Kelso, Washington, on August 1, 1947; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Air Force Historical Research Agency, to the Vashon-Maury Island Heritage Association, to the Des Moines Historical Society, to the Highline Historical Society, to the Burien Historical Society, to the Longview-Kelso Historical Society, and to the Washington State Historical Museum.

Senators Keiser, Nelson and Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8648.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members from the team that created the film *The Maury Island Incident*; Mr. Steve Edmiston, Writer/Producer; Mr. Scott Schaefer, Director/Producer; and Mr. John White, Executive Producer who were seated in the gallery.

MOTION

At 10:18 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Majority Coalition Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 11:43 a.m. by President Habib.

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION
8656

By Senator Padden

WHEREAS, Salvatore (Sam) F. Cozza has passed away following a combined 26 years of distinguished service as a judge on the Spokane County Superior Court and District Court benches; and

WHEREAS, Before embarking on a career in law, Judge Cozza attended Gonzaga Preparatory School, continued his Jesuit education at Gonzaga University graduating with a degree in history, and was a loyal and ardent Zags fan; and

WHEREAS, Following graduation from the University of Washington School of Law, Judge Cozza served as a Spokane County deputy prosecutor for 10 years, during which time he married his wife, Megan at St. Augustine Catholic Church in Spokane; and

WHEREAS, In 1990, Judge Cozza ran and was elected to the Spokane County District Court bench; in 1996, he ran and was elected to the Spokane County Superior Court bench, a position he held for the remainder of his life; and, beginning in 2014, Judge Cozza served as presiding judge for three years; and

WHEREAS, In addition to his outstanding reputation as a legal professional, Judge Cozza was proud of his Italian Heritage, a dedicated husband, son, friend, and father to his three children, as well as a faithful Catholic; and

WHEREAS, Throughout his career, Judge Cozza served as chair of the Superior Court Judges' Association's Criminal Law & Rules Committee, as a member of the Superior Court Judges' Association's Legislative Committee, as a former member of the Board of Governors for the District & Municipal Court Judges' Association, former chair of the Court Rules Committee of the District & Municipal Court Judges' Association, and as a member of the Time for Trial Task Force; and

WHEREAS, Over the course of his career, Judge Cozza embodied the words displayed on his bench: "Attentiveness, Patience, Fairness, Completeness – Don't rush the process or the decision;"

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life of Judge Salvatore (Sam) F. Cozza, and recognize his outstanding career and dedication to the communities he served.

Senators Padden, Pedersen, Baumgartner and Kuderer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

The motion by Senator Padden carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced family members of Judge Sam Cozza: his wife Mrs. Megan Cozza; son Joey; daughter Clare; sister Sandra and her husband Kevin McKee; extended family Maura and John Dixon and Ms. Addie Sauer; and friend Ms. Janie Slater who were seated in the gallery.

MOTION

On motion of Senator Fain, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 18, 2017

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 2017, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5011
Relating to the business corporation act.

Substitute Senate Bill No. 5012
Relating to the distribution of a Washington trust's assets to another trust.

Substitute Senate Bill No. 5031
Relating to licensing and enforcement provisions applicable to money transmitters and currency exchanges under the uniform money services act.

Senate Bill No. 5040
Relating to making revisions to the uniform business organizations code.

Engrossed Senate Bill No. 5042
Relating to authorizing funeral planning and funeral services as noninsurance benefits under group life and disability insurance policies.

Senate Bill No. 5075
Relating to dispute resolution between seed buyers and dealers.

Engrossed Senate Bill No. 5097
Relating to clarifying procedures for appointment to the Chehalis board created by chapter 194, Laws of 2016.

Substitute Senate Bill No. 5142

Relating to educational interpreters.

Senate Bill No. 5162

Relating to creating the wastewater treatment plant operator certification account.

Substitute Senate Bill No. 5185

Relating to immunity from liability for professional or trade associations providing emergency response volunteers.

Senate Bill No. 5187

Relating to modernizing county auditor statutes.

Substitute Senate Bill No. 5207

Relating to the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers.

Senate Bill No. 5237

Relating to updating workforce investment act references and making no substantive changes.

Substitute Senate Bill No. 5241

Relating to the educational success of youth who are homeless or in foster care.

Senate Bill No. 5244

Relating to the means of communication between a buyer or lessee and an auto dealer during the "bushing" period.

Substitute Senate Bill No. 5277

Relating to disqualification of judges.

Substitute Senate Bill No. 5343

Relating to notice sent by and certain release of information affecting registered tow truck operators.

Substitute Senate Bill No. 5374

Relating to state employee whistleblower protection.

Senate Bill No. 5413

Relating to physician limited licenses.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5201 with the following amendment(s): 5201-S2 AMH ELHS H2510.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 82. The legislature recognizes the need for person-centered services that enable developmentally

disabled clients to have greater access to their community regardless of the degree of each client's disability or level of acuity. The legislature further recognizes that employment is highly effective for many and should be encouraged and offered at the outset for individuals age twenty-one and older. However, for others with significant barriers to employment the state likewise recognizes the need for the availability of community access services to enhance employment discovery prospects, provide skills development, or provide community involvement and meaningful activities.

The legislature intends to maximize the benefits that clients receive through supported employment through accountability measures. These transparency measures will allow supported employment providers to demonstrate successes and provide data on client outcomes.

Sec. 83. RCW 71A.12.290 and 2012 c 49 s 1 are each amended to read as follows:

(1) Clients age twenty-one and older who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. Enrollment in an employment program begins at the time the client is authorized to receive employment.

(2)(a) Prior approval by the department shall not be required to effectuate the client's choice to transition from an employment program to community access services after verifying nine months of participation in employment-related services.

(b) The department shall permit clients to enroll in a community access program without first engaging in nine months of employment services when:

(i) Medical or behavioral health records document a condition or a combination of conditions that prevent the client from successfully participating in, engaging in, and completing nine consecutive months of supported employment services;

(ii) Employment services were not provided to the client within ninety days of referral; or

(iii) The department otherwise determines that the client should be provided an exception to engaging in nine months of employment services.

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. The department shall inform clients and their legal representatives of the ability to request an exception to the employment services participation requirement and describe the process for requesting such an exception to clients in writing. The department shall provide a written response to clients who have requested such an exception within sixty days. This written response from the department shall include a description of the reason or reasons why the request was granted or denied. Information provided to the client and the client's legal representative must include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand ~~((the existing community access program, including the consideration of options that allow for alternative service settings outside of the client's residence. The program should emphasize support for the clients so that they are~~

~~able to participate in activities that integrate them into their community and support independent living and skills)) employment services and other community access services. Community access services shall emphasize supports and activities that increase community involvement, maintain or improve skills and independence, and meet the diversity of person-centered needs.~~

~~((5) The department shall develop rules to allow for an exception to the requirement that a client participate in an employment program for nine months prior to transitioning to a community access program)) (a) Beginning July 1, 2019, the department shall allow clients age twenty-one and older who are assessed as high acuity clients to transition into the community access program after ninety days of enrollment in an employment program and subject to federal waiver approval. The department shall inform clients assessed as high acuity of the ability to transition into the community access program no later than ten days after enrollment in an employment program. For purposes of this section, "high acuity clients" means clients of the department who are receiving developmental disability services; require support in the community at all times to maintain his or her health and safety; experience significant barriers to employment or community participation; and require frequent supervision, training, or full physical assistance with community activities most of the time.~~

~~(b) The department shall permit clients assessed as high acuity clients to enroll in a community access program without first engaging in ninety days of employment services when:~~

~~(i) Medical or behavioral health records document a condition or a combination of conditions that prevent the client from successfully participating in, engaging in, and completing ninety consecutive days of supported employment services;~~

~~(ii) Employment services were not provided to the client within ninety days of referral; or~~

~~(iii) The department otherwise determines that the client should be provided an exception to engaging in ninety days of employment services.~~

NEW SECTION. Sec. 84. A new section is added to chapter 71A.12 RCW to read as follows:

(1) By December 1, 2017, the department shall adopt accountability and outcome measures to determine whether supported employment providers are achieving the employment goals of the clients that they serve. At a minimum, these accountability and outcome measures must include the following information provided annually:

(a) A description of the supported employment services provided;

(b) The number of service hours billed per client;

(c) The number of clients who obtained employment; and

(d) Of those clients who obtained employment:

(i) The number of service hours provided to the client;

(ii) The number of service hours involving direct interaction with the client while employment was being secured;

(iii) The number of hours per month clients were employed;

(iv) The amount of wages earned; and

(v) The occupation types secured by clients.

(2) By July 1, 2019, the department shall require that counties entering into new contracts for supported employment services or renewing supported employment contracts include provisions in their contracts that incorporate the accountability and outcome measures adopted by the department pursuant to this section and mechanisms for reporting data to support the accountability and outcome measures.

NEW SECTION. Sec. 85. A new section is added to chapter 71A.12 RCW to read as follows:

(1) By December 1, 2017, the department shall report to the appropriate committees of the legislature and the governor the accountability measures that were adopted for ensuring that supported employment providers achieve the employment goals of the clients that they serve pursuant to section 3 of this act.

(2) This section expires July 1, 2018.

NEW SECTION. Sec. 86. A new section is added to chapter 71A.12 RCW to read as follows:

(1) Within existing resources, the department shall consult with the office of the superintendent of public instruction to identify best practices within schools for offering transition services and employment-related services to individuals with developmental disabilities. By December 1, 2017, the department shall post the results of this consultation on its web site, as appropriate.

(2) This section expires July 1, 2018."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Fain moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5201 and ask the House to recede therefrom.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5201 and ask the House to recede therefrom.

The motion by Senator Fain carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5201 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5289 with the following amendment(s): 5289-S AMH ENGR H2609.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 87. A new section is added to chapter 46.61 RCW to read as follows:

(1) A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction and must pay a fine as provided in RCW 46.63.110(3).

(2) Subsection (1) of this section does not apply to:

(a) A driver who is using a personal electronic device to contact emergency services;

(b) The use of a system by a transit system employee for time-sensitive relay communication between the transit system employee and the transit system's dispatch services;

(c) An individual employed as a commercial motor vehicle driver who uses a personal electronic device within the scope of such individual's employment if such use is permitted under 49 U.S.C. Sec. 31136 as it existed on the effective date of this section; and

(d) A person operating an authorized emergency vehicle.

(3) The state preempts the field of regulating the use of personal electronic devices in motor vehicles while driving, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by any political subdivision or municipality

to regulate the use of a personal electronic device by the operator of a motor vehicle.

(4) A second or subsequent offense under this section is subject to two times the penalty amount under RCW 46.63.110.

(5) A finding that a person has committed an offense under this section, if that offense is the first such offense committed within five years, must not be made available to insurance companies.

(6) For purposes of this section:

(a) "Driving" means to operate a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. "Driving" does not include when the vehicle has pulled over to the side of, or off of, an active roadway and has stopped in a location where it can safely remain stationary.

(b) "Personal electronic device" means any portable electronic device that is capable of wireless communication or electronic data retrieval and is not manufactured primarily for hands-free use in a motor vehicle. "Personal electronic device" includes, but is not limited to, a cell phone, tablet, laptop, two-way messaging device, or electronic game. "Personal electronic device" does not include two-way radio, citizens band radio, or amateur radio equipment.

(c) "Use" or "uses" means:

(i) Holding a personal electronic device in either hand or both hands;

(ii) Using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; however, this does not preclude the minimal use of a finger to activate, deactivate, or initiate a function of the device;

(iii) Watching video on a personal electronic device.

NEW SECTION. Sec. 88. The following acts or parts of acts are each repealed:

(1) RCW 46.61.667 (Using a wireless communications device or handheld mobile telephone while driving) and 2013 c 224 s 15, 2010 c 223 s 3, & 2007 c 417 s 2; and

(2) RCW 46.61.668 (Sending, reading, or writing a text message while driving) and 2013 c 224 s 16, 2010 c 223 s 4, & 2007 c 416 s 1.

NEW SECTION. Sec. 89. A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) It is a traffic infraction to drive dangerously distracted. Any driver who commits this infraction must be assessed a base penalty of thirty dollars.

(b) Enforcement of the infraction of driving dangerously distracted may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction or an equivalent local ordinance.

(c) For the purposes of this section, "dangerously distracted" means a person who engages in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on any highway.

(2) The additional monetary penalty imposed under this section must be deposited into the distracted driving prevention account created in subsection (3) of this section.

(3) The distracted driving prevention account is created in the state treasury. All receipts from the base penalty in subsection (1) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support programs dedicated to reducing distracted driving and improving driver education on distracted driving.

Sec. 90. RCW 46.25.010 and 2013 c 224 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued to an individual under chapter 46.20 RCW that has been endorsed in accordance with the requirements of this chapter to authorize the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to 49 U.S.C. Sec. 31309 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial learner's permit" (CLP) means a permit issued under RCW 46.25.052 for the purposes of behind-the-wheel training.

(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds or more), whichever is greater; or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials as defined in this section; or

(e) Is a school bus regardless of weight or size.

(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, entry into a deferred prosecution program under chapter 10.05 RCW, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R. Sec. 40.3.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or

leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units. If the GVWR of any unit cannot be determined, the actual gross weight will be used. If a vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or less) has been structurally modified to carry a heavier load, then the actual gross weight capacity of the modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will be used as the GVWR.

(13) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American uniform out-of-service criteria.

(16) "Positive alcohol confirmation test" means an alcohol confirmation test that:

(a) Has been conducted by a breath alcohol technician under 49 C.F.R. Part 40; and

(b) Indicates an alcohol concentration of 0.04 or more.

A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R. Part 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.

(17) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(18) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) Driving while using a ~~((handheld wireless communications device handheld mobile telephone handheld mobile telephone.doc was not found, defined as a violation of RCW 46.61.667(1)(b)))~~ personal electronic device, defined as a violation of section 1 of this act, which includes in the activities it prohibits driving while holding a personal electronic device in either or both hands and using a hand or finger for texting, or an equivalent administrative rule or local law, ordinance, rule, or resolution;

(d) ~~(Texting, defined as a violation of RCW 46.61.668(1)(b) or an equivalent administrative rule or local law, ordinance, rule, or resolution;~~

(e)) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

~~((f))~~ (e) Driving a commercial motor vehicle without obtaining a commercial driver's license;

~~((g))~~ (f) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic violation";

~~((h))~~ (g) Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and

~~((i))~~ (h) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(19) "State" means a state of the United States and the District of Columbia.

(20) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. Sec. 40.281.

(21) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

(22) "Type of driving" means one of the following:

(a) "Nonexcepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(b) "Excepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, from all or parts of the qualification requirements of 49 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is therefore not required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(c) "Nonexcepted intrastate," which means the CDL or CLP holder or applicant operates only in intrastate commerce and is therefore subject to state driver qualification requirements; or

(d) "Excepted intrastate," which means the CDL or CLP holder or applicant operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.

(23) "United States" means the fifty states and the District of Columbia.

(24) "Verified positive drug test" means a drug test result or validity testing result from a laboratory certified under the authority of the federal department of health and human services that:

(a) Indicates a drug concentration at or above the cutoff concentration established under 49 C.F.R. Sec. 40.87; and

(b) Has undergone review and final determination by a medical review officer.

A report that a person has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. Part 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this chapter.

Sec. 91. RCW 46.52.130 and 2015 2nd sp.s. c 3 s 12 are each amended to read as follows:

Upon a proper request, the department may furnish an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

(a) An enumeration of motor vehicle accidents in which the person was driving, including:

(i) The total number of vehicles involved;

(ii) Whether the vehicles were legally parked or moving;

(iii) Whether the vehicles were occupied at the time of the accident; and

(iv) Whether the accident resulted in a fatality;

(b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(c) The status of the person's driving privilege in this state; and

(d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** An abstract of a person's driving record may be furnished to the following persons or entities:

(a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.

(ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract or that named individual's attorney, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i)(A) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(B) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (I) The employee or prospective employee that authorizes the release of the record; and (II) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes an agent to obtain this information on their

behalf, this must be noted in the statement. The statement must also note that any information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee may not be used by the employer or prospective employer, or an agent authorized to obtain this information on their behalf, unless required by federal regulation or law. The employer or prospective employer must afford the employee or prospective employee an opportunity to demonstrate that an adjudication contained in the abstract is subject to a court order sealing the juvenile record.

(C) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(D) No employer or prospective employer, nor any agent of an employer or prospective employer, may use information contained in the abstract related to an adjudication that is subject to a court order sealing the juvenile record of an employee or prospective employee for any purpose unless required by federal regulation or law. The employee or prospective employee must furnish a copy of the court order sealing the juvenile record to the employer or prospective employer, or the agent of the employer or prospective employer, as may be required to ensure the application of this subsection.

(ii) In addition to the methods described in (b)(i) of this subsection, the director may enter into a contractual agreement with an employer or its agent for the purpose of reviewing the driving records of existing employees for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agent:

(A) That has motor vehicle or life insurance in effect covering the named individual;

(B) To which the named individual has applied; or

(C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Not include any information related to a finding that a person has committed an offense for using a personal electronic device while driving a motor vehicle on a public highway under section 1 of this act if that offense is the first such offense committed within five years;

(C) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

~~((C))~~ (D) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agent, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agent, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(v) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **Attorneys—City attorneys, county prosecuting attorneys, and named individual's attorney of record.** An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys, county prosecuting attorneys, or the named individual's attorney of record. City attorneys, county prosecuting attorneys, or the named individual's attorney

of record may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031 for employment and risk management purposes.

(i) **Superintendent of public instruction.** An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(3) **Release to third parties prohibited.** Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (i) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(4) **Fee.** The director shall collect a thirteen dollar fee for each abstract of a person's driving record furnished by the department. Fifty percent of the fee must be deposited in the highway safety fund, and fifty percent of the fee must be deposited according to RCW 46.68.038.

(5) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

(6) Effective July 1, 2019, the contents of a driving abstract pursuant to this section shall not include any information related to sealed juvenile records unless that information is required by federal law or regulation.

NEW SECTION. **Sec. 92.** This act takes effect January 1, 2019."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5289 and ask the House to recede therefrom.

Senators King and Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5289 and ask the House to recede therefrom.

The motion by Senator King carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5289 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5436 with the following amendment(s): 5436 AMH SENN MORI 087

On page 8, after line 21, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Upon initiation or renewal of a contract with the department, a behavioral health organization shall reimburse a provider for a behavioral health service provided to a covered person who is under eighteen years old through telemedicine or store and forward technology if:

(a) The behavioral health organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider; and

(b) The behavioral health service is medically necessary.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health organization and provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the health care authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health organization. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A behavioral health organization may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A behavioral health organization may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit under the behavioral health organization; or

(c) An originating site or provider when the site or provider is not a contracted provider with the behavioral health organization.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(c) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

(d) "Provider" has the same meaning as in RCW 48.43.005;

(e) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(f) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and

video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

(9) The department must, in consultation with the health care authority, adopt rules as necessary to implement the provisions of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

(1) Upon initiation or renewal of a contract with the authority, a behavioral health organization shall reimburse a provider for a behavioral health service provided to a covered person who is under eighteen years old through telemedicine or store and forward technology if:

(a) The behavioral health organization in which the covered person is enrolled provides coverage of the behavioral health service when provided in person by the provider; and

(b) The behavioral health service is medically necessary.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the behavioral health organization and provider.

(3) An originating site for a telemedicine behavioral health service subject to subsection (1) of this section means an originating site as defined in rule by the department or the authority.

(4) Any originating site, other than a home, under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the behavioral health organization. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A behavioral health organization may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A behavioral health organization may subject coverage of a telemedicine or store and forward technology behavioral health service under subsection (1) of this section to all terms and conditions of the behavioral health organization in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable behavioral health care service provided in person.

(7) This section does not require a behavioral health organization to reimburse:

(a) An originating site for professional fees;

(b) A provider for a behavioral health service that is not a covered benefit under the behavioral health organization; or

(c) An originating site or provider when the site or provider is not a contracted provider with the behavioral health organization.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(c) "Originating site" means the physical location of a patient receiving behavioral health services through telemedicine;

- (d) "Provider" has the same meaning as in RCW 48.43.005;
- (e) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical or behavioral health information from an originating site to the provider at a distant site which results in medical or behavioral health diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and
- (f) "Telemedicine" means the delivery of health care or behavioral health services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.
- (9) The authority must adopt rules as necessary to implement the provisions of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 22, after "Sec. 4." insert "(1)"

- On page 8, after line 23, insert the following:
- "(2) Section 4 of this act takes effect January 1, 2018, but only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.
- (3) Section 5 of this act takes effect January 1, 2018, only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."
- Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Becker moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5436 and ask the House to recede therefrom.

Senator Becker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5436 and ask the House to recede therefrom.

The motion by Senator Becker carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5436 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5589 with the following amendment(s): 5589-S AMH COG H2442.1

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 66.24.140 and 2015 c 194 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:

- (a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;
- (b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;
- (c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee; and
- (d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum.

(2) Any distillery licensed under this section may:

- (a) Sell spirits of its own production for consumption off the premises. A distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers;
- (b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; and
- (c) Provide samples subject to the following conditions:
- (i) For the purposes of this subsection, the maximum amount of alcohol per person per day is two ounces;
- (ii) Provide free or for a charge one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. ((The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit.)) Spirits samples may be adulterated with nonalcoholic mixers, mixers with alcohol of the distiller's own production, water, and/or ice;
- (iii) Sell adulterated samples of spirits of their own production, water, and/or ice to persons on the premises at the distillery; and
- (iv) Every person who participates in any manner in the service of these samples must obtain a class 12 alcohol server permit."
- Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Baumgartner moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5589 and ask the House to recede therefrom.

Senators Baumgartner and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Baumgartner that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5589 and ask the House to recede therefrom.

The motion by Senator Baumgartner carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5589 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5762 with the following amendment(s): 5762 AMH ENVI H2480.2

Strike everything after the enacting clause and insert the following:

"Sec. 7. RCW 70.275.050 and 2014 c 119 s 5 are each amended to read as follows:

(1) Each stewardship organization must recommend to the department an environmental handling charge to be added to the price of each mercury-containing light sold in or into the state of Washington for sale at retail. The environmental handling charge must be designed to provide revenue necessary and sufficient to cover all administrative and operational costs associated with the stewardship program described in the department-approved product stewardship plan for that organization, including the department's annual fee required by subsection (5) of this section, and a prudent reserve. The stewardship organization must consult with collectors, retailers, recyclers, and each of its participating producers in developing its recommended environmental handling charge. The environmental handling charge may, but is not required to, vary by the type of mercury-containing light. In developing its recommended environmental handling charge, the stewardship organization must take into consideration and report to the department:

(a) The anticipated number of mercury-containing lights that will be sold to covered entities in the state at retail during the relevant period;

(b) The number of unwanted mercury-containing lights delivered from covered entities expected to be recycled during the relevant period;

(c) The operational costs of the stewardship organization as described in RCW 70.275.030(2);

(d) The administrative costs of the stewardship organization including the department's annual fee, described in subsection (5) of this section; and

(e) The cost of other stewardship program elements including public outreach.

(2) The department must review, adjust if necessary, and approve the stewardship organization's recommended environmental handling charge within sixty days of submittal. In making its determination, the department shall review the product stewardship plan and may consult with the producers, the stewardship organization, retailers, collectors, recyclers, and other entities.

(3) No sooner than January 1, 2015:

(a) The mercury-containing light environmental handling charge must be added to the purchase price of all mercury-containing lights sold to Washington retailers for sale at retail, and each Washington retailer shall add the charge to the purchase price of all mercury-containing lights sold at retail in this state, and the producer shall remit the environmental handling charge to the stewardship organization in the manner provided for in the stewardship plan; or

(b) Each Washington retailer must add the mercury-containing light environmental handling charge to the purchase price of all mercury-containing lights sold at retail in this state, where the retailer, by voluntary binding agreement with the producer, arranges to remit the environmental handling charge to the stewardship organization on behalf of the producer in the manner provided for in the stewardship plan. Producers may not require retailers to opt for this provision via contract, marketing practice, or any other means. The stewardship organization must allow retailers to retain a portion of the environmental handling charge

as reimbursement for any costs associated with the collection and remittance of the charge.

(4) At any time, a stewardship organization may submit to the department a recommendation for an adjusted environmental handling charge for the department's review, adjustment, if necessary, and approval under subsection (2) of this section to ensure that there is sufficient revenue to fund the cost of the program, current deficits, or projected needed reserves for the next year. The department must review the stewardship organization's recommended environmental handling charge and must adjust or approve the recommended charge within thirty days of submittal if the department determines that the charge is reasonably designed to meet the criteria described in subsection (1) of this section.

(5) Beginning March 1, 2015, and each year thereafter, each stewardship organization shall pay to the department an annual fee equivalent to ~~((five))~~ three thousand dollars for each participating producer to cover the department's administrative and enforcement costs. The amount paid under this section must be deposited into the product stewardship programs account created in RCW 70.275.130.

Sec. 8. RCW 70.275.040 and 2014 c 119 s 4 are each amended to read as follows:

(1) On June 1st of the year prior to implementation, each producer must ensure that a stewardship organization submits a proposed product stewardship plan on the producer's behalf to the department for approval. Plans approved by the department must be implemented by January 1st of the following calendar year.

(2) The department shall establish rules for plan content. Plans must include but are not limited to:

(a) All necessary information to inform the department about the plan operator and participating producers and their brands;

(b) The management and organization of the product stewardship program that will oversee the collection, transportation, and processing services;

(c) The identity of collection, transportation, and processing service providers, including a description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as an appropriate collection mechanism;

(d) How the product stewardship program will seek to use businesses within the state, including transportation services, retailers, collection sites and services, existing curbside collection services, existing mail-back services, and processing facilities;

(e) A description of how the public will be informed about the product stewardship program, including how consumers will be provided with information describing collection opportunities for unwanted mercury-containing lights from covered entities and safe handling of mercury-containing lights, waste prevention, and recycling. The description must also include information to make consumers aware that an environmental handling charge has been added to the purchase price of mercury-containing lights sold at retail to fund the mercury-containing light stewardship programs in the state. The environmental handling charge may not be described as a department recycling fee or charge at the point of retail sale;

(f) A description of the financing system required under RCW 70.275.050;

(g) How mercury and other hazardous substances will be handled for collection through final disposition;

(h) A public review and comment process; and

(i) Any other information deemed necessary by the department to ensure an effective mercury light product stewardship program that is in compliance with all applicable laws and rules.

(3) All plans submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

(4) At least two years from the start of the product stewardship program and once every four years thereafter, each stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the department for review and approval according to rules adopted by the department.

(5) By June 1, 2016, and each June 1st thereafter, each stewardship organization must submit an annual report to the department describing the results of implementing the stewardship organization's plan for the prior calendar year, including an independent financial audit once every two years. The department may adopt rules for reporting requirements. Financial information included in the annual report must include but is not limited to:

(a) The amount of the environmental handling charge assessed on mercury-containing lights and the revenue generated;

(b) Identification of confidential information pursuant to RCW 43.21A.160 submitted in the annual report; and

(c) The cost of the mercury-containing lights product stewardship program, including line item costs for:

(i) Program operations;

(ii) Communications, including media, printing and fulfillment, public relations, and other education and outreach projects;

(iii) Administration, including administrative personnel costs, travel, compliance and auditing, legal services, banking services, insurance, and other administrative services and supplies, and stewardship organization corporate expenses; and

(iv) Amount of unallocated reserve funds.

(6) Beginning in 2023 every stewardship organization must include in its annual report an analysis of the percent of total sales of lights sold at retail to covered entities in Washington that mercury-containing lights constitute, the estimated number of mercury-containing lights in use by covered entities in the state, and the projected number of unwanted mercury-containing lights to be recycled in future years.

(7) All plans and reports submitted to the department must be made available for public review, excluding sections determined to be confidential pursuant to RCW 43.21A.160, on the department's web site and at the department's headquarters.

Sec. 9. RCW 70.275.130 and 2010 c 130 s 13 are each amended to read as follows:

The product stewardship programs account is created in the custody of the state treasurer. All funds received from producers under this chapter and penalties collected under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. The department may not retain fees in excess of the estimated amount necessary to cover the agency's administrative costs over the coming year related to the mercury light stewardship program under this chapter. Beginning with the state fiscal year 2018, by October 1st after the closing of each state fiscal year, the department shall refund any fees collected in excess of its estimated administrative costs to any approved stewardship organization under this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 10. RCW 43.131.422 and 2014 c 119 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2026:

(1) RCW 70.275.010 (Findings—Purpose) and 2010 c 130 s 1;
(2) RCW 70.275.020 (Definitions) and 2014 c 119 s 2 & 2010 c 130 s 2;

(3) RCW 70.275.030 (Product stewardship program) and 2014 c 119 s 3 & 2010 c 130 s 3;

(4) RCW 70.275.040 (Submission of proposed product stewardship plans—Department to establish rules—Public review—Plan update—Annual report) and 2017 c . . . s 2 (section 2 of this act), 2014 c 119 s 4₂ & 2010 c 130 s 4;

(5) RCW 70.275.050 (Financing the mercury-containing light recycling program) and 2017 c . . . s 1 (section 1 of this act), 2014 c 119 s 5₂ & 2010 c 130 s 5;

(6) RCW 70.275.060 (Collection and management of mercury) and 2010 c 130 s 6;

(7) RCW 70.275.070 (Collectors of unwanted mercury-containing lights—Duties) and 2010 c 130 s 7;

(8) RCW 70.275.090 (Producers must participate in an approved product stewardship program) and 2010 c 130 s 9;

(9) RCW 70.275.100 (Written warning—Penalty—Appeal) and 2010 c 130 s 10;

(10) RCW 70.275.110 (Department's web site to list producers participating in product stewardship plan—Required participation in a product stewardship plan—Written warning—Penalty—Rules—Exemptions) and 2010 c 130 s 11;

(11) RCW 70.275.130 (Product stewardship programs account) and 2017 c . . . s 3 (section 3 of this act) & 2010 c 130 s 13;

(12) RCW 70.275.140 (Adoption of rules—Report to the legislature—Invitation to entities to comment on issues—Estimate of statewide recycling rate for mercury-containing lights—Mercury vapor barrier packaging) and 2010 c 130 s 14;

(13) RCW 70.275.150 (Application of chapter to the Washington utilities and transportation commission) and 2010 c 130 s 15;

(14) RCW 70.275.160 (Application of chapter to entities regulated under chapter 70.105 RCW) and 2010 c 130 s 16;

(15) RCW 70.275.900 (Chapter liberally construed) and 2010 c 130 s 17;

(16) RCW 70.275.901 (Severability—2010 c 130) and 2010 c 130 s 21; and

(17) RCW 70.275.170 and 2014 c 119 s 6."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Braun moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5762 and ask the House to recede therefrom.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5762 and ask the House to recede therefrom.

The motion by Senator Braun carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5762 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5778 with the following amendment(s): 5778 AMH HE H2468.1

Strike everything after the enacting clause and insert the following:

"Sec. 11. RCW 28B.15.012 and 2015 3rd sp.s. c 8 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the national guard who entered service as a Washington resident and

who has maintained Washington as his or her domicile but is not stationed in the state;

(i) A student who is the spouse or a dependent of a person who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state. If the person on active military duty is reassigned out-of-state, the student maintains the status as a resident student so long as the student is continuously enrolled in a degree program;

(j) A student who is entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

(k) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

~~((k))~~ (l) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for benefits under the federal all-volunteer force educational assistance program (38 U.S.C. Sec. 3001 et seq.), the federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law authorizing educational assistance benefits for veterans; and enters an institution of higher education in Washington within three years of the date of separation;

~~((l))~~ (m) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

~~((m))~~ (n) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who ~~((completed at least ninety days of active duty service and))~~ died in the line of duty ~~((and the student enters an institution of higher education in Washington within three years of the service member's death))~~;

~~((n))~~ (o) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

~~((o))~~ (p) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

~~((p))~~ (q) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

~~((q))~~ (r) A student who resides in Washington and is the spouse or a dependent of a person who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington. If the person on active military duty

moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is continuously enrolled in a degree program.

(3)(a) A student who qualifies under subsection (2)((~~(k)~~, (~~l~~), or (~~m~~)) (j), (l), (m), or (n)) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)((~~(k)~~, (~~l~~), or (~~m~~)) (j), (l), (m), or (n)) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or ((~~(m)~~)) (o) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States citizenship immigration services or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in this section and RCW 28B.15.013.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

- (a) The armed forces of the United States government; or
- (b) The Washington national guard; or
- (c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and

active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson moved that the Senate concur in the House amendment(s) to Senate Bill No. 5778.

Senators Wilson and Palumbo spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendment(s) to Senate Bill No. 5778.

The motion by Senator Wilson carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5778 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5778, as amended by the House.

MOTION

On motion of Senator Liias, Senator Hobbs was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5778, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hobbs

SENATE BILL NO. 5778, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5790 with the following amendment(s): 5790-S AMH MAYC H2686.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 12.** This act may be known and cited as the economic revitalization act.

NEW SECTION. Sec. 13. Section 1 of the growth management act of 1990 clearly states the act is to provide for sustainable economic development, and that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth. Through this act, it is the intent of the legislature to provide additional tools to help local governments provide family wage jobs, increase incomes, and increase economic opportunities for all taxpayers and residents in communities with deteriorating economies.

Sec. 14. RCW 36.70A.070 and 2015 c 241 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and

encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element ~~((shall)) may include((: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs))~~ the provisions in section 4 of this act. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. Sec. 15. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) The economic development element required by RCW 36.70A.070(7) may include the following:

(i) A summary of the local economy, such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate;

(ii) A summary of the strengths and weaknesses of the local economy, including the commercial, industrial, manufacturing, natural resource, and other locally significant economic sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources;

(iii) An identification of policies, programs, and projects to foster economic growth and development and to address future needs; and

(iv) An evaluation of whether there has been economic growth of the local economy during the prior eight years, including whether the city, town, or county median household income is above or below the state average.

(b) The economic development element should include the following:

(i) Policies and programs to promote increases in family, individual, and business incomes;

(ii) An examination of whether sites planned for economic development have adequate public facilities and services, and, as appropriate, a plan for any needed public facilities and services;

(iii) Policies and programs to encourage access to education and training for family wage jobs; and

(iv) Policies and programs to address economic development opportunities including existing industries and businesses, value added manufacturing of locally produced natural resources, and the use of locally produced energy and other natural resources.

(2) Each county and city planning under RCW 36.70A.040 is encouraged to adopt comprehensive plans and development regulations that promote economic development in urban and rural areas, and evaluate economic performance in the jurisdiction in the time since the most recent update to the comprehensive plan. Each county and city planning under RCW 36.70A.040 may make findings regarding the economic condition of the jurisdiction, including whether economic deterioration exists in the county or city. If there is stagnation or economic deterioration during the period of time since the most recent update to the comprehensive plan, the comprehensive plan and development regulations may be modified to increase economic development opportunities.

(3)(a) Rural counties, as defined in RCW 82.14.370(5), that are planning under RCW 36.70A.040, and the cities within those counties, may identify policies, programs, and development opportunities to address the potential for economic deterioration and to seize economic development opportunities.

(b) Until January 1, 2019, a rural county, as defined in RCW 82.14.370(5), may designate a limited area of more intensive rural development consistent with the requirements of RCW 36.70A.070(5) (d) (i) through (iv) and (e) if the county:

(i) Is planning under RCW 36.70A.040;

(ii) Had a population of less than fifty thousand as of January 1, 2017;

(iii) Has had a population increase of less than seventeen percent in the previous ten years; and

(iv) Has issued a finding of economic deterioration consistent with subsection (2) of this section.

(c) A limited area of more intensive rural development designated by a county under this subsection (3) must apply only to an existing area or existing use that was in existence as of July 1, 1990, or as of January 1, 2017. A limited area of more intensive rural development designated under this subsection (3) is not subject to the definitions of existing area or existing use in RCW 36.70A.070(5)(d)(v). Through the designation of a limited area of more intensive rural development under this subsection (3), a county may authorize use of a type that is different from the existing area or existing use as of July 1, 1990, or January 1, 2017.

(4) For purposes of this section, economic deterioration is exemplified by, but not limited to, any combination of the following performance outcomes:

(a) Incomes that are at least ten thousand dollars less than the statewide median household income for the same year as established by the office of financial management;

(b) A decrease in the county's household median income during any year within the prior eight years;

(c) The inability of the jurisdiction to add new full-time jobs in sufficient quantities to provide for population increases;

(d) Decreases or stagnation of economic start-ups during multiple years within the prior eight years;

(e) Unemployment rates that are higher than the national and statewide averages over multiple years within the prior eight years; and

(f) Decreases or stagnation in the issuance of commercial building permits during multiple years in the time since the comprehensive plan was last updated.

(5) A petition for review of a designation of a local area of more intense rural development under subsection (3) of this section must be directly reviewed by the superior court. The requirements of RCW 36.70A.295 (3) through (7) apply to a superior court review of a petition for review under this subsection."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5790.

Senator Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5790.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5790 by voice vote.

MOTION

On motion of Senator Saldaña, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5790, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Frockt, Hasegawa, Hunt, Kuderer, Lijas, McCoy, Nelson, Pedersen and Saldaña

Excused: Senators Hobbs and Keiser

SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5647 with the following amendment(s): 5647.E AMH ENGR H2568.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 16.** A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Home" means a single-family residential structure.

(2) "Home rehabilitation" means residential repairs and improvements that address health, safety, and durability issues in existing housing in rural areas.

(3) "Homeowner" means a person who owns and resides permanently in the home the person occupies.

(4) "Low-income" means persons or households with income at or below two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(5) "Rehabilitation agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for rehabilitating residences under this chapter and has been approved by the department.

(6) "Rural areas" means areas of Washington state defined as non-entitlement areas by the United States department of housing and urban development.

NEW SECTION. **Sec. 17.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the low-income home rehabilitation revolving loan program is created within the department.

(2) The program must include the following elements:

(a) Eligible homeowners must be low-income and live in rural areas.

(b) Homeowners who are senior citizens, persons with disabilities, families with children five years old and younger, and veterans must receive priority for loans.

(c) The cost of the home rehabilitation must be the lesser of eighty percent of the assessed value of the property post rehabilitation or forty thousand dollars.

(d) The maximum amount that may be loaned under this program may not exceed the cost of the home rehabilitation as provided in (c) of this subsection, and must not result in total loans borrowed against the property equaling more than eighty percent of the assessed value.

(e) The interest rate of the loan must be equal to the previous calendar year's annual average consumer price index compiled by the bureau of labor statistics, United States department of labor.

(f) The department must allow participating homeowners to defer repayment of the loan principal and interest and any fees related to the administration or issuance of the loan. Any amounts deferred pursuant to this section become a lien in favor of the state. The lien is subordinate to liens for general taxes, amounts deferred under chapter 84.37 or 84.38 RCW, or special

assessments as defined in RCW 84.38.020. The lien is also subordinate to the first deed of trust or the first mortgage on the real property but has priority over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded. The department must take such necessary action to file and perfect the state's lien. All amounts due under the loan become due and payable upon the sale of the home or upon change in ownership of the home.

(3) All moneys from repayments must be deposited into the low-income home rehabilitation revolving loan program account created in section 4 of this act.

(4) The department must adopt rules for implementation of this program.

NEW SECTION. Sec. 18. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must contract with rehabilitation agencies to provide home rehabilitation to participating homeowners. Preference must be given to local agencies delivering programs and services with similar eligibility criteria.

(2) Any rehabilitation agency may charge participating homeowners an administrative fee of no more than seven percent of the home rehabilitation loan amount. The administrative fee must become a component of the total loan amount to be repaid by the participating homeowner.

(3) Any rehabilitation agency receiving funding under this section must report to the department at least quarterly, or in alignment with federal reporting, whichever is the greater frequency, the project costs and the number of homes repaired or rehabilitated. The director must review the accuracy of these reports.

NEW SECTION. Sec. 19. A new section is added to chapter 43.330 RCW to read as follows:

The low-income home rehabilitation revolving loan program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the low-income home rehabilitation revolving loan program created in section 2 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 20. RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5647.

Senator Honeyford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5647.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5647 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5647, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5647, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Hobbs and Keiser

ENGROSSED SENATE BILL NO. 5647, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5336 with the following amendment(s): 5336 AMH PS H2522.1

Strike everything after the enacting clause and insert the following:

"**Sec. 21.** RCW 9A.48.070 and 2009 c 431 s 4 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding five thousand dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; ~~((or))~~

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts; or

(d) Causes an interruption or impairment of service rendered to the public by, without lawful authority, physically damaging, destroying, or removing an official ballot deposit box or ballot drop box or, without lawful authority, damaging, destroying, removing, or tampering with the contents thereof.

(2) Malicious mischief in the first degree is a class B felony.

Sec. 22. RCW 9A.48.080 and 2009 c 431 s 5 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding seven hundred fifty dollars; ~~((or))~~

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Creates a substantial risk of interruption or impairment of service rendered to the public by, without lawful authority, physically damaging, destroying, or removing an official ballot deposit box or ballot drop box or, without lawful authority, damaging, destroying, removing, or tampering with the contents thereof.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 23. RCW 29A.84.540 and 2011 c 10 s 72 are each amended to read as follows:

Any person who, without lawful authority, removes a ballot from a voting center or ballot drop location is guilty of a ~~((gross misdemeanor))~~ class C felony punishable to the same extent as a ~~((gross misdemeanor))~~ class C felony that is punishable under RCW 9A.20.021."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5336.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5336.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5336 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5336, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5336, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Keiser

SENATE BILL NO. 5336, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5338 with the following amendment(s): 5338-S.E AMH TR H2398.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 24. The legislature finds that many residents of Washington enjoy recreational opportunities for off-road vehicle and snowmobile use afforded by the natural beauty of the state and do so in compliance with vehicle titling and registration laws and other laws that govern off-road vehicle and snowmobile use. At the same time, the legislature recognizes that the current law and corresponding enforcement regime may not be robust enough to ensure full compliance with legal registration requirements and a level playing field for all users. It is therefore the intent of the legislature to modify the statutory framework governing penalties for off-road vehicle and snowmobile registration violations and to add requirements to the department of licensing in order to improve registration compliance.

NEW SECTION. Sec. 25. A new section is added to chapter 46.09 RCW under the subchapter heading "uses and violations" to read as follows:

(1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to knowingly fail to apply for a Washington state certificate of title for, or to knowingly fail to register, an off-road vehicle within fifteen days of receiving or refusing a notice issued by the department under section 4 of this act.

(2) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

NEW SECTION. Sec. 26. A new section is added to chapter 46.10 RCW under the subchapter heading "uses and violations" to read as follows:

(1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to knowingly fail to register a snowmobile within fifteen days of receiving or refusing a notice issued by the department under section 4 of this act.

(2) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

NEW SECTION. Sec. 27. A new section is added to chapter 46.93 RCW to read as follows:

(1) By the first business day in February of each year, beginning in 2018, motorsports vehicle manufacturers must report to the department of licensing a listing of all motorsports vehicle warranties for off-road vehicles under chapter 46.09 RCW and snowmobiles under chapter 46.10 RCW sold to Washington residents by out-of-state motorsports vehicle dealers in the previous calendar year. The report must be transmitted such that the department receives the listing no later than the first business day in February. Failure to report a complete listing as required under this subsection results in an administrative fine of one hundred dollars for each day after the first business day in February that the department has not received the report.

(2) The department of licensing shall examine the listing reported in subsection (1) of this section to verify whether the vehicles are properly registered in the state. Beginning in 2018, and to the extent that it has received the listing required under subsection (1) of this section, the department shall notify by certified mail from the United States postal service, with return receipt requested, by the end of February of each year, the purchasers of the warranties of the off-road vehicles and snowmobiles that are not properly registered in the state of the owner's obligations under state law regarding vehicle titling, registration, and use tax payment, as well as of the penalties for failure to comply with the law.

(3) Fines received under this section must be paid into the state treasury and credited to the nonhighway and off-road vehicle activities program account under RCW 46.09.510 and to the snowmobile account under RCW 46.68.350. The state treasurer must apportion the fines between the accounts according to the pro rata share of the number of off-road vehicle and snowmobile registrations in the previous calendar year. The department must provide the state treasurer with the information needed to determine the apportionment.

NEW SECTION. Sec. 28. Section 4 of this act applies to the sales of off-road vehicles and snowmobiles beginning in January 2017.

NEW SECTION. Sec. 29. This act takes effect August 1, 2017."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5338.

Senator Wilson spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5338.

The motion by Senator Wilson carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5338 by voice vote.

MOTION

On motion of Senator Fain, Senator Padden was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5338, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5338, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Keiser and Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5100 with the following amendment(s): 5100-S AMH BERG MULV 162

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.76.502 and 2013 c 23 s 59 are each amended to read as follows:

(1) The office must provide a financial aid counseling curriculum to institutions of higher education with state need grant recipients. The curriculum must be available via a web site. The curriculum must include, but not be limited to:

(a) An explanation of the state need grant program rules, including maintaining satisfactory progress, repayment rules, and usage limits;

(b) Information on campus and private scholarships and work-study opportunities, including the application processes;

(c) An overview of student loan options with an emphasis on the repayment obligations a student borrower assumes regardless of program completion, including the likely consequences of default and sample monthly repayment amounts based on a range of student levels of indebtedness;

(d) An overview of (~~financial literacy~~) personal finance, including basic money management skills such as living within a budget and handling credit and debt;

(e) Average salaries for a wide range of jobs;

(f) (~~Perspectives~~) Financial education that meets the needs of, and includes perspectives from, a diverse group of students who are or were recipients of financial aid, including student loans, who may be trained by the financial education public-private partnership; and

(g) Contact information for local financial aid resources and the federal student aid ombuds'((s)) office.

(2) By the 2013-14 academic year, the institution of higher education must take reasonable steps to ensure that each state need grant recipient receives information outlined in subsection (1)(a) through (g) of this section by directly referencing or linking to the web site on the conditions of award statement provided to each recipient.

(3) By July 1, 2013, the office must disseminate the curriculum to all institutions of higher education participating in the state need grant program. The institutions of higher education may require nonstate need grant recipients to participate in all or portions of the financial aid counseling.

(4) Subject to the availability of amounts appropriated for this specific purpose, by the 2017-18 academic year, each institution of higher education must take reasonable steps to ensure that the institution presents, and each incoming student participates in, a financial education workshop. The scope of the workshop must include, but is not limited to, the information outlined in subsection (1)(b) through (g) of this section, and include recommendations by the financial education public-private partnership. The institutions are encouraged to present these

workshops during student orientation or as early as possible in the academic year."

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5100.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5100.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5100 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5100, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Padden

SUBSTITUTE SENATE BILL NO. 5100, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Fort Stevens Elementary School who were seated in the gallery.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed SENATE BILL NO. 5437 with the following amendment(s): 5437 AMH AGNR H2435.2

Strike everything after the enacting clause and insert the following:

"Sec. 30. RCW 15.80.300 and 1969 ex.s. c 100 s 1 are each amended to read as follows:

~~((Terms used in this chapter shall have the meaning given to them in RCW 15.80.310 through 15.80.400 unless the context where used shall clearly indicate to the contrary.))~~ The definitions in this section apply throughout this chapter unless the context clearly require otherwise.

(1) "Certified weight" means any signed certified statement or memorandum of weight, measure, or count, issued by a weighmaster or weigher in accordance with the provisions of this chapter or any rule adopted under it.

(2) "Commodity" means anything that may be weighed, measured, or counted in a commercial transaction.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department or the director's duly appointed representative.

(5) "Licensed public weighmaster," also referred to as "weighmaster," means any person, licensed under the provisions of this chapter, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count accepted as the accurate weight, or count upon which the purchase or sale of any commodity or upon which the basic charge or payment for services rendered is based.

(6) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, or association. This term shall import either the singular or plural, as the case may be.

(7) "Retail merchant" means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of the merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities that have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

(8) "Thing" means anything used to move, handle, transport, or contain any commodity for which a certified weight, measure, or count is issued when such thing is used to handle, transport, or contain a commodity.

(9) "Vehicle" means any device, other than a railroad car, in, upon, or by which any commodity is or may be transported or drawn.

(10) "Weigher" means any person who is licensed under the provisions of this chapter and who is an agent or employee of a weighmaster and authorized by the weighmaster to issue certified statements of weight, measure, or count.

Sec. 31. RCW 15.80.410 and 1969 ex.s. c 100 s 12 are each amended to read as follows:

The director shall enforce and carry out the provisions of this chapter and may adopt the necessary rules to carry out its purposes. The adoption of rules shall be subject to the provisions of chapter 34.05 RCW (administrative procedure act), as enacted or hereafter amended, concerning the adoption of rules.

Sec. 32. RCW 15.80.440 and 1969 ex.s. c 100 s 15 are each amended to read as follows:

The director or any peace officer may order the driver of any vehicle previously weighed by a licensed public weighmaster (~~may be required~~) to reweigh the vehicle and load at the nearest scale.

The director or any peace officer may order the driver of any vehicle operated by or for a retail merchant which vehicle contains hay, straw, or grain (~~may be required~~) to weigh the vehicle and load at the nearest scale (~~and~~). If the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the vehicle, the director or peace officer shall report the finding to the consignee and may (~~cause~~) prosecute such retail merchant (~~to be prosecuted~~) in accordance with the provisions of this chapter.

Sec. 33. RCW 15.80.450 and 2006 c 358 s 3 are each amended to read as follows:

(1) Any person may apply to the director for a weighmaster's license. Such application shall be on a form prescribed by the director and shall include:

~~((4))~~ (a) The full name of the person applying for such license and, if the applicant is a partnership, association, or corporation, the full name of each member of the partnership or the names of the officers of the association or corporation;

~~((2))~~ (b) The principal business address of the applicant in this state and elsewhere;

~~((3))~~ (c) The names and addresses of the persons authorized to receive and accept service of summons and legal notice of all kinds for the applicant;

~~((4))~~ (d) The location of ~~((any))~~ each scale ~~((or scales))~~ subject to the applicant's control and from which certified weights will be issued; ~~(and~~

~~(5))~~ (e) The state unified business identifier number for the operator of the scale; and

(f) Such other information as the director (~~feels~~) identifies as necessary to carry out the purposes of this chapter and adopts by rule.

(2) Such annual application shall be accompanied by a license fee of ~~((fifty))~~ eighty dollars for each scale from which certified weights will be issued ~~((and a bond as provided for in RCW 15.80.480)).~~

Sec. 34. RCW 15.80.470 and 2010 c 8 s 6103 are each amended to read as follows:

If an application for the annual renewal of any license provided for in this chapter is not filed prior to the current license expiration date, there shall be assessed and added to the renewal fee as a penalty therefor fifty percent of said renewal fee which shall be paid by the applicant before any renewal license shall be issued. The penalty shall not apply if the applicant furnishes ~~((an affidavit))~~ a declaration that he or she has not acted as a weighmaster or weigher subsequent to the expiration of his or her prior license.

Sec. 35. RCW 15.80.490 and 2010 c 8 s 6105 are each amended to read as follows:

(1) Any weighmaster (~~may~~) must file an application with the director for a license for any employee or agent to operate and issue certified weight tickets from ~~((a))~~ each scale which such weighmaster is licensed to operate under the provisions of this chapter. Such application shall be submitted on a form prescribed by the director and shall contain the following:

~~((4))~~ (a) The name of the weighmaster;

~~((2))~~ (b) The full name of the employee or agent (~~and his or her resident address~~); and

~~((3))~~ The position held by such person with the weighmaster;

~~(4))~~ (c) The scale (~~or scales~~) from which such employee or agent will issue certified weights (~~and~~

~~(5))~~ Signature of the weigher and the weighmaster).

(2) Such annual application shall be accompanied by a license fee of ~~((ten))~~ twenty dollars.

Sec. 36. RCW 15.80.510 and 2010 c 8 s 6107 are each amended to read as follows:

A licensed public weighmaster shall: (1) Keep the scale or scales upon which he or she weighs any commodity or thing, in conformity with the standards of weights and measures; (2) carefully and correctly weigh and certify the gross, tare, and net weights of any load of any commodity or thing required to be weighed; and (3) without charge, weigh any commodity or thing brought to his or her scale (~~by an inspector authorized~~) by the director or peace officer, and issue a certificate of the weights thereof.

Sec. 37. RCW 15.80.520 and 1983 c 95 s 6 are each amended to read as follows:

(1) Certification of weights ~~((shall be made by))~~ must be in accordance with subsection (2)(a) or (b) of this section.

(2)(a) The certification must appear in an appropriate and conspicuous place on each certificate and copies thereof. In addition the weight ticket must bear the name of the weighmaster, the full name of the weigher issuing the ticket, and a seal number assigned to the scale by the department. The seal number must be used only at the scale to which it is assigned.

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by chapter 15.80 RCW administered by the Washington state department of agriculture.

(b) Certification must be made by means of an impression seal, the impress of which shall be placed by the weighmaster or weigher making the weight determination upon the weights shown on the weight tickets. The impression seal ~~((shall))~~ may be procured from the director upon the payment of a fee of ~~((five))~~ sixty dollars or the current cost of the seal to the department, whichever is less, and such fee shall accompany the applicant's application for a weighmaster's license. ((The seal shall be retained by the weighmaster upon payment of an annual renewal fee of five dollars, and the fee shall accompany the annual renewal application for a weighmaster's license.)) Any replacement seal needed ~~((shall))~~ may be procured from the director upon payment to the department of the current cost to the department for such replacement. An impression seal ~~((shall))~~ must be used only at the scale to which it is assigned, and remains the property of the state and shall be returned ~~((forthwith))~~ to the director upon the termination, suspension, or revocation of the weighmaster's license.

Sec. 38. RCW 15.80.530 and 1969 ex.s. c 100 s 24 are each amended to read as follows:

The certified weight ticket shall be of a form approved by the director and shall contain the following information:

- (1) The date of issuance;
- (2) The kind of commodity weighed, measured, or counted;
- (3) The name of the owner, agent, or consignee of the commodity weighed;
- (4) The name of the seller, agent, or consignor;
- (5) The accurate weight, measure, or count of the commodity weighed, measured, or counted; including the entry of the gross, tare, and/or net weight, where applicable;
- (6) The identifying numerals or symbols, if any, of each container separately weighed and the ~~((motor vehicle))~~ license plate number of each vehicle separately weighed;
- (7) The means by which the commodity was being transported at the time it was weighed, measured, or counted;
- (8) The name of the city or town where such commodity was weighed;
- (9) The complete signature of the weighmaster or weigher who weighed, measured, or counted the commodity; and
- (10) Such other available information as may be necessary to distinguish or identify the commodity.

Such weight certificates when so made and properly ~~((signed and))~~ certified or sealed shall be prima facie evidence of the accuracy of the weights, measures, or count shown, as a certified weight, measure, or count.

Sec. 39. RCW 15.80.540 and 1969 ex.s. c 100 s 25 are each amended to read as follows:

(1) Certified weight tickets shall be ~~((made in triplicate, one copy to be))~~ delivered to the person receiving the weighed commodity at the time of delivery ~~((, which copy shall)).~~ The weight ticket must accompany the vehicle that transports such commodity((, one copy to be forwarded)).

(2) A copy must be provided to the seller by the carrier of the weighed commodity ~~((, and one copy to be retained by)).~~

(3) The weighmaster that ~~((weighed the vehicle transporting such commodity. The copy retained by the weighmaster shall be kept at least))~~ provided the certified weight ticket must retain a copy for a period of one year ~~((, and such copies and)).~~

(4) The weighmaster must retain such other records as the director shall determine necessary to carry out the purposes of this chapter.

(5) These records shall be made available at all reasonable business hours for inspection by the director.

Sec. 40. RCW 15.80.560 and 1969 ex.s. c 100 s 27 are each amended to read as follows:

A licensed public weighmaster shall, in making a weight determination as provided for in this chapter, use a weighing device that conforms to current state legal requirements for commercial devices and is suitable for the weighing of the type and amount of commodity being weighed. The director shall cause to be tested for proper state standards of weight all weighing or measuring devices utilized by any licensed public weighmaster. Certified weights shall not be issued over a device that has been rejected or condemned for ~~((repair or))~~ use by the director until such device has been repaired and tested as conforming to the intended use requirements.

Sec. 41. RCW 15.80.590 and 2010 c 8 s 6109 are each amended to read as follows:

The director is hereby authorized to deny, suspend, or revoke a license ~~((subsequent to a hearing, if a hearing is requested.))~~ in any case in which he or she finds that there has been a failure to comply with the requirements of this chapter or rules adopted hereunder. For hearings for revocations, suspension, or denial of a license, the director shall give the licensee or applicant such notice as is required under the provisions of chapter 34.05 RCW. Such hearings shall be subject to chapter 34.05 RCW (administrative procedure act) concerning adjudicative proceedings.

Sec. 42. RCW 15.80.640 and 2011 c 96 s 16 are each amended to read as follows:

Any person who shall mark, stamp, or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to wrongfully influence, any licensed public weighmaster or weigher in the performance of his or her official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than ~~((one))~~ five hundred dollars nor more than ~~((one))~~ five thousand dollars, or by imprisonment of not less than thirty days nor more than three hundred sixty-four days in the county jail, or by both such fine and imprisonment.

Sec. 43. RCW 15.80.650 and 2003 c 53 s 109 are each amended to read as follows:

(1) Except as provided in RCW 15.80.640 or subsection (2) of this section, any person violating any provision of this chapter or rules adopted hereunder is guilty of a misdemeanor.

(2) A second or subsequent same or similar violation is a gross misdemeanor. Any offense committed more than five years after a previous conviction shall be considered a first offense.

(3) The director may assess a civil penalty ranging from one hundred dollars to one thousand dollars per occurrence against any person who knowingly violates any provision under this chapter or rules adopted thereunder. In determining the amount of

any civil penalty, the director shall give due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of any previous violations. The respondent issued a notice of intent to assess a civil penalty must be provided the opportunity to request a hearing as provided under chapter 34.05 RCW to contest the alleged violation and the penalty amount.

Sec. 44. RCW 15.80.660 and 1995 c 355 s 25 are each amended to read as follows:

(1) All moneys collected under this chapter shall be placed in the weights and measures account created in RCW 19.94.185.

(2) Civil penalties collected under RCW 15.80.650 must be deposited into the state general fund.

NEW SECTION. Sec. 45. The following acts or parts of acts are each repealed:

- (1) RCW 15.80.310 ("Department") and 1969 ex.s. c 100 s 2;
- (2) RCW 15.80.320 ("Director") and 2010 c 8 s 6101 & 1969 ex.s. c 100 s 3;
- (3) RCW 15.80.330 ("Person") and 1969 ex.s. c 100 s 4;
- (4) RCW 15.80.340 ("Licensed public weighmaster") and 1969 ex.s. c 100 s 5;
- (5) RCW 15.80.350 ("Weigher") and 1969 ex.s. c 100 s 6;
- (6) RCW 15.80.360 ("Vehicle") and 1969 ex.s. c 100 s 7;
- (7) RCW 15.80.370 ("Certified weight") and 1969 ex.s. c 100 s 8;
- (8) RCW 15.80.380 ("Commodity") and 1969 ex.s. c 100 s 9;
- (9) RCW 15.80.390 ("Thing") and 1969 ex.s. c 100 s 10;
- (10) RCW 15.80.400 ("Retail merchant") and 1969 ex.s. c 100 s 11;
- (11) RCW 15.80.480 (Surety bond) and 2010 c 8 s 6104 & 1969 ex.s. c 100 s 19; and
- (12) RCW 15.80.600 (Hearings for denial, suspension or revocation of licenses—Notice—Location) and 1969 ex.s. c 100 s 31."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Warnick moved that the Senate concur in the House amendment(s) to Senate Bill No. 5437.

Senators Warnick and Chase spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Warnick that the Senate concur in the House amendment(s) to Senate Bill No. 5437.

The motion by Senator Warnick carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5437 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5437, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Hasegawa and Van De Wege

Excused: Senator Padden

SENATE BILL NO. 5437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:27 p.m., on motion of Senator Fain, the Senate adjourned until 8:55 o'clock a.m. Wednesday, April 19, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

ONE HUNDRED FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, April 19, 2017

The Senate was called to order at 8:56 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 8:58 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

NOON SESSION

The Senate was called to order at 1:40 p.m. by President Habib.

The Sergeant at Arms Color Guard consisting of Pages Mr. Beau Fields and Miss Serhiy Holchuk, presented the Colors. Page Miss Isabella Villarreal led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Barbara Bailey, 10th Legislative District, Oak Harbor.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Heather Haggin, Miss Auburn 2017 and Miss Elizabeth Enz, Miss Auburn Outstanding Teen 2017, who were seated at the rostrum.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 18, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1858,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 18, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2202,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 18, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,
SUBSTITUTE HOUSE BILL NO. 1353,
SUBSTITUTE HOUSE BILL NO. 1445,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1819,
SUBSTITUTE HOUSE BILL NO. 1863,
HOUSE BILL NO. 1965,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 18, 2017

MR. PRESIDENT:

The House receded from its amendment to SENATE BILL NO. 5436 and passed the bill without the House amendment.

NONA SNELL, Deputy Chief Clerk

April 18, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1086,
HOUSE BILL NO. 1091,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1250,
HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1444,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1520,
ENGROSSED HOUSE BILL NO. 1648,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814,
SUBSTITUTE HOUSE BILL NO. 1845,
HOUSE BILL NO. 1906,
ENGROSSED HOUSE BILL NO. 1924,
SUBSTITUTE HOUSE BILL NO. 1944,
HOUSE BILL NO. 1983,
SUBSTITUTE HOUSE BILL NO. 1988,
ENGROSSED HOUSE BILL NO. 2003,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 18, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5022,
SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL NO. 5138,
SUBSTITUTE SENATE BILL NO. 5152,
SENATE BILL NO. 5177,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5198,
ENGROSSED SENATE BILL NO. 5234,
SECOND SUBSTITUTE SENATE BILL NO. 5258,
ENGROSSED SENATE BILL NO. 5266,
SUBSTITUTE SENATE BILL NO. 5327,

ONE HUNDRED FIRST DAY, APRIL 19, 2017

2017 REGULAR SESSION

SUBSTITUTE SENATE BILL NO. 5346,
 SUBSTITUTE SENATE BILL NO. 5358,
 SENATE BILL NO. 5359,
 SECOND SUBSTITUTE SENATE BILL NO. 5474,
 SENATE BILL NO. 5674,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5926 by Senators Honeyford, Keiser and Hunt

AN ACT Relating to authorizing theaters with more than four screens to obtain a license to sell beer and wine; and amending RCW 66.24.650.

Referred to Committee on Commerce, Labor & Sports.

SB 5927 by Senators Keiser and Hunt

AN ACT Relating to liquor licenses; and amending RCW 66.24.655, 66.24.650, 66.24.363, and 66.24.330.

Referred to Committee on Commerce, Labor & Sports.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Angel moved adoption of the following resolution:

SENATE RESOLUTION
 8635

By Senators Angel, O'Ban, Wilson, Warnick, Schoesler, Brown, Walsh, Braun, Becker, Short, Rossi, Fortunato, Bailey, Fain, Hobbs, Conway, and Darneille

WHEREAS, Melanie J. Dressel was born in Colville, Washington where her father owned a jewelry store and was Chief of the volunteer fire department; and

WHEREAS, Melanie attended the University of Washington, and graduated with a political science degree; and

WHEREAS, After graduating, Melanie went to work at the Bank of California in Tacoma, where she worked for 14 years; and later moved to Puget Sound National Bank, where she directed the private banking division; and

WHEREAS, Melanie was part of the original team that founded Columbia Bank in 1993; and, in 1997, Melanie was promoted to Executive Vice President of retail banking where she directed the bank's branch network and its operations, investments, private banking, and marketing/communications divisions; and

WHEREAS, In 2000, Melanie was appointed as Columbia Bank's President; and, in 2003, Melanie became Columbia Bank's Chief Executive Officer; and

WHEREAS, Under Melanie's leadership, Columbia Bank grew from one branch to over one hundred forty branches in Washington, Oregon, and Idaho; and

WHEREAS, In 2011, Melanie was honored as Community Banker of the Year by *American Banker Magazine* and has been named one of "The 25 Most Powerful Women in Banking" by the magazine seven times; and

WHEREAS, Melanie served on several boards, including the Boards of Puget Sound Energy (Chair), Executive Council for a Greater Tacoma (past Chair), Washington Bankers Association (past Chair), Washington Roundtable, and the Washington State Historical Society; and

WHEREAS, Melanie also served on the American Bankers Council, the ABA Grassroots Committee, the Bellarmine Benefactors' Trust, and was a member of the Federal Reserve Bank of San Francisco's Community Depository Institutions Advisory Council (CDIAC); and

WHEREAS, At home, Melanie showed her devotion to her family by sending weekly cookie packages to her family, and by flying to California on weekends to watch her son play football for Humboldt State University; and

WHEREAS, Despite her many commitments, Melanie always found time to make full Sunday dinners for her family, where she enjoyed playing with her grandkids; and

WHEREAS, Melanie is survived by her husband, Bob; adult sons, Robert and Brent; and two grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Ms. Melanie J. Dressel and remember her successful career and devotion to her family.

Senators Angel, Darneille, Becker and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8635.

The motion by Senator Angel carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members and friends of Melanie Dressel who were seated in the gallery: Mr. Bob Dressel, Melanie's husband; Mr. Brent Dressel & Mr. Robert Dressel III, Melanie's sons; Mr. Wayne Mannie, Senior Vice President, Columbia Bank; and Mr. Jim Pishue, President of the Washington Bankers Association.

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION
 8646

By Senators Hunt, Becker, Rolfes, Darneille, Conway, Angel, O'Ban, Zeiger, and Sheldon

WHEREAS, Project Linus is a national organization that provides new, handmade blankets to seriously ill and traumatized children; and

WHEREAS, These blankets bring a sense of security, warmth, and comfort to children in need, and are lovingly created by volunteer "blanketeers"; and

WHEREAS, Project Linus was founded by Karen Louks, on Christmas Eve 1995, when she read about a three-year old with leukemia whose special "blankie" helped comfort her in the hospital during intensive chemotherapy; and

WHEREAS, The article inspired Karen to provide homemade security blankets to a children's cancer center in her community; and

WHEREAS, Project Linus has grown to nearly 400 chapters across 50 states; and

WHEREAS, Local chapters collect blankets and organize several blanket-making events throughout the year to be distributed to children in hospitals, shelters, social service agencies, or anywhere that a child might be in need; and

WHEREAS, National Make a Blanket Day was started in 1999 after the tragedy at Columbine High School when national chapters came to the rescue, holding "blanket bees" all over the country and sending those blankets to local chapters in Denver, Colorado; and

WHEREAS, National Make a Blanket Day is designated as the third Saturday in February and is attributed to the collection of 75,000 to 100,000 blankets; and

WHEREAS, Since its founding, Project Linus has collected over 6 million blankets nationwide; and

WHEREAS, The Pierce, Thurston, Kitsap, & Mason counties chapter of Project Linus, one of eleven chapters in Washington State, has collected 3,507 blankets and distributed 3,081 blankets since it was established in April 2014; and

WHEREAS, The immense success of this organization is dependent on the generous volunteer spirit of thousands of blanketeers and staff;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the participants of Project Linus locally and nationwide and express appreciation for their service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Board of Directors and National President of Project Linus, and to the Pierce, Thurston, Kitsap, & Mason counties Chapter Coordinator.

Senator Hunt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

The motion by Senator Hunt carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Project Linus who were seated in the gallery: Ms. Patty Gregory, National President; Ms. Mary Balagna, Vice President; Ms. Claudia Post, Chapter Coordinator; and members of the Pierce, Thurston, Kitsap & Mason County Chapter.

MOTION

At 2:05 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

The Senate was called to order at 3:28 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Padden moved that LORRAINE LEE, Gubernatorial Appointment No. 9088, be confirmed as a Director of the Office of Administrative Hearings.

Senator Padden spoke in favor of the motion.

APPOINTMENT OF LORRAINE LEE

The President declared the question before the Senate to be the confirmation of LORRAINE LEE, Gubernatorial Appointment No. 9088, as a Director of the Office of Administrative Hearings.

The Secretary called the roll on the confirmation of LORRAINE LEE, Gubernatorial Appointment No. 9088, as a Director of the Office of Administrative Hearings and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

LORRAINE LEE, Gubernatorial Appointment No. 9088, having received the constitutional majority was declared confirmed as a Director of the Office of Administrative Hearings.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5100,
SENATE BILL NO. 5336,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5338,
SENATE BILL NO. 5436,
SENATE BILL NO. 5437,
ENGROSSED SENATE BILL NO. 5647,

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SENATE BILL NO. 5778,
SUBSTITUTE SENATE BILL NO. 5790.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5096 with the following amendment(s): 5096.E AMH ENGR H2628.E

Strike everything after the enacting clause and insert the following:

"2017-2019 FISCAL BIENNIUM

NEW SECTION. Sec. 46. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2019.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2018" or "FY 2018" means the fiscal year ending June 30, 2018.

(b) "Fiscal year 2019" or "FY 2019" means the fiscal year ending June 30, 2019.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

**GENERAL GOVERNMENT AGENCIES—
OPERATING**

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation \$516,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation \$1,604,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation \$2,714,000

Puget Sound Ferry Operations Account—State Appropriation \$116,000

TOTAL APPROPRIATION \$2,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must

provide a joint status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.

(2) The office of financial management, in conjunction with the office of the chief information officer, shall provide oversight and review of the department of transportation's competitive procurement process for a new ferry dispatch system as required in section 309(7) of this act.

(3) \$1,100,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting, develop and implement an inventory of county culvert and short-span bridge infrastructure, and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account—State Appropriation \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation \$1,308,000

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation \$616,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Motor Vehicle Account—State Appropriation \$250,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department must work with the Washington state association of counties to develop voluntary programmatic agreements for the maintenance, preservation, rehabilitation, and replacement of water crossing structures. Such programmatic agreements when agreed to by the department and participating counties are binding agreements for permitting, design, and mitigation of county water crossing structures.

(2) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the Washington state association of cities to identify city-owned fish passage barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of city-owned barriers that need correction. The study must provide recommendations on: (a) How to prioritize city-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and (b) how future state six-year construction plans should incorporate city-owned barriers. A report must be

provided to the office of financial management and the transportation committees of the legislature by July 1, 2018.

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

The department must provide a detailed accounting of the revenues and expenditures of the self-insurance fund for transportation agencies included in this act and a copy of the most recent annual actuarial review to the transportation committees of the legislature on December 31st and June 30th of each year.

TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

| | |
|--------------------------------------|---------------------|
| Highway Safety Account—State | Appropriation |
| \$3,326,000 | |
| Highway Safety Account—Federal | Appropriation |
| \$22,216,000 | |
| Highway Safety Account—Private/Local | Appropriation |
| \$118,000 | |
| School Zone Safety Account—State | Appropriation |
| \$850,000 | |
| TOTAL APPROPRIATION | \$26,510,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the highway safety account—federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2017-2019 fiscal biennium.

(2) \$118,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 1795), Laws of 2017 (bicyclist safety advisory council). If chapter . . . (Engrossed House Bill No. 1795), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

| | |
|--|--------------------|
| Rural Arterial Trust Account—State | Appropriation |
| \$1,065,000 | |
| Motor Vehicle Account—State | Appropriation |
| \$2,590,000 | |
| County Arterial Preservation Account—State | Appropriation |
| \$1,601,000 | |
| TOTAL APPROPRIATION | \$5,256,000 |

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

| | |
|--|---------------|
| Transportation Improvement Account—State | Appropriation |
| \$4,293,000 | |

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

| | |
|---|--------------------|
| Motor Vehicle Account—State | Appropriation |
| \$1,537,000 | |
| Multimodal Transportation Account—State | Appropriation |
| \$950,000 | |
| TOTAL APPROPRIATION | \$2,487,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account—state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to pilotage tariff and fee setting, pilot candidate recruitment and training, and pilot review and selection processes;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$80,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the center for transportation studies at the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor.

(3)(a) \$250,000 of the multimodal transportation account—state appropriation is for a consultant study of state and local regulation of commercial passenger transportation services provided in Washington state. Services covered by the study may include, but are not limited to, transportation services regulated by the utilities and transportation commission, for hire services regulated by counties and the department of licensing, taxi services regulated by cities, transportation network companies regulated by cities, and services regulated by port districts. The study must compare and contrast the state and local laws and rules that govern these passenger transportation services.

In conducting the study, the joint transportation committee shall consult with the department of licensing, the utilities and transportation commission, the Washington state patrol, appropriate local entities engaged in the regulation of commercial passenger transportation services, and other relevant stakeholders. The joint transportation committee shall also obtain input from stakeholder groups representing commercial passenger transportation services.

(b) The joint transportation committee must issue a report of its recommendations and findings on passenger transportation services to the house of representatives and senate transportation committees by January 7, 2019. The report must:

(i) Review laws and rules governing, among other topics, driver qualifications, vehicle and passenger safety, and vehicle insurance;

(ii) Compare existing laws and rules as applied to each type of regulated commercial passenger transportation service;

(iii) Identify any regulatory differences, redundancies, or inconsistencies in regulation;

(iv) Identify opportunities to improve consistency in regulation; and

(v) Make policy recommendations for greater regulatory consistency that do not reduce competition and innovation in the existing marketplace.

(4)(a) \$500,000 of the multimodal transportation account—state appropriation is for a consultant study of air cargo congestion at Washington airports. The study must:

(i) Evaluate the current and projected future capacity of the air cargo system;

(ii) Identify underutilized capacity; and

(iii) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints; and

(C) Evaluate options to address those constraints.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations; and

(iv) Statutory changes needed to implement the recommendations.

(d) The department of transportation shall provide technical support to the study.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(5) \$100,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings is due to the transportation committees of the legislature by December 31, 2017.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation \$2,506,000

Multimodal Transportation Account—State Appropriation \$112,000

TOTAL APPROPRIATION \$2,618,000

The appropriations in this section are subject to the following conditions and limitations:

The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation \$778,000

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation \$493,016,000

State Patrol Highway Account—Federal Appropriation \$14,665,000

State Patrol Highway Account—Private/Local Appropriation \$4,036,000

Highway Safety Account—State Appropriation \$1,086,000

Ignition Interlock Device Revolving Account—State Appropriation \$510,000

Multimodal Transportation Account—State Appropriation \$276,000

TOTAL APPROPRIATION \$513,589,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition

interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and recommend strategies to address these issues. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The department of transportation must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) \$510,000 of the state patrol highway account—state appropriation is provided solely for the operation of the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(26) of this act.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

| | | |
|---|---------------|----------------------|
| Marine Fuel Tax Refund Account—State | Appropriation | |
| | \$34,000 | |
| Motorcycle Safety Education Account—State | Appropriation | \$4,605,000 |
| State Wildlife Account—State | Appropriation | \$1,064,000 |
| Highway Safety Account—State | Appropriation | \$211,509,000 |
| Highway Safety Account—Federal | Appropriation | \$3,215,000 |
| Motor Vehicle Account—State | Appropriation | \$93,220,000 |
| Motor Vehicle Account—Federal | Appropriation | \$329,000 |
| Motor Vehicle Account—Private/Local | Appropriation | \$2,048,000 |
| Ignition Interlock Device Revolving Account—State | Appropriation | \$5,258,000 |
| Department of Licensing Services Account—State | Appropriation | \$6,784,000 |
| License Plate Technology Account—State | Appropriation | \$3,000,000 |
| TOTAL APPROPRIATION | | \$331,066,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,810,000 of the highway safety account—state appropriation and \$3,000,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(2) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. A person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(3) \$4,471,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2016. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(4) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(5) \$3,082,000 of the highway safety account—state appropriation is provided solely for examination and licensing activities, including the workload associated with providing driving record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4).

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to statutorily authorized persons or entities purchasing a driving record abstract.

(6) \$350,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington.

(7) \$88,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1371), Laws of 2017 (distracted driving). If chapter . . . (Engrossed Substitute House Bill No. 1371), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(8) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1400), Laws of 2017 (aviation license plate). If chapter . . . (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(9) \$208,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1421), Laws of 2017 (sensitive data/state networks). If chapter . . . (Substitute House Bill No. 1421), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(10) \$70,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 1480), Laws of 2017 (driver's license suspension). If chapter . . . (Engrossed House Bill No. 1480), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(11) \$572,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 (driver education uniformity). If chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(12) \$208,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1513), Laws of 2017 (youth voter registration information). If chapter . . . (Engrossed Substitute House Bill No. 1513), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(13) \$39,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1568), Laws of 2017 (Fred Hutch license plate). If chapter . . . (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(14) \$104,000 of the ignition interlock device revolving account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 (impaired driving). If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(15) \$500,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 (foster youth/driving). If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

| | |
|--|----------------------|
| High Occupancy Toll Lanes Operations Account—State Appropriation | \$4,241,000 |
| Motor Vehicle Account—State Appropriation | \$513,000 |
| State Route Number 520 Corridor Account—State Appropriation | \$57,410,000 |
| State Route Number 520 Civil Penalties Account—State Appropriation | \$4,361,000 |
| Tacoma Narrows Toll Bridge Account—State Appropriation | \$33,942,000 |
| Interstate 405 Express Toll Lanes Operations Account—State Appropriation | \$23,630,000 |
| TOTAL APPROPRIATION | \$124,097,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) The department shall make detailed quarterly expenditure reports on the department's web site. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(3) The department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(4) \$870,000 of the high occupancy toll lanes operations account—state appropriation, \$15,090,000 of the state route number 520 corridor account—state appropriation, \$6,470,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$5,570,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for the department to implement a new tolling customer service toll collection system and are subject to the conditions, limitations, and review provided in section 701 of this act.

(a) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(b)(i) Before commencement of the new tolling customer service toll collection system implementation, the department shall submit a draft project management plan to the office of financial management and the office of the chief information officer that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(ii) The office of financial management and the office of the chief information officer shall review the draft project management plan to ensure that it contains adequate contract management and quality assurance measures.

(iii) The department shall submit the project management plan to the transportation committees of the legislature before the commencement of system implementation.

(5) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION — INFORMATION TECHNOLOGY — PROGRAM C

Transportation Partnership Account—State Appropriation \$1,460,000

Motor Vehicle Account—State Appropriation \$85,859,000

Puget Sound Ferry Operations Account—State Appropriation \$263,000

Multimodal Transportation Account—State Appropriation \$2,876,000

Transportation 2003 Account (Nickel Account)—State Appropriation \$1,460,000

TOTAL APPROPRIATION \$91,918,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution.

(2) \$2,296,000 of the motor vehicle account—state appropriation is provided solely for the development of ferries network systems support and is subject to the conditions, limitations, and review provided in section 701 of this act.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation \$28,871,000

State Route Number 520 Corridor Account—State Appropriation \$34,000

TOTAL APPROPRIATION \$28,905,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the motor vehicle account—state appropriation is provided solely for the completion of an infrastructure analysis of the 15700 Dayton Avenue, Shoreline, Washington property. By September 30, 2017, the department shall report to the office of financial management and the transportation committees of the legislature on the resulting infrastructure analysis. The analysis must include all major building systems, current condition status, standard life-cycle replacement timeline, replacement cost, and all code requirements to fully utilize the facility.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation \$6,847,000

Aeronautics Account—Federal Appropriation \$4,900,000

Aeronautics Account—Private/Local Appropriation \$171,000

TOTAL APPROPRIATION \$11,918,000

The appropriations in this section are subject to the following conditions and limitations: \$2,637,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION — PROGRAM DELIVERY MANAGEMENT AND SUPPORT — PROGRAM H

Motor Vehicle Account—State Appropriation \$57,644,000

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| | |
|---|---------------------|
| Motor Vehicle Account—Federal | Appropriation |
| \$5,500,000 | |
| Multimodal Transportation Account—State | Appropriation |
| \$259,000 | |
| TOTAL APPROPRIATION | \$63,403,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle account—state appropriation is provided solely for contracted appraisals to determine property valuations for surplus properties to be sold. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) \$350,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2095), Laws of 2017 (I-5 Columbia river bridge). If chapter . . . (Engrossed House Bill No. 2095), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(4) \$288,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1849), Laws of 2017 (apprenticeship utilization). If chapter . . . (House Bill No. 1849), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(5) \$5,000,000 of the motor vehicle account—federal appropriation is provided solely for city and county fish passage barrier removal projects identified by the fish passage barrier removal board, with the goal of utilizing a coordinated approach to maximize the investment and open as much habitat as possible. The department must make the funds available to the recreation and conservation office.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION — PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

| | | |
|--|---------------|--------------------|
| Motor Vehicle Account—State | Appropriation | \$645,000 |
| Electric Vehicle Charging Infrastructure Account—State | Appropriation | \$1,000,000 |
| Multimodal Transportation Account—State | Appropriation | \$35,000 |
| TOTAL APPROPRIATION | | \$1,680,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE — PROGRAM M

| | | |
|---|---------------|----------------------|
| Motor Vehicle Account—State | Appropriation | \$458,915,000 |
| Motor Vehicle Account—Federal | Appropriation | \$7,000,000 |
| State Route Number 520 Corridor Account—State | Appropriation | \$4,447,000 |
| Tacoma Narrows Toll Bridge Account—State | Appropriation | \$1,233,000 |
| TOTAL APPROPRIATION | | \$471,595,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,092,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$15,226,000 of the motor vehicle account—state appropriation is provided solely for known third-party damages expenditures.

(5) \$20,000 of the motor vehicle account—state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in

maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(6) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities shall include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

| | |
|---|---------------------|
| Motor Vehicle Account—State Appropriation | \$66,335,000 |
| Motor Vehicle Account—Federal Appropriation | \$2,050,000 |
| Motor Vehicle Account—Private/Local Appropriation | \$250,000 |
| TOTAL APPROPRIATION | \$68,635,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$39,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Joint Memorial No. 4002), Laws of 2017 (state route number 395). If chapter . . . (House Joint Memorial No. 4002), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION — TRANSPORTATION MANAGEMENT AND SUPPORT — PROGRAM S

| | |
|---|---------------------|
| Motor Vehicle Account—State Appropriation | \$34,396,000 |
| Motor Vehicle Account—Federal Appropriation | \$1,656,000 |
| Multimodal Transportation Account—State Appropriation | \$1,128,000 |
| TOTAL APPROPRIATION | \$37,180,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$389,000 of the motor vehicle account—state appropriation is provided solely for leadership training and succession planning.

By December 31, 2017, and annually thereafter, the department must report on the number of employees trained in the previous year and on any impacts on retention rates.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION — TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

| | |
|---|---------------------|
| Motor Vehicle Account—State Appropriation | \$24,990,000 |
| Motor Vehicle Account—Federal Appropriation | \$34,303,000 |
| Multimodal Transportation Account—State Appropriation | \$660,000 |
| Multimodal Transportation Account—Federal Appropriation | \$2,809,000 |
| Multimodal Transportation Account—Private/Local Appropriation | \$100,000 |
| TOTAL APPROPRIATION | \$62,862,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall host and maintain the road-rail conflict database and online mapping components produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The department shall update the database at least biennially as new information becomes available. The database may be used by stakeholders to evaluate road-rail conflicts and prioritize future at-grade rail crossing solutions.

(2) State route number 26 is considered a high-priority safety corridor, and the department must endeavor to reduce the number of collisions and other incidents on the corridor. The department must study potential safety improvements and submit a report to the transportation committees of the legislature by October 1, 2017, including a list of recommended safety improvements for the corridor. The department must identify and expedite those improvements that can be implemented within existing appropriation levels and identify any safety improvements that may require additional resources.

(3) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

| | |
|---|---------------------|
| Motor Vehicle Account—State Appropriation | \$69,997,000 |
| Multimodal Transportation Account—State Appropriation | \$1,285,000 |
| TOTAL APPROPRIATION | \$71,282,000 |

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION — PUBLIC TRANSPORTATION—PROGRAM V

| | |
|---|----------------------|
| State Vehicle Parking Account—State Appropriation | \$754,000 |
| Regional Mobility Grant Program Account—State Appropriation | \$94,347,000 |
| Rural Mobility Grant Program Account—State Appropriation | \$32,223,000 |
| Multimodal Transportation Account—State Appropriation | \$93,148,000 |
| Multimodal Transportation Account—Federal Appropriation | \$3,574,000 |
| TOTAL APPROPRIATION | \$224,046,000 |

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$11,036,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$41,643,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$10,290,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) \$16,668,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Public Transportation Program (V).

(5) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation

committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,920,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount, \$250,000 of the multimodal transportation account—state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(8) \$200,000 of the multimodal transportation account—state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(9) \$17,915,000 of the multimodal transportation account—state appropriation is provided solely for projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(10) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(11) \$250,000 of the multimodal transportation account—state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State
Appropriation \$503,966,000

Puget Sound Ferry Operations Account—Federal
 Appropriation \$8,743,000
 Puget Sound Ferry Operations Account—Private/Local
 Appropriation \$121,000
TOTAL APPROPRIATION \$512,830,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) \$68,049,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 704 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(5) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(6) \$15,000 of the Puget Sound ferry operations account—state appropriation is provided solely for completion of a market analysis by a commercial real estate broker for the relocation of the ferry division's headquarters. By September 30, 2017, the department shall report to the office of financial management and the transportation committees of the legislature on the resulting market analysis. The analysis must include the most cost-effective solution for both leased and owned options at Puget Sound locations with existing ferries facilities.

(7) \$8,743,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for vessel maintenance.

(8) \$1,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(9) During the 2017-2019 fiscal biennium, the department shall not operate a winter sailing schedule for a time period longer than twelve weeks.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State
 Appropriation \$80,499,000

Multimodal Transportation Account—Private/Local
 Appropriation \$46,000
TOTAL APPROPRIATION \$80,545,000

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the multimodal transportation account—state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

(1) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

(2) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California;

(3) An analysis of the following key elements:

(a) Economic feasibility;

(b) Forecasted demand;

(c) Corridor identification;

(d) Land use and economic development and environmental implications;

(e) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

(f) Technological options for ultra high-speed ground transportation, both foreign and domestic;

(g) Required specifications for speed, safety, access, and frequency;

(h) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

(i) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

(j) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation \$10,141,000
 Motor Vehicle Account—Federal Appropriation \$2,567,000

Multiuise Roadway Safety Account—State Appropriation \$132,000

TOTAL APPROPRIATION \$12,840,000

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State
 Appropriation \$22,462,000

Highway Safety Account—State Appropriation \$1,900,000

Motor Vehicle Account—Federal Appropriation \$3,250,000

Freight Mobility Multimodal Account—State
 Appropriation \$21,843,000

Freight Mobility Multimodal Account—Private/Local

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Appropriation \$1,320,000
TOTAL APPROPRIATION \$50,775,000
NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation \$3,703,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the state patrol highway account—state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$728,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the roofs of the Okanogan detachment building, Chehalis detachment building, Ellensburg detachment building, and Hoquiam detachment building.

(3) \$1,700,000 of the state patrol highway account—state appropriation is provided solely for a replacement skid pan at the Shelton academy.

(4) \$200,000 of the state patrol highway account—state appropriation is provided solely for HVAC replacements at the Shelton academy.

(5) \$700,000 of the state patrol highway account—state appropriation is provided solely for the repair of the Shelton academy training tank.

(6) \$125,000 of the state patrol highway account—state appropriation is provided solely for the construction of a weatherproof enclosure of the generator at the Whiskey Ridge radio communication site.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation \$58,186,000

Motor Vehicle Account—State Appropriation \$706,000

County Arterial Preservation Account—State

Appropriation \$30,434,000

TOTAL APPROPRIATION \$89,326,000

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State

Appropriation \$5,780,000

Highway Safety Account—State Appropriation \$3,000,000

Transportation Improvement Account—State

Appropriation \$240,300,000

Multimodal Transportation Account—State

Appropriation \$14,670,000

TOTAL APPROPRIATION \$263,750,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account—state appropriation is provided solely for the complete streets program.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation \$6,087,000

Connecting Washington Account—State Appropriation \$24,257,000

TOTAL APPROPRIATION \$30,344,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,170,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the

department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) \$8,087,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State Appropriation \$570,992,000

Motor Vehicle Account—State Appropriation \$42,056,000

Motor Vehicle Account—Federal Appropriation \$215,647,000

Motor Vehicle Account—Private/Local Appropriation \$23,929,000

Connecting Washington Account—State

Appropriation \$1,158,822,000

Special Category C Account—State Appropriation \$6,146,000

Multimodal Transportation Account—State

Appropriation \$17,989,000

Alaskan Way Viaduct Replacement Project Account—State

Appropriation \$122,046,000

Transportation 2003 Account (Nickel Account)—State

Appropriation \$51,115,000

Interstate 405 Express Toll Lanes Operations Account—State

Appropriation \$12,000,000

TOTAL APPROPRIATION \$2,220,742,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2017-1 as developed March 25, 2017, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2017-1 as developed March 25, 2017, Program - Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(5) The connecting Washington account—state appropriation includes up to \$356,744,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to \$51,115,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The special category C account—state appropriation includes up to \$169,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(8) The transportation partnership account—state appropriation includes up to \$326,446,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. Of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.

(9) \$159,407,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, \$8,000,000 of the motor vehicle account—private/local appropriation, \$29,100,000 of the transportation 2003 account (nickel account)—state appropriation, \$122,046,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$2,662,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(10) \$15,327,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

(11) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

(12) \$5,804,000 of the transportation partnership account—state appropriation, \$5,162,000 of the transportation 2003 account (nickel account)—state appropriation, and \$146,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

(13) \$28,101,000 of the transportation partnership account—state appropriation and \$10,956,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C) or the I-405 Renton to Bellevue project in the 2017-2019 fiscal biennium. The transportation partnership account—state appropriation in this subsection includes funding to begin preliminary engineering for adding capacity on Interstate 405 between state route number 522 and Interstate 5.

(14)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) \$44,311,000 of the transportation partnership account—state appropriation is provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs

for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(15) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2018 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(16) \$49,014,000 of the motor vehicle account—federal appropriation and \$6,800,000 of the motor vehicle account—state appropriation are provided solely for fish passage barrier and chronic deficiency improvements (0BI4001).

(17) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

(18) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(19) \$93,500,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R). Any savings on the project must stay on the Puget Sound gateway corridor.

(20)(a) In making budget allocations to the Puget Sound gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by January 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of local match funding.

(21) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(22) \$600,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (L1000158), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and

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the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(23)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather-in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes. A final access solution must consider all safety, operational, and enforcement requirements, not benefit one group of commuters at the expense of another group, and meet applicable requirements of state and federal law.

(b) The department may not close or restrict, in any way, the westbound on-ramp from Island Crest Way to the current westbound Interstate 90 general purpose lanes until a mutually acceptable final access solution has been reached.

(24) \$2,000,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

(25) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION — PRESERVATION — PROGRAM P

| | |
|---|---------------|
| Recreational Vehicle Account—State | Appropriation |
| \$2,480,000 | |
| Transportation Partnership Account—State | Appropriation |
| \$1,637,000 | |
| Motor Vehicle Account—State | Appropriation |
| \$48,894,000 | |
| Motor Vehicle Account—Federal | Appropriation |
| \$550,752,000 | |
| Motor Vehicle Account—Private/Local | Appropriation |
| \$10,400,000 | |
| State Route Number 520 Corridor Account—State | Appropriation |
| \$498,000 | |

| | |
|--|----------------------|
| Connecting Washington Account—State | Appropriation |
| \$185,030,000 | |
| Tacoma Narrows Toll Bridge Account—State | Appropriation |
| \$384,000 | |
| Transportation 2003 Account (Nickel Account)—State | Appropriation |
| \$58,894,000 | |
| TOTAL APPROPRIATION | \$858,969,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2017-1 as developed March 25, 2017, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2017-1 as developed March 25, 2017, Program – Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(5) The transportation 2003 account (nickel account)—state appropriation includes up to \$13,233,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) It is the intent of the legislature that, with respect to the amounts provided for highway preservation from the connecting Washington account, the department consider the preservation and rehabilitation of concrete roadway on Interstate 5 from the Canadian border to the Oregon border to be a priority within the preservation program.

(7) \$7,200,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(8) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund.

The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR99/Alaskan Way viaduct replacement project.

(9) \$19,635,000 of the motor vehicle account—federal appropriation and \$365,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington.

(10) \$43,800,000 of the motor vehicle account—federal appropriation is provided solely for the National Highway Freight program (L1000169). The funds provided in this subsection may be spent only on the tier one projects on the prioritized freight project list submitted on November 1, 2016. Before programming federal national highway freight program funds designated for the national highway freight network under this subsection, the department shall validate projects on the prioritized freight project list. Only projects that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017.

(11) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(12)(a) \$4,820,000 of the motor vehicle account—federal appropriation and \$182,000 of the motor vehicle account—state appropriation are provided solely for weigh station preservation (0BP3006). These amounts must be held in unallotted status, except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(13) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

| | |
|---|---------------------|
| Motor Vehicle Account—State Appropriation | \$4,826,000 |
| Motor Vehicle Account—Federal Appropriation | \$5,106,000 |
| Motor Vehicle Account—Private/Local Appropriation | \$500,000 |
| TOTAL APPROPRIATION | \$10,432,000 |

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a

sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

| | |
|--|----------------------|
| Puget Sound Capital Construction Account—State Appropriation | \$64,542,000 |
| Puget Sound Capital Construction Account—Federal Appropriation | \$152,838,000 |
| Puget Sound Capital Construction Account—Private/Local Appropriation | \$15,654,000 |
| Transportation Partnership Account—State Appropriation | \$2,923,000 |
| Connecting Washington Account—State Appropriation | \$143,337,000 |
| TOTAL APPROPRIATION | \$379,294,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Washington State Ferries Capital Program (W).

(2) \$40,000,000 of the connecting Washington account—state appropriation is provided solely for the acquisition of a 144-car vessel (L20000109).

(3) \$26,252,000 of the Puget Sound capital construction account—federal appropriation and \$63,804,000 of the connecting Washington account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). It is the intent of the legislature, over the sixteen-year investment program, to provide \$159,061,000 to complete the Mukilteo Terminal Replacement project (952515P). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section. To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal.

(4) \$61,729,000 of the Puget Sound capital construction account—federal appropriation, \$37,029,000 of the connecting Washington account—state appropriation, and \$15,554,000 of the Puget Sound capital construction account—private/local appropriation are provided solely for the Seattle Terminal Replacement project (900010L). It is the intent of the legislature, over the sixteen-year investment program, to provide \$320,267,000 to complete the project. These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$6,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(6) If the department pursues a conversion of the existing diesel powered Issaquah class fleet to a different fuel source or engine technology or the construction of a new vessel powered by a fuel source or engine technology that is not diesel powered, the department must use a design-build procurement process.

(7)(a)(i) During the competitive procurement process and before its release, the office of financial management shall review the request for proposals and all other related competitive

procurement documents for a new dispatch system to ensure the request for proposals:

- (A) Provides for the business needs of the state; and
- (B) Mitigates risk to the state.

(ii) During development of the request for proposals and before its release, the office of the chief information officer shall review the request for proposals and all other related competitive procurement documents for a dispatch system to ensure the request for proposals:

(A) Contains requirements that meet the security standards and policies of the office of the chief information officer; and

- (B) Is flexible and adaptable to advances in technology.

(b)(i) Before commencement of the new dispatch system implementation, the department shall submit a draft technology management plan to the office of financial management and the office of the chief information officer that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation;

- (ii) The technology management plan must include:

(A) A technology budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation;

(B) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

- (C) A risk management plan;

(D) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project; and

(E) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

- (ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(8) \$2,056,000 of the Puget Sound capital construction account—state appropriation is provided solely for an assessment of capital and operational needs at the Southworth terminal. The assessment must consider alternatives to the construction of a new drive-on slip. The department shall provide a report of its findings to the governor and transportation committees of the legislature by January 1, 2019.

(9) The department, in consultation with the transportation commission, shall update the ferries division long-range plan by January 1, 2019. The update must include, but is not limited to: Fare and pricing policies; demand management strategies; ridership demand analysis; vessel preservation, rebuild, and replacement plans, including an analysis of alternative fuel sources; long-term terminal needs; and level of service standards and system service levels. The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State Appropriation \$424,000

Transportation Infrastructure Account—State Appropriation \$5,367,000

Multimodal Transportation Account—State Appropriation \$51,665,000

Multimodal Transportation Account—Federal Appropriation \$1,487,000

TOTAL APPROPRIATION \$58,943,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) \$400,000 of the essential rail assistance account—state appropriation and \$305,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2017, the

department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

| | | |
|--|---------------|----------------------|
| Highway Infrastructure Account—State | Appropriation | \$293,000 |
| Highway Infrastructure Account—Federal | Appropriation | \$218,000 |
| Transportation Partnership Account—State | Appropriation | \$1,143,000 |
| Highway Safety Account—State | Appropriation | \$2,388,000 |
| Motor Vehicle Account—State | Appropriation | \$7,620,000 |
| Motor Vehicle Account—Federal | Appropriation | \$21,387,000 |
| Motor Vehicle Account—Private/Local | Appropriation | \$18,000,000 |
| Connecting Washington Account—State | Appropriation | \$115,293,000 |
| Multimodal Transportation Account—State | Appropriation | \$50,026,000 |
| TOTAL APPROPRIATION | | \$216,368,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. \$6,432,000 of the multimodal transportation account—state appropriation and \$1,143,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. \$6,372,000 of the motor vehicle account—federal appropriation, \$923,000 of the multimodal transportation account—state appropriation, and \$2,388,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) \$16,241,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian

projects listed in LEAP Transportation Document 2017-1 as developed March 25, 2017.

(5) \$420,000 of the motor vehicle account—state appropriation is provided solely for engineering and design work for the SR 9/4th Street NE access improvement project in Lake Stevens.

(6) \$300,000 of the multimodal transportation account—state appropriation is provided solely for replacement of the Riverfront Park Triangle Truss bridge deck in Spokane.

(7) \$8,000,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its budget submittal for the 2018 supplemental budget, the department of transportation shall provide an update to the report provided to the legislature in 2017 that: (a) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its budget submittal for the 2018 supplemental budget, the department of transportation shall provide an annual report on the number of toll credits the department has accumulated and how the department has used the toll credits.

NEW SECTION. Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

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(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel and TPA projects charging to the nickel/TPA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

NEW SECTION. Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

| | | |
|--|---------------|------------------------|
| Transportation Partnership Account—State | Appropriation | \$2,242,000 |
| Connecting Washington Account—State | Appropriation | \$1,784,000 |
| Special Category C Account—State | Appropriation | \$1,000 |
| Highway Bond Retirement Account—State | Appropriation | \$1,237,005,000 |
| Ferry Bond Retirement Account—State | Appropriation | \$28,873,000 |
| Transportation Improvement Board Bond Retirement Account—State | Appropriation | \$13,254,000 |
| Nondebt-Limit Reimbursable Bond Retirement Account—State | Appropriation | \$26,609,000 |
| Toll Facility Bond Retirement Account—State | Appropriation | \$86,493,000 |
| Transportation 2003 Account (Nickel Account)—State | Appropriation | \$322,000 |
| TOTAL APPROPRIATION | | \$1,396,583,000 |

NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

| | | |
|--|---------------|-----------|
| Transportation Partnership Account—State | Appropriation | \$449,000 |
| Connecting Washington Account—State | Appropriation | \$357,000 |
| Transportation 2003 Account (Nickel Account)—State | Appropriation | \$64,000 |

TOTAL APPROPRIATION \$870,000
NEW SECTION. Sec. 403. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

| | | |
|---|---------------|---------------|
| Toll Facility Bond Retirement Account—Federal | Appropriation | \$199,901,000 |
| Toll Facility Bond Retirement Account—State | Appropriation | \$25,372,000 |

TOTAL APPROPRIATION \$225,273,000
NEW SECTION. Sec. 404. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

| | | |
|---|----------------|---------------|
| Motor Vehicle Account—State | Appropriation: | |
| For motor vehicle fuel tax distributions to cities and counties | | \$514,648,000 |

NEW SECTION. Sec. 405. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

| | | |
|---|----------------|--------------|
| Multimodal Transportation Account—State | Appropriation: | |
| For distribution to cities and counties | | \$26,786,000 |
| Motor Vehicle Account—State | Appropriation: | |
| For distribution to cities and counties | | \$23,438,000 |

TOTAL APPROPRIATION \$50,224,000
NEW SECTION. Sec. 406. FOR THE STATE TREASURER—TRANSFERS

| | | |
|--|----------------|-----------------|
| Motor Vehicle Account—State | Appropriation: | |
| For motor vehicle fuel tax refunds and statutory transfers | | \$2,196,693,000 |

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF LICENSING—TRANSFERS

| | | |
|--|----------------|---------------|
| Motor Vehicle Account—State | Appropriation: | |
| For motor vehicle fuel tax refunds and transfers | | \$200,747,000 |

NEW SECTION. Sec. 408. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

- (1) State Patrol Highway Account—State
 Appropriation: For transfer to the Connecting Washington Account—State \$21,221,000
- (2) Transportation Partnership Account—State
 Appropriation: For transfer to the Connecting Washington Account—State \$10,946,000
- (3) Highway Safety Account—State
 Appropriation: For transfer to the State Patrol Highway Account—State \$30,000,000
- (4) Motor Vehicle Account—State
 Appropriation: For transfer to the Connecting Washington Account—State \$56,464,000
- (5) Motor Vehicle Account—State
 Appropriation: For transfer to the Freight Mobility Investment Account—State \$8,511,000
- (6) Motor Vehicle Account—State
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$30,500,000
- (7) Motor Vehicle Account—State
 Appropriation: For transfer to the Rural Arterial Trust Account—State \$4,844,000
- (8) Motor Vehicle Account—State
 Appropriation: For transfer to the Transportation Improvement Account—State \$9,688,000
- (9) Motor Vehicle Account—State
 Appropriation: For transfer to the State Patrol Highway Account—State \$33,000,000
- (10) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Connecting Washington Account—State \$1,305,000

(11) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000

(12) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$1,240,000

(13) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$36,500,000

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$8,511,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$30,500,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$25,000,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$27,679,000

(18) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$15,223,000

(19) Multimodal Transportation Account—State Appropriation: For transfer to the Pilotage Account—State \$2,000,000

(20) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

(21) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Connecting Washington Account—State \$22,970,000

(22) Interstate 405 Express Toll Lanes Operations Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$2,019,000

(23)(a) Transportation Partnership Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State \$122,046,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

(24)(a) Motor Vehicle Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, and an equivalent reimbursing transfer is to occur in November 2019.

(25) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$4,844,000

(26) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$625,000

The treasurer must hold the funding provided under this subsection in unallotted status. The treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS

Sections 503 through 519 of this act represent the results of the 2017-2019 collective bargaining process required under chapters 47.64, 41.80, and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 503 through 516 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 503 through 519 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 503. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—OPEIU

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded six and one-half percent general wage increase effective July 1, 2017, and six and one-half percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and restructuring of the pay schedule.

NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—FASPAA

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—SEIU LOCAL 6

An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a six percent general wage increase effective July 1, 2017, and a four percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—CARPENTERS

An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters through an

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interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded four percent general wage increase effective July 1, 2017, and three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications.

NEW SECTION. Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—METAL TRADES

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded three percent general wage increase effective July 1, 2017, and three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications.

NEW SECTION. Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MEBA-UL

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MEBA-L

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for an additional pay increase to address inversion among certain job classifications.

NEW SECTION. Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P MATES

An agreement has been reached between the governor and the master, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P MASTERS

An agreement has been reached between the governor and the master, mates, and pilots - masters through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a five and one-half percent general wage increase effective July 1, 2017, and a two and one-half percent general wage increase effective July 1, 2018. The award also includes and funding is provided for an additional pay increase to address inversion among certain job classifications.

NEW SECTION. Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P WATCH CENTER SUPERVISORS

An agreement has been reached between the governor and the master, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a one percent general wage increase effective

July 1, 2018. The agreement also includes and funding is provided for an increase for the fleet safety and training administrators equal to the same hourly rate of pay as the watch center supervisors.

NEW SECTION. Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—IBU

An agreement has been reached between the governor and the inlandboatmen's union pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a four percent general wage increase effective July 1, 2017, and a one percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications and for employees hired on or after June 30, 2011, an increase in leave earned.

NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17

An agreement has been reached between the governor and the professional and technical employees local 17 pursuant to chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals.

NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT—WFSE

An agreement has been reached between the governor and the Washington federation of state employees general government pursuant to chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals.

NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT—WPEA

An agreement has been reached between the governor and the Washington public employees association general government pursuant to chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals.

NEW SECTION. Sec. 517. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS

An agreement has been reached between the governor and the coalition of unions pursuant to chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals.

NEW SECTION. Sec. 518. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol troopers association pursuant to chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is

provided for a sixteen percent general wage increase for troopers effective July 1, 2017, and a three percent general wage increase for troopers effective July 1, 2018. Funding is also provided for a twenty percent general wage increase for sergeants effective July 1, 2017, and a three percent general wage increase for sergeants effective July 1, 2018. The agreement also includes and funding is provided for increases to longevity pay, changes to specialty pay, and an increase to vacation accruals.

NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS ASSOCIATION

An agreement has been reached between the governor and the Washington state patrol lieutenants association pursuant to chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is provided for a twenty percent general wage increase effective July 1, 2017, and a three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases to longevity pay.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2017-1 as developed March 25, 2017, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation documents referenced in this act. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority funds between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(i) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

NEW SECTION. Sec. 602. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 603. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 604. FOR THE DEPARTMENT OF TRANSPORTATION

(1) As part of its 2018 supplemental budget submittal, the department shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2015-2017 fiscal biennium into the 2017-2019 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2015 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2017-2019 fiscal biennium into budgeting systems.

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NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION—WEB SITE REPORTING REQUIREMENTS

(1) The department of transportation shall post on its web site every report that is due from the department to the legislature during the 2017-2019 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

NEW SECTION. Sec. 606. (1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed March 25, 2017. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES

(1) The legislature finds that in the course of efficiently delivering connecting Washington projects, it is necessary to create a process for the department of transportation to request and receive approval of practical design-related project scope changes while the legislature is not in session. During the 2017-2019 fiscal biennium, the director of the office of financial management may approve project scope change requests to connecting Washington projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than ten days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

NEW SECTION. Sec. 608. FOR THE DEPARTMENT OF TRANSPORTATION

The department of transportation may provide up to three million dollars in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY PROJECTS

(1) All appropriations for designated information technology projects in this act must be placed in unallotted status and must not be expended before the office of the chief information officer certifies that the project complies with state information technology and security policy and strategies. At a minimum, the office of the chief information officer must certify, if the chief information officer deems appropriate, that the project meets critical project success factors, aligns with statewide technology strategy and architecture, reuses existing technology services and solutions, minimizes custom development, complies with security and other policy requirements, and uses modularized, component-based architectures. The office of the chief information officer must evaluate the project at the appropriate stages. The office of the chief information officer must notify the office of financial management and the legislative fiscal committees each time it certifies a project is ready to proceed with the next stage. Appropriations may then be allotted for that certified phase only.

(2) The chief information officer may suspend or terminate a project at any time if the chief information officer determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the chief information officer.

The following projects are subject to the conditions, limitations, and review provided in this section: Department of Transportation – Labor System Replacement, Department of Transportation – Ferry Network System Support, Department of Transportation - Land Mobile Radio System Replacement, and Department of Transportation - New CSC System and Operator.

(3) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section other than those listed in subsection (2) of this section, including projects that are not separately identified within an agency budget.

NEW SECTION. Sec. 702. FINANCIAL CONTRACTS

The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein. The department of transportation may enter into a financing contract up to \$14,600,000 plus financing expenses and required reserves using certificates of participation under chapter 39.94 RCW for energy efficiency upgrades at department-owned buildings.

NEW SECTION. Sec. 703. SETTLEMENT FUNDS EXPENDITURE

(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.

(2) The mitigation plan and the stewardship of project implementation must adhere to the following guidelines:

(a) Consideration must be given to investments in areas where public health is most impacted by nitrogen oxides pollution, and especially in areas where disadvantaged communities reside;

(b) Investments must fund, to the extent possible: (i) Projects that have not been funded or implemented by June 30, 2017, to mitigate nitrogen oxides pollution; and (ii) projects that do not replace projects and activities that were funded on or before June 30, 2017, for implementation after that date, to address such pollution by achieving an identical or substantially similar objective;

(c) Investments in clean vehicles or clean engine replacements must be shown to be cost-effective and, for the purposes of leveraging funding, may not exceed the incremental cost of the clean vehicle or clean engine replacement, relative to the cost of a similar conventionally fueled vehicle or conventionally fueled engine replacement;

(d) Consideration must be given to investments in projects that employ a range of fueling technologies and emissions reduction technologies; and

(e) Priority must be given to projects that have the highest benefit-cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.

(3) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than thirty percent of funding provided for commercial vehicle class four through eight transit buses;

(ii) No more than twenty percent of funding provided for commercial vehicle class four through eight school and shuttle buses;

(iii) No more than twenty percent of funding provided for (A) commercial vehicle class eight local freight trucks and port drayage trucks and (B) commercial vehicle class four through seven local freight trucks;

(iv) No more than fifteen percent of funding provided for light duty, zero emission vehicle supply equipment;

(v) No more than thirty percent of funding provided for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and

(vi) No more than ten percent of funding provided for other mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (3)(a).

(b) Projects that receive funding under subsection (3)(a)(iii) of this section and ocean-going vessels shorepower projects that receive funding under subsection (3)(a)(vi) of this section must include electric technologies, if practicable.

(4)(a)(i) For the purposes of administering subsection (3)(a)(i), (iii), (iv), and, as needed, (vi) of this section, the department of ecology shall enter into an interagency agreement with the department of transportation. The department of transportation is responsible for proposing candidate projects under these subsections, for working with the department of ecology to determine its benefit-cost ratios under subsection (2)(e) of this section, and for prioritizing these candidate projects accordingly. The department of ecology shall work collaboratively with the department of transportation to develop and implement the elements of the mitigation plan that address these categories of projects.

(ii) In meeting its requirements under (a)(i) of this subsection, the department of transportation shall consider plans approved under the consent decrees governing zero emission vehicle infrastructure development identified in subsection (1) of this section, making reasonable efforts to select candidate projects that are complementary to those plans. The department of transportation shall also consider and utilize, where appropriate

and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:

(A) The department of transportation's electric vehicle infrastructure bank program;

(B) The state alternative fuel commercial vehicle tax credit;

(C) The state sales and use tax exemption for clean vehicles; and

(D) Public transportation grant programs administered by the department of transportation.

(iii) To guide the department of transportation in meeting its responsibilities under (a)(i) of this subsection during the 2017-2019 fiscal biennium, a steering committee is established, consisting of: The chairs and ranking minority members of the house of representatives and senate transportation committees, or their designees; the director of the department of ecology; and the secretary of transportation or his or her designee. The steering committee must meet as needed to support the department of transportation's contribution to the elements of the mitigation plan that address the categories of projects referenced in subsection (3)(a)(i), (iii), (iv), and (vi) of this section. Staff support must be provided by the joint transportation committee and nonpartisan committee staff of the house of representatives and senate transportation committees. The department of transportation staff must provide technical support, as needed.

(b) For the purposes of administering subsection (3)(a)(ii) of this section, including the development of the mitigation plan, the department of ecology shall enter into an interagency agreement with the office of the superintendent of public instruction. The superintendent, in consultation with the director of the department of ecology, is authorized to establish a grant program for the purposes of providing funding to school districts for school bus-related projects. Pursuant to the guidelines in subsection (2)(c) of this section, funding may be provided for only the incremental costs of projects above the costs of standard school bus or school bus engine replacement under current school bus depreciation funding requirements. Any grant funding provided under this subsection is temporary in nature and is for enhancements outside the basic education program.

(c) The department of ecology shall complete development of the mitigation plan according to the timeline required by the trustee. The department of ecology must submit the mitigation plan to the appropriate committees of the legislature, as well as benefit-cost information for projects pursuant to the guideline under subsection (2)(e) of this section, on the same day that the plan is submitted to the trustee.

(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.

(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.

(7) For the purposes of this section:

(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.

(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.

Sec. 704. RCW 43.19.642 and 2016 c 197 s 2 are each amended to read as follows:

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(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2011-2013, 2013-2015, and))~~ 2015-2017 and 2017-2019 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 705. RCW 46.20.745 and 2013 c 306 s 712 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 706. RCW 46.68.030 and 2016 c 28 s 2 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$23.60 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the state patrol highway account to the connecting Washington account such amounts as reflect the excess fund balance of the state patrol highway account.

(4) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the state patrol highway account to the connecting Washington account.

Sec. 707. RCW 46.68.060 and 2015 3rd sp.s. c 43 s 602 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the state patrol highway account and the connecting Washington account.

Sec. 708. RCW 46.68.280 and 2015 3rd sp.s. c 43 s 603 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements,

moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the connecting Washington account.

(4) The "nickel account" means the transportation 2003 account.

Sec. 709. RCW 46.68.290 and 2015 3rd sp.s. c 43 s 604 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines,

program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing

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each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account.

Sec. 710. RCW 46.68.325 and 2015 1st sp.s. c 10 s 703 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the ~~((2013-2015 and))~~ 2015-2017 fiscal ~~((biennia))~~ biennium, the legislature may transfer from the rural mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the rural mobility grant program account.

(4) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant program account to the multimodal transportation account.

Sec. 711. RCW 47.26.086 and 2011 c 120 s 7 are each amended to read as follows:

Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multiagency projects and arterial improvement projects in fast-growing areas. During the 2017-2019 fiscal biennium, projects may also include the relight Washington program. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

To be eligible to receive these funds, a project must be consistent with the growth management act, the clean air act

including conformity, and the commute trip reduction law and consideration must have been given to the project's relationship, both actual and potential, with the statewide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

Within one year after board approval of an application for funding, the lead agency shall provide written certification to the board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

Sec. 712. RCW 47.56.876 and 2015 1st sp.s. c 10 s 706 are each amended to read as follows:

A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state route number 520 civil penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account.

Sec. 713. RCW 81.53.281 and 2016 c 14 s 701 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund" to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295; for grants and/or subsidies to public, private, and nonprofit entities for rail safety projects authorized or ordered by the commission; and for personnel and associated costs related to supervising and administering rail safety grants and/or subsidies. During the 2013-2015 fiscal biennium, funds in this account may also be used to conduct the study required under section 102, chapter 222, Laws of 2014. The commission shall transfer from the public service revolving fund's miscellaneous fees and penalties accounts moneys appropriated for these purposes as needed. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work.

The commission may adopt rules for the allocation of money from the grade crossing protective fund. During the 2015-2017 and 2017-2019 fiscal (~~biennium~~) biennia, the commission may waive rules regarding local matching fund requirements, maximum awards for individual projects, and other application requirements as necessary to expedite the allocation of money from the grade crossing protective fund to address underprotected grade crossings as identified by the commission.

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GENERAL GOVERNMENT AGENCIES—
OPERATING**

Sec. 801. 2016 c 14 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State
Appropriation ~~(\$1,604,000)~~
\$504,000

Sec. 802. 2016 c 14 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation ~~(\$2,296,000)~~
\$2,196,000

Puget Sound Ferry Operations Account—State
Appropriation \$115,000

State Patrol Highway Account—State Appropriation
\$150,000

TOTAL APPROPRIATION \$2,561,000
\$2,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$835,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to develop, implement, and report on transportation metrics associated with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Evaluate and implement opportunities to streamline reporting of county transportation financial data; expand reporting and collection of short-span bridge and culvert data; evaluate and report on the impact of increased freight and rail traffic on county roads; and to evaluate, implement, and report on the opportunities for improved capital project management and delivery.

(2) \$100,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to work with the department of fish and wildlife to develop voluntary programmatic agreements for the maintenance, preservation, rehabilitation, and replacement of water crossing structures. A report must be presented to the legislature by December 31, 2016, on the implementation of developed voluntary programmatic agreements.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for an organizational assessment of the Washington state patrol.

(4) The office of financial management, in conjunction with the office of the chief information officer, shall provide oversight and review of the department of transportation's development of the request for proposal for a new tolling customer service toll collection system and development of a project management plan as required in section 209(8) (~~of this act~~), chapter 14, Laws of 2016.

Sec. 803. 2016 c 14 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation ~~(\$1,240,000)~~
\$1,239,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 901. 2016 c 14 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation
~~(\$3,183,000)~~
\$3,175,000

Highway Safety Account—Federal Appropriation
~~(\$21,644,000)~~
\$22,035,000

Highway Safety Account—Private/Local Appropriation
\$118,000

School Zone Safety Account—State Appropriation
\$850,000

TOTAL APPROPRIATION \$25,795,000
\$26,178,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may continue to oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population of more than one hundred ninety-five thousand and that are located in a county with a population of fewer than one million five hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) By January 1, 2017, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

(2) \$99,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 243, Laws of 2015 (pedestrian safety reviews).

(3) ~~(\$6,500,000)~~ \$1,030,000 of the highway safety account—federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2015-2017 fiscal biennium.

(4) Within current resources, the commission must examine the declining revenue going to the school zone safety account with the goal of identifying factors contributing to the decline. By December 31, 2015, the commission must provide a report to the transportation committees of the legislature that summarizes its findings and provides recommendations designed to ensure that the account is receiving all amounts that should be deposited into the account.

Sec. 902. 2016 c 14 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation
\$1,000,000

Motor Vehicle Account—State Appropriation ~~(\$2,459,000)~~
\$2,404,000

County Arterial Preservation Account—State
Appropriation \$1,518,000

TOTAL APPROPRIATION \$4,977,000

\$4,922,000

Sec. 903. 2016 c 14 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State

Appropriation (~~(\$4,063,000)~~)

\$4,035,000

Sec. 904. 2016 c 14 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation (~~(\$2,222,000)~~)

\$2,272,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for a consultant study of Washington state patrol recruitment and retention of troopers. The study must identify barriers to effective candidate recruitment, candidates' successful completion of training, and retention of trained troopers of various tenure. The study must provide:

- (i) An overview of current attrition rates;
- (ii) Options and strategies on reducing the average number of trooper positions that are vacant;
- (iii) Identification of best practices for recruitment and retention of law enforcement officers;
- (iv) Recommendations to improve existing recruitment and selection programs;
- (v) Recommendations for where salary and benefit adjustments should be targeted to most effectively address recruitment and retention challenges;
- (vi) Recommendations regarding changes to the training and education program; and
- (vii) Other recommendations for cost-effective personnel strategies.

(b) The joint transportation committee shall issue a report of its findings to the house and senate transportation committees by December 14, 2015. The Washington state patrol shall work with the consultant to identify costs for each recommendation.

(2)(a) \$125,000 of the motor vehicle account—state appropriation is for a study of Washington state weigh station planning, placement, and operations by the Washington state patrol and department of transportation as they relate to roadway safety and preservation. The study must:

- (i) Provide a high-level overview of commercial vehicle enforcement programs, with a focus on weigh stations, including both state and federal funding programs. This overview must include a description of how the Washington state patrol and department of transportation allocate these state and federal funds.
- (ii) Review Washington state patrol and department of transportation planning related to weigh station location and operation, and the extent to which their efforts complement, coordinate with, or overlap each other;
- (iii) Identify best practices in the funding, placement, and operation of weigh stations;
- (iv) Review plans by the department of transportation and Washington state patrol to reopen a Federal Way area southbound weigh station;
- (v) Recommend changes in state statutes, policy, or agency practices and rules to improve the efficiency and effectiveness of weigh station funding, placement, and operation, including potential savings to be achieved by adopting the changes; and

(vi) Review whether it is cost-effective or more efficient to place future weigh stations in the median of a highway instead of placing two individual weigh stations on either side of a highway.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2015.

(3) \$250,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for a study to be conducted in 2016 to identify prominent road-rail conflicts, recommend a corridor-based prioritization process for addressing the impacts of projected increases in rail traffic, and identify areas of state public policy interest, such as the critical role of freight movement to the Washington economy and the state's competitiveness in world trade. The study must consider the results of the updated marine cargo forecast due to be delivered to the joint transportation committee on December 1, 2015. In conducting the study, the joint transportation committee must consult with the department of transportation, the freight mobility strategic investment board, the utilities and transportation commission, local governments, and other relevant stakeholders. The joint transportation committee must issue a report of its recommendations and findings by January 9, 2017.

(4) The legislature intends for the joint transportation committee to undertake a study during the 2017-2019 fiscal biennium of consolidating rail employee safety and regulatory functions in the utilities and transportation commission. The joint transportation committee should review the information provided by the utilities and transportation commission and should provide recommendations to the transportation committees of the legislature regarding such a consolidation of rail employee safety and regulatory functions.

(5) Within existing resources, during the interim periods between regular sessions of the legislature, the joint transportation committee shall include on its agendas work sessions on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders. The joint transportation committee shall have at least two such work sessions before December 31, 2015.

(6) \$450,000 of the motor vehicle account—state appropriation is for the design-build contracting review study established in chapter 18, Laws of 2015 3rd sp. sess. The department of transportation must provide technical assistance, as necessary.

(7) The joint transportation committee must study the issues surrounding minority and women-owned business contracting related to the transportation sector. The study should identify any best practices adopted in other states that encourage participation by minority and women-owned businesses. The joint transportation committee, with direction from the executive committee, may form a legislative task force at the conclusion of the study to help to inform the legislature of any best practices identified from other states that encourage minority and women-owned businesses' participation in the transportation sector.

Sec. 905. 2016 c 14 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation (~~(\$2,667,000)~~)

\$2,516,000

| | |
|---|--------------------|
| Motor Vehicle Account—Federal | Appropriation |
| \$500,000 | |
| Multimodal Transportation Account—State | |
| Appropriation | \$112,000 |
| TOTAL APPROPRIATION | \$3,279,000 |
| | <u>\$3,128,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely to continue evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund investments in transportation. The evaluation must include monitoring and reviewing work that is underway in other states and nationally. The commission may coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available and eligible for road usage charge pilot projects. The commission must reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, and report to the governor's office and the transportation committees of the house of representatives and the senate by December 15, 2015.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for the commission to use an outside survey firm to conduct three transportation surveys during the 2015-2017 fiscal biennium. The commission must consult with the joint transportation committee when deciding on the survey topics and design to ensure the survey results will deliver the data, information, and analysis for future transportation policy and strategic planning decisions in a manner useful to the legislature.

(3)(a) The legislature finds that, while some travel times have improved through Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end, especially for transit trips, the implementation of the express toll lane system has made travel more difficult for a number of other drivers and trips. To provide some relief to drivers, the legislature encourages the commission to expedite consideration of the elimination of tolls during evening nonpeak hours, weekends, and holidays, to the extent that such a change will improve commuters' experience on this portion of Interstate 405. The legislature further finds that the commission, as the tolling authority of the state, should act swiftly, working in conjunction with the department of transportation's comprehensive effort to tackle obstacles adversely affecting commutes on this portion of Interstate 405, to drive improved results for the users of this critical corridor as soon as is practicable.

(b) In accordance with the rule-making authority provided under RCW 34.05.350(1)(a), the legislature deems it necessary, for preservation of the general welfare, that operational changes be made to improve the express toll lane program on Interstate 405 and that the tolling authority use its emergency rule-making authority to effect such changes in accordance with RCW 47.56.850 and 47.56.880. The legislature finds that the need for improvements to the commuter experience on the portion of Interstate 405 identified in (a) of this subsection necessitates that such action be taken in an expedited fashion. The tolling authority, with input from the department of transportation, shall evaluate the hours and days of operation for the express toll lanes and the minimum high occupancy vehicle passenger requirements for using the express toll lanes, taking into consideration the goals of: Reducing travel time on this portion of Interstate 405, including in the general purpose lanes; reducing the cost of traveling within the express toll lanes on this portion of Interstate 405; and maintaining sufficient revenue to pay for this portion of Interstate 405's express toll lane operating costs. This subsection (3) does not create a private right of action.

(4)(a) \$500,000 of the motor vehicle account—federal appropriation is provided solely to advance the work completed since 2011 in evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund future investments in transportation by completing the work necessary to launch a road usage charge pilot project, with all implementation details for a pilot project identified and incorporated into a pilot project implementation plan.

(i) Pilot project implementation preparation must include identification of all essential agency roles and responsibilities for the pilot project, a selection of the technologies and methodologies to be included, a target number of participants and participant characteristics, rigorous specific evaluation criteria by which the pilot project will be assessed, a communication plan for the pilot project that consists of a participant recruitment plan and a plan for communicating information about the launch and ongoing progress of the pilot project, and pilot project expenditure and revenue estimates.

(ii) In developing the road usage charge pilot project implementation plan, the commission shall consult and coordinate with the department of transportation, the department of licensing, the department of revenue, and the office of the state treasurer to establish participation and coordination parameters for the project.

(b) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(c) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and may obtain guidance from the steering committee when it reaches key pilot project implementation plan development milestones. The commission must provide a report on the road usage charge pilot project implementation plan that includes all implementation details for a road usage charge pilot project to the governor's office and the transportation committees of the house of representatives and the senate by November 1, 2016.

~~((5) \$150,000 of the motor vehicle account—state appropriation is provided solely for supporting the disadvantaged business enterprise advisory committee established in chapter . . . (Senate Bill No. 6180), Laws of 2016. If chapter . . . (Senate Bill No. 6180), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.))~~

Sec. 906. 2016 c 14 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation ~~(((\$1,024,000))~~
\$1,015,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely to conduct a study of freight infrastructure needs, including an update of the long-term marine cargo forecast. The board must work with the Washington public ports association to evaluate: (1) Forecasted cargo movement by commodity, type, and mode of land transport;

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and (2) current and projected freight infrastructure capacity needs. A report on the study must be delivered to the joint transportation committee by December 1, 2015.

Sec. 907. 2016 c 14 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

| | |
|--|----------------------------|
| State Patrol Highway Account—State | |
| Appropriation | (\$415,364,000) |
| | <u>\$407,845,000</u> |
| State Patrol Highway Account—Federal | |
| Appropriation | \$13,291,000 |
| State Patrol Highway Account—Private/Local | |
| Appropriation | \$3,823,000 |
| Highway Safety Account—State | Appropriation |
| | \$1,494,000 |
| Multimodal Transportation Account—State | |
| Appropriation | \$276,000 |
| TOTAL APPROPRIATION | \$434,248,000 |
| | <u>\$426,729,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the highway safety account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$23,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 3, Laws of 2015 2nd sp. sess. (impaired driving).

(4) \$5,000,000 of the state patrol highway account—state appropriation is provided solely for compensation increases for Washington state patrol troopers, sergeants, lieutenants, and captains. This increase is not subject to interest arbitration and is for salary and benefits that are in addition to the current interest arbitration award. It is the intent of the legislature that chapter . . . (Engrossed Second Substitute House Bill No. 2872), Laws of 2016 provide the revenue to support the ongoing costs associated with the compensation increases identified in this subsection in order to provide the means necessary to recruit and retain state patrol officers in subsequent biennia.

(5)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(6) \$115,000 of the state patrol highway account—state appropriation is provided solely for the operation of the license investigation unit to enforce vehicle registration laws in southwestern Washington.

Sec. 908. 2016 c 14 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

| | |
|---|----------------------------|
| Marine Fuel Tax Refund Account—State | |
| Appropriation | \$34,000 |
| License Plate Technology Account—State | |
| Appropriation | \$3,200,000 |
| Motorcycle Safety Education Account—State | |
| Appropriation | \$4,488,000 |
| State Wildlife Account—State | Appropriation |
| Highway Safety Account—State | \$1,001,000 |
| | Appropriation |
| | (\$201,666,000) |
| | <u>\$198,735,000</u> |
| Highway Safety Account—Federal | Appropriation |
| | \$3,573,000 |
| Motor Vehicle Account—State | Appropriation |
| | (\$92,044,000) |
| | <u>\$92,662,000</u> |
| Motor Vehicle Account—Federal | Appropriation |
| | \$362,000 |
| Motor Vehicle Account—Private/Local | Appropriation |
| | (\$1,544,000) |
| | <u>\$1,859,000</u> |
| Ignition Interlock Device Revolving Account—State | |
| Appropriation | \$5,142,000 |
| Department of Licensing Services Account—State | |
| Appropriation | (\$6,672,000) |
| | <u>\$6,671,000</u> |
| TOTAL APPROPRIATION | \$319,726,000 |
| | <u>\$317,727,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$30,954,000)~~ \$30,250,000 of the highway safety account—state appropriation and \$3,200,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(2) \$5,059,000 of the motor vehicle account—state appropriation is provided solely for replacing prorated and fuel tax computer systems used to administer interstate licensing and the collection of fuel tax revenues.

(3) \$3,714,000 of the highway safety account—state appropriation is provided solely for the implementation of an updated central issuance system.

(4) \$3,082,000 of the highway safety account—state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4),

to statutorily authorized persons or entities purchasing a driving record abstract.

(5) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. A person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(6) Within existing resources and in consultation with the traffic safety commission, the Washington state patrol, and a representative of the insurance industry and the professional driving school association, the department must review options and make recommendations on strategies for addressing young and high-risk drivers. The recommendations must consider the findings of Washington state's strategic highway safety plan, Target Zero, and must include an analysis of expanding traffic safety education to eighteen to twenty-four year olds that have not taken a traffic safety course and drivers that have been convicted of high-risk behavior, such as driving under the influence of drugs and alcohol and reckless driving. An overview of the work conducted and the recommendations are due to the transportation committees of the legislature and the governor by December 31, 2015.

(7) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 1, Laws of 2015 2nd sp. sess. (quick title service fees).

(8) \$283,000 of the highway safety account—state appropriation and \$33,000 of the ignition interlock device revolving account—state appropriation are provided solely for the implementation of chapter 3, Laws of 2015 2nd sp. sess. (impaired driving).

(9) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).

(10) ~~(\$335,000 of the highway safety account state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2942), Laws of 2016 or chapter . . . (Senate Bill No. 6591), Laws of 2016 (nondomiciled commercial drivers' licenses). If both chapter . . . (Substitute House Bill No. 2942), Laws of 2016 and chapter . . . (Senate Bill No. 6591), Laws of 2016 are not enacted by June 30, 2016, the amount provided in this subsection lapses.~~

(41)) \$2,421,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2015. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

((42)) (11) \$43,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 6200), Laws of 2016 (Washington's fish collection license plate). If chapter . . . (Senate Bill No. 6200),

Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

((43)) (12) \$388,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 (impaired driving). If chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

((44)) (13) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 (Purple Heart license plate). If chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

((45)) (14) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 (alternative fuel vehicles). If chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

Sec. 909. 2016 c 14 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TOLL OPERATIONS AND MAINTENANCE—
PROGRAM B**

High Occupancy Toll Lanes Operations Account—State
Appropriation ~~(\$3,185,000)~~
\$3,175,000

Motor Vehicle Account—State Appropriation \$510,000

State Route Number 520 Corridor Account—State

Appropriation \$39,029,000

State Route Number 520 Civil Penalties Account—State

Appropriation \$6,008,000

Tacoma Narrows Toll Bridge Account—State

Appropriation \$26,636,000

Interstate 405 Express Toll Lanes Operations

Account—State Appropriation \$15,552,000

TOTAL APPROPRIATION \$90,920,000

\$90,910,000

The appropriations in this section are subject to the following

conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$8,157,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$4,778,000 of the state route number 520 civil penalties account—state appropriation and \$2,065,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(4) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(5) \$12,202,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility, including the customer service center vendor, transponders, credit card fees, printing and postage, rent, office supplies, telephone and communications equipment, computers, and vehicle operations. Within the amount provided in this subsection, the department must, to the greatest extent possible, without adding additional tolling gantries, continue to expand the length of the access and exit points to the express toll lanes, clarify signage and striping to eliminate confusion, and make other operational and customer service improvements to enhance the public's use of the toll facility. The office of financial management shall place \$5,371,000 of the amount provided in this subsection in unallotted status. The office of financial management may release funds to the department on a monthly basis beginning July 1, 2016; however, the amount to be released monthly must be calculated to address the department's projected expenditure need based on the previous month's actual expenditures, financial statement, actual toll transaction experience, and actual revenue collections for the Interstate 405 express toll lanes facility. Prior to releasing any funding from unallotted status, the office of financial management shall notify the joint transportation committee of the amount to be released and provide the documentation used in determining the amount.

(6) \$250,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the identification and prioritization of projects that will help reduce congestion and provide added capacity on the Interstate 405 tolling corridor between state route number 522 and Interstate 5.

(7) The department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose

lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(8) \$56,000 of the high occupancy toll lanes operations account—state appropriation, \$1,124,000 of the state route number 520 corridor account—state appropriation, and \$596,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the department to develop a request for proposal for a new tolling customer service center.

(a) The department must address the replacement of the Wave2Go ferry ticketing system that is reaching the end of its useful life by developing functional and technical requirements that integrate Washington state ferries ticketing into the new tolling division customer service center toll collection system. The department shall continue to report quarterly to the governor, legislature, and state auditor on: (i) The department's effort to mitigate risk to the state, (ii) the development of a request for proposal, and (iii) the overall progress towards procuring a new tolling customer service center.

(b) The department shall release a request for proposal for a new tolling customer service toll collection system by December 1, 2016.

(i) During the request for proposal development process and prior to its release, the office of financial management shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

(A) Provides for the business needs of the state; and

(B) Mitigates risk to the state.

(ii) During development of the request for proposal and prior to its release, the office of the chief information officer shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

(A) Contains requirements that meet the security standards and policies of the office of the chief information officer; and

(B) Is flexible and adaptable to advances in technology.

(c)(i) Prior to commencement of the new tolling customer service toll collection system implementation, the department shall submit a draft project management plan to the office of financial management and the office of the chief information officer that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation;

(ii) The office of financial management and the office of the chief information officer shall review the draft project management plan to ensure that it contains adequate contract management and quality assurance measures.

(iii) The department shall submit the project management plan to the transportation committees of the legislature prior to the commencement of system implementation.

(9) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(10) \$5,000 of the motor vehicle account—state appropriation is provided solely for membership dues for the alliance for toll interoperability.

(11) \$1,230,000 of the state route number 520 civil penalties account—state appropriation and \$695,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely to implement chapter 292, Laws of 2015 (tolling customer service reform) to improve integration between the Good to Go! electronic tolling system with the pay-by-mail system through increased communication with customers and improvements to the Good to Go! web site allowing customers to manage all of their toll accounts regardless of method of payment. Within the amounts provided, the department must include in the request for proposals for a new customer service center the requirement that the new tolling customer service center link to the vehicle records system of the department of licensing to enable vehicle record updates that relate to tolling customer accounts to occur between the two systems seamlessly. The department must work with the department of licensing to develop the appropriate specifications to include in the request for proposals to allow the new tolling customer service center to link to the vehicle records system without cost to the department of licensing and report to the transportation committees of the legislature when the appropriate specifications have been completed. By June 30, 2017, the department shall report how many people with Good to Go! accounts were issued civil penalties for each toll facility and whether the number was reduced each fiscal year in the biennium. The department shall also report on the number of customer contacts that occur, number of civil penalties reduced or waived, the amount of the total civil penalties that are waived, and the number of customers that are referred to the administrative law judge process during the biennium.

Sec. 910. 2016 c 14 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

| | | | |
|--|---------|---------------|---------------------------|
| Transportation Partnership Account—State | | | |
| Appropriation \$1,460,000 | | | |
| Motor | Vehicle | Account—State | Appropriation |
| | | | (\$69,291,000) |
| | | | <u>\$69,281,000</u> |
| Multimodal Transportation Account—State | | | |
| Appropriation \$2,883,000 | | | |
| Transportation 2003 Account (Nickel Account)—State | | | |
| Appropriation \$1,460,000 | | | |
| Puget Sound Ferry Operations Account—State | | | |
| Appropriation \$263,000 | | | |
| TOTAL APPROPRIATION | | \$75,357,000 | |
| <u>\$75,347,000</u> | | | |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,460,000 of the transportation partnership account—state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for

maintaining the department's project management reporting system.

(2) \$250,000 of the motor vehicle account—state appropriation is provided solely for the development of a timeline and funding plan for the labor system replacement project. As part of its 2017-2019 biennial budget submittal, and in coordination with the office of financial management and the office of the chief information officer, the department shall submit a timeline and funding plan for the labor system replacement project. The plan must identify a timeline and all one-time and ongoing costs for the integration of all headquarters, regional, and marine employees into the new labor system.

Sec. 911. 2016 c 14 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

| | | | |
|---|---------|---------------|---------------------------|
| Motor | Vehicle | Account—State | Appropriation |
| | | | (\$27,609,000) |
| | | | <u>\$27,592,000</u> |
| State Route Number 520 Corridor Account—State | | | |
| Appropriation \$34,000 | | | |
| TOTAL APPROPRIATION | | \$27,643,000 | |
| <u>\$27,626,000</u> | | | |

Sec. 912. 2016 c 14 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
AVIATION—PROGRAM F**

| | | |
|---|-----------------------|--------------------------|
| Aeronautics Account—State Appropriation | | (\$8,628,000) |
| | | <u>\$8,632,000</u> |
| Aeronautics Account—Federal Appropriation | | (\$4,100,000) |
| | | <u>\$1,600,000</u> |
| Aeronautics | Account—Private/Local | Appropriation |
| | | \$60,000 |
| TOTAL APPROPRIATION | | \$12,788,000 |
| <u>\$10,292,000</u> | | |

The appropriations in this section are subject to the following conditions and limitations: \$4,557,000 of the aeronautics account—state appropriation is provided solely for airport investment studies and the airport aid grant program, which provides competitive grants to public airports for pavement, safety, maintenance, planning, and security.

Sec. 913. 2016 c 14 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PROGRAM DELIVERY MANAGEMENT AND
SUPPORT—PROGRAM H**

| | | | |
|---|---------|-----------------|---------------------------|
| Motor | Vehicle | Account—State | Appropriation |
| | | | (\$53,911,000) |
| | | | <u>\$53,892,000</u> |
| Motor | Vehicle | Account—Federal | Appropriation |
| | | | \$500,000 |
| Multimodal Transportation Account—State | | | |
| Appropriation \$250,000 | | | |
| TOTAL APPROPRIATION | | \$54,661,000 | |
| <u>\$54,642,000</u> | | | |

The appropriations in this section are subject to the following conditions and limitations:

(1) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and

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pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) \$250,000 of the motor vehicle account—state appropriation is provided solely for training intended to retain a knowledgeable and competent core technical staff in the changing environment of highway project design and construction and to provide for the efficient and effective delivery and oversight of projects. The training must focus on the following areas:

(a) Training appropriate staff in regard to coordinating and administrating projects with private sector designers and builders for projects delivered by the design-build construction process;

(b) Training on community engagement to provide project managers with the skills necessary to develop personal relations with the leaders of the affected community to blend project needs with the needs of the community, while providing fair treatment and involvement of community groups and individuals regarding elements of a project subject to environmental regulations, laws, and policies;

(c) Training for partnering and team building skills to avoid conflict and reduce construction claims that arise in contract administration; and

(d) Technical design training required in the fields of hydraulics, hydrology, and storm water abatement, and other fields in support of projects dealing with the fish passage program and highway runoff treatment.

Sec. 914. 2016 c 14 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
ECONOMIC PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation ~~((\$600,000))~~
\$604,000

~~((Electric Vehicle Charging Infrastructure
Account—State Appropriation—\$1,000,000~~

~~TOTAL APPROPRIATION—\$1,600,000~~

The appropriation((s)) in this section ~~((are))~~ is subject to the following conditions and limitations: ~~((+))~~ The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

~~(((3)) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of~~

~~capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue-))~~

Sec. 915. 2016 c 14 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation
~~((\$418,524,000))~~
\$424,755,000

Motor Vehicle Account—Federal Appropriation
~~((\$7,000,000))~~
\$12,000,000

Tacoma Narrows Toll Bridge Account—State

Appropriation \$1,235,000

State Route Number 520 Corridor Account—State

Appropriation \$4,448,000

TOTAL APPROPRIATION \$431,207,000

\$442,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$6,091,000))~~ \$7,122,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

(2) \$4,448,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,235,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(5) The department must make signage for low-height bridges a high priority.

(6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the Northwest avalanche center for an additional forecaster. However, the amount in this subsection is contingent on the state parks and recreation commission receiving funding for its portion of the Northwest avalanche center forecaster in the omnibus appropriations act. If this funding is not provided by June 30, 2016, the appropriation provided in this subsection lapses.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for safety improvements and operations relating to homeless encampments along Interstate 5 between milepost 162 and milepost 165. The department shall coordinate the timing of the safety improvements with the city of Seattle and King county to ensure that a collaborative and comprehensive approach is taken to address emergency conditions in support of the city's transitional services.

(8) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary snow and ice removal expenses and related road repair expenses incurred during the winter of 2016-2017.

Sec. 916. 2016 c 14 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Connecting Washington Account—State Appropriation
\$30,000

| | | | |
|---------------------|---------------------------|-----------------------|---------------|
| Motor | Vehicle | Account—State | Appropriation |
| | (\$57,622,000) | | |
| | <u>\$57,504,000</u> | | |
| Motor | Vehicle | Account—Federal | Appropriation |
| | \$2,050,000 | | |
| Motor | Vehicle | Account—Private/Local | Appropriation |
| | \$250,000 | | |
| TOTAL APPROPRIATION | | \$59,952,000 | |
| <u>\$59,834,000</u> | | | |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

~~(2) ((During the 2015-2017 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.~~

~~(3))~~ The legislature recognizes that congestion is increasing on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station, and that allowing transit buses to operate on the shoulder would provide congestion relief and more reliable travel times. Therefore, the department shall, within existing resources, implement a transit bus shoulder operations pilot project on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station. The department shall make all necessary changes to handle the increased traffic and provide a ten-foot shoulder for the transit bypass.

~~((4))~~ ~~(3)~~ \$30,000 of the connecting Washington account—state appropriation is provided solely for the department to create and install motorist information sign panels for the Jerry Taylor Veterans Plaza in Sunnyside along the state-owned right-of-way near exits 63, 67, and 69 on Interstate 182 and on state route number 241 near the junction with Yakima Valley highway and to install supplemental directional signs as permitted by the affected local government and in accordance with the "Manual on Uniform Traffic Control Devices" and chapter 47.36 RCW.

~~((5))~~ ~~(4)~~ The department shall implement Senate Joint Memorial No. 8019 within existing resources if Senate Joint Memorial No. 8019 is enacted by the legislature by June 30, 2016,

and the Washington state transportation commission takes action to name the facility per Senate Joint Memorial No. 8019 by June 30, 2017.

Sec. 917. 2016 c 14 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

| | | | |
|---|---------------------------|-----------------|---------------|
| Motor | Vehicle | Account—State | Appropriation |
| | (\$29,625,000) | | |
| | <u>\$29,622,000</u> | | |
| Motor | Vehicle | Account—Federal | Appropriation |
| | (\$1,205,000) | | |
| | <u>\$1,323,000</u> | | |
| Multimodal Transportation Account—State | | | |
| Appropriation | | \$1,131,000 | |
| TOTAL APPROPRIATION | | \$31,961,000 | |
| <u>\$32,076,000</u> | | | |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 of the motor vehicle account—state appropriation is provided solely for enhanced disadvantaged business enterprise outreach to increase the pool of disadvantaged businesses available for department contracts and to collaborate with the department of labor and industries to recruit women and persons of color to participate in existing transportation apprenticeship programs. The department must submit a status report on disadvantaged business enterprise outreach and apprenticeship recruitment to the transportation committees of the legislature by November 15, 2015.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for the headquarters communications office. Within the amount provided in this subsection, the department shall complete the web content management system and upgrade the department's web site.

(3) \$750,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonproject agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2016, and annually thereafter.

(4)(a) During the 2015-2017 fiscal biennium, the department may proceed with the pilot project selling commercial advertising, including product placement, on department web sites and social media. In addition, the department may sell a version of its mobile application(s) to users who desire to have access to application(s) without advertising.

(b) The department shall deposit all moneys received from the sale of advertisements on web site and mobile applications into the motor vehicle fund created in RCW 46.68.070.

(c) The department shall adopt standards for advertising, product placement, and other forms of commercial recognition that require the department to define and prohibit, at a minimum, the content containing any of the following characteristics, which is not permitted: (i) Obscene, indecent, or discriminatory content; (ii) political or public issue advocacy content; (iii) products, services, or other materials that are offensive, insulting, disparaging, or degrading; or (iv) products, services, or messages that are contrary to the public interest, including any advertisements that encourage or depict unsafe behaviors or encourage unsafe or prohibited driving activities. Alcohol,

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tobacco, and cannabis are included among the products prohibited.

Sec. 918. 2016 c 14 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND
RESEARCH—PROGRAM T**

| | |
|---|---------------------------|
| Motor Vehicle Account—State | Appropriation |
| | (\$22,717,000) |
| | <u>\$22,707,000</u> |
| Motor Vehicle Account—Federal | Appropriation |
| | (\$26,342,000) |
| | <u>\$29,096,000</u> |
| Multimodal Transportation Account—State | Appropriation |
| | \$662,000 |
| Multimodal Transportation Account—Federal | Appropriation |
| | \$2,809,000 |
| Multimodal Transportation Account—Private/Local | Appropriation |
| | \$100,000 |
| TOTAL APPROPRIATION | \$52,630,000 |
| | <u>\$55,374,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$368,000 of the motor vehicle account—state appropriation is provided solely for the purchase of an economic impact model. The department shall work with appropriate local jurisdictions to improve consistency between existing and planned transportation demand models. The department shall report back to the transportation committees of the legislature and the office of financial management by December 31, 2015, with any recommendations requiring legislative action.

(2) \$1,000,000 of the motor vehicle account—federal appropriation is provided solely for the corridor sketch program. Priority must be given to the state route number 522 corridor between Maltby and the Snohomish river bridge. Initial corridors must also include state route number 195, Interstate 5 between Bellingham and the vicinity of Mount Vernon, state route number 160 in the vicinity of Port Orchard, and state route number 28 in the vicinity of East Wenatchee.

(3) Within existing resources, the department shall conduct a traffic and access study of the intersection of the Interurban trail and state route number 104. Options to improve safety at this location must include consideration of a pedestrian and bike overcrossing.

(4)(a) The department must update the state freight mobility plan to comply with the requirements in section 70202 of the federal fixing America's surface transportation act. In updating the state freight mobility plan, the department must involve key freight stakeholders, such as representatives of public ports, the trucking industry, railroads, the marine industry, local governments and planning organizations, the Washington state freight advisory committee, and other freight stakeholders. The updated plan must delete any obsolete project references from the prioritized freight project list.

(b) The department, in conjunction with the stakeholder group, must provide a list of prioritized projects for consideration for funding in the 2017-2019 fiscal biennium. The prioritized list must have approval from all impacted stakeholders. The prioritized list must be submitted to the office of financial management and the transportation committees of the legislature by November 1, 2016.

(5) Within existing resources, the department must evaluate how light pollution from state highways and facilities can be minimized while still meeting appropriate safety standards. Additionally, the department must evaluate how budget savings

can be achieved through different types of lighting. To the extent practicable, the department must conduct this work in conjunction with other ongoing study and corridor planning efforts.

~~((7))~~ (6) \$150,000 of the motor vehicle account—state appropriation is provided solely for a safety study of state route number 169 from Jones Road to Cedar Grove. The department must consider collision data and work with local stakeholders to make recommendations for safety improvements in the corridor. A report on the study is due to the transportation committees of the legislature by December 31, 2016.

Sec. 919. 2016 c 14 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
CHARGES FROM OTHER AGENCIES—PROGRAM U**

| | |
|---|---------------------------|
| Motor Vehicle Account—State | Appropriation |
| | (\$74,666,000) |
| | <u>\$77,036,000</u> |
| Motor Vehicle Account—Federal | Appropriation |
| | \$500,000 |
| Multimodal Transportation Account—State | Appropriation |
| | (\$3,115,000) |
| | <u>\$3,213,000</u> |
| TOTAL APPROPRIATION | \$78,281,000 |
| | <u>\$80,749,000</u> |

Sec. 920. 2016 c 14 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

| | |
|---|---------------------------|
| State Vehicle Parking Account—State | Appropriation |
| | \$754,000 |
| Regional Mobility Grant Program Account—State | Appropriation |
| | (\$74,976,000) |
| | <u>\$57,828,000</u> |
| Rural Mobility Grant Program Account—State | Appropriation |
| | \$20,438,000 |
| Multimodal Transportation Account—State | Appropriation |
| | (\$72,930,000) |
| | <u>\$71,604,000</u> |
| Multimodal Transportation Account—Federal | Appropriation |
| | \$3,588,000 |
| TOTAL APPROPRIATION | \$172,686,000 |
| | <u>\$154,212,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,250,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$8,750,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$32,500,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the

department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$20,438,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$6,969,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$400,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving or traveling through the Joint Base McChord I-5 corridor between mile post 116 and 127.

(4) (~~(\$18,726,000)~~) \$13,010,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2016-2)) 2017-2 ALL PROJECTS as developed March ((7, 2016)) 25, 2017, Program - Public Transportation Program (V).

(5)((~~a~~) ~~(\$56,250,000)~~) \$44,818,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2016-2)) 2017-2 ALL PROJECTS as developed March ((7, 2016)) 25, 2017, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2015, and December 15, 2016, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

~~((b) In order to be eligible to receive a grant under (a) of this subsection during the 2015-2017 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter~~

~~81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed route transportation service that is offered by an employer for the benefit of its employees.))~~

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,670,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities.

(8) \$200,000 of the multimodal transportation account—state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(9)(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the Everett connector service for Island and Skagit transit agencies. The amount provided in this subsection is contingent on Island Transit charging fares that achieve a farebox recovery ratio similar to comparable transit systems.

(b) The amount provided in (a) of this subsection must be held in unallotted status until the office of financial management determines that fares have been both adopted and implemented by Island Transit that achieve a farebox recovery ratio similar to comparable transit systems. Island Transit must notify the office of financial management when it has met the requirements of this subsection.

(10)(a) (~~(\$13,890,000)~~) \$12,565,000 of the multimodal transportation account—state appropriation is provided solely for projects identified in LEAP Transportation Document ((2016-3)) 2017-2 ALL PROJECTS as developed March ((7, 2016). ~~Except as provided otherwise in this subsection, funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects. If a higher priority project is bypassed, it must be funded when the project is ready. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed transit projects that have been funded and projects that have been bypassed, including an estimated time frame for when the bypassed project will be funded.))~~ 25, 2017.

(b) \$831,000 of the amount provided in (a) of this subsection is provided solely for Skagit transit system enhancements for expenditure in 2015-2017.

(c) \$2,300,000 of the amount provided in (a) of this subsection is provided solely for Island transit's tri-county connector service for expenditure in 2015-2017.

(d) It is the intent of the legislature to provide \$6,000,000 in the 2017-2019 fiscal biennium and \$6,000,000 in the 2019-2021 fiscal biennium for the Spokane Central city line, in addition to the 2015-2017 fiscal biennium funding provided in the LEAP transportation document identified in (a) of this subsection. It is further the intent of the legislature to provide a total of \$10,000,000 over the 2017-2019 and 2019-2021 fiscal biennia for the Northgate transit center pedestrian bridge.

(e) Within existing resources, the public transportation program must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating the delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016.

(11) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(12) Within the amounts provided in this section, the public transportation program must conduct a study of public transportation agencies in Washington that provide regional public transportation service outside the boundaries of the agency. The study must consider: (a) The cost to provide these existing regional services, the current source of funds for these services, and the applicable ridership data from these existing regional services; (b) the number of trips removed from the state highway system as a result of these regional services; (c) areas of the state highway system that do not have such regional service available; and (d) potential funding sources at the state level to support a portion of current and potential regional services. The public transportation program must provide a report on its findings and recommendations to the transportation committees of the legislature by November 15, 2016.

Sec. 921. 2016 c 14 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

| | |
|--|----------------------------|
| Puget Sound Ferry Operations Account—State | |
| Appropriation | (\$478,319,000) |
| | <u>\$478,985,000</u> |
| Puget Sound Ferry Operations Account—Federal | |
| Appropriation | (\$5,908,000) |
| | <u>\$5,156,000</u> |
| Puget Sound Ferry Operations Account—Private/Local | |
| Appropriation | \$121,000 |
| TOTAL APPROPRIATION | \$484,348,000 |
| | <u>\$484,262,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2015-2017 supplemental and 2017-2019 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2015-2017 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) ~~(\$78,306,000)~~ \$77,091,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2015-2017 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 701, c 10, Laws of 2015 1st sp. sess. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(5) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(6) During the 2015-2017 fiscal biennium, the department shall not operate a winter sailing schedule for a time period longer than twelve weeks.

(7) \$496,000 of the Puget Sound ferry operations account—state appropriation is provided solely for ferry terminal traffic control at the Fauntleroy ferry terminal. The department shall utilize existing contracts to provide a uniformed officer to assist with ferry terminal traffic control at the Fauntleroy ferry terminal.

(8) \$1,551,000 of the Puget Sound ferry operations account—state appropriation is provided solely for improvements to the reservation system. The department shall actively encourage ferry reservation customers to use the online option for making and changing reservations and shall not use these funds for call center staff.

(9) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2015, and annually thereafter, and that the report include the establishment of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(10) ~~(\$5,908,000)~~ \$5,156,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for vessel maintenance.

(11) \$48,000 of the Puget Sound ferry operations account—state appropriation is provided solely for staff sufficient to allow passenger accessibility aboard the M/V Tokitae to the sun deck during daylight hours on Saturdays and Sundays of the summer sailing season.

Sec. 922. 2016 c 14 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

| | |
|---|---------------------------|
| Multimodal Transportation Account—State | |
| Appropriation | (\$59,473,000) |
| | <u>\$59,476,000</u> |
| Multimodal Transportation Account—Private/Local | |
| Appropriation | \$45,000 |
| TOTAL APPROPRIATION | \$59,518,000 |
| | <u>\$59,521,000</u> |

Sec. 923. 2016 c 14 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

| | | |
|---|---------------|--------------------------|
| Motor Vehicle Account—State Appropriation | | (\$9,324,000) |
| | | <u>\$9,321,000</u> |
| Motor Vehicle Account—Federal | Appropriation | \$2,567,000 |
| Multiuse Roadway Safety Account—State | Appropriation | \$131,000 |
| TOTAL APPROPRIATION | | \$12,022,000 |
| | | <u>\$12,019,000</u> |

TRANSPORTATION AGENCIES—CAPITAL

Sec. 1001. 2016 c 14 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

| | |
|---|---------------------------|
| Freight Mobility Investment Account—State | |
| Appropriation | (\$13,217,000) |
| | <u>\$5,142,000</u> |
| Freight Mobility Multimodal Account—State | |
| Appropriation | (\$11,859,000) |

\$3,315,000
~~((Freight Mobility Multimodal Account—Private/Local—~~
~~Appropriation—\$1,320,000))~~
 Highway Safety Account—State Appropriation
~~((~~\$2,765,000~~))~~
\$865,000
 Motor Vehicle Account—State Appropriation \$83,000
~~((~~Motor Vehicle Account—Federal—Appropriation~~~~
~~~~\$3,250,000~~))~~  
 TOTAL APPROPRIATION \$32,494,000  
\$9,405,000

**Sec. 1002.** 2016 c 14 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
~~((~~\$5,895,000~~))~~  
\$5,815,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$250,000 of the state patrol highway account—state appropriation is provided solely for unforeseen emergency repairs on facilities.
- (2) \$560,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the roofs of the Shelton academy multipurpose building, Tacoma district office building, Kennewick detachment building, and Ridgefield and Plymouth weigh station buildings.
- (3) \$150,000 of the state patrol highway account—state appropriation is provided solely for upgrades to scales at Goldendale required to meet current certification requirements.
- (4) \$2,350,000 of the state patrol highway account—state appropriation is provided solely for funding to repair and replace the academy asphalt emergency vehicle operation course.
- (5) \$500,000 of the state patrol highway account—state appropriation is provided solely for replacement of generators at Marysville, Baw Faw, Gardner, Pilot Rock, and Ridpath.
- (6) \$150,000 of the state patrol highway account—state appropriation is provided solely for painting and caulking in several locations.
- (7) \$350,000 of the state patrol highway account—state appropriation is provided solely for pavement preservation at the Wenatchee district office and the Spokane district office.
- (8) \$700,000 of the state patrol highway account—state appropriation is provided solely for energy upgrades at two district offices and two detachments.
- (9) \$300,000 of the state patrol highway account—state appropriation is provided solely for repair of the academy training tank.
- (10) \$130,000 of the state patrol highway account—state appropriation is provided solely for communication site roof repair to reroof equipment shelters at radio communication sites statewide.
- (11) \$275,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the broadcast tower at the Steptoe Butte radio communications site.
- (12) \$100,000 of the state patrol highway account—state appropriation is provided solely for the dry-pipe fire suppression system rebuild at the Marysville district office.

**Sec. 1003.** 2016 c 14 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State  
 Appropriation ~~((~~\$56,094,000~~))~~  
\$45,055,000  
 Motor Vehicle Account—State Appropriation \$10,706,000

County Arterial Preservation Account—State  
 Appropriation \$32,344,000  
 TOTAL APPROPRIATION \$99,144,000  
\$88,105,000

**Sec. 1004.** 2016 c 14 s 304 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State  
 Appropriation ~~((~~\$4,301,000~~))~~  
\$2,551,000  
 Highway Safety Account—State Appropriation  
 \$10,000,000  
 Transportation Improvement Account—State  
 Appropriation ~~((~~\$249,988,000~~))~~  
\$218,488,000  
 Multimodal Transportation Account—State  
 Appropriation \$3,313,000  
 TOTAL APPROPRIATION \$267,602,000  
\$234,352,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The highway safety account—state appropriation is provided solely for:
  - (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;
  - (b) The small city pavement program to help cities meet urgent preservation needs; and
  - (c) The small city low-energy street light retrofit demonstration program.
- (2) \$3,313,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

**Sec. 1005.** 2016 c 14 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Transportation Partnership Account—State  
 Appropriation ~~((~~\$1,043,000~~))~~  
\$1,044,000  
 Motor Vehicle Account—State Appropriation ~~((~~\$7,276,000~~))~~  
\$7,387,000  
 Connecting Washington Account—State Appropriation  
~~((~~\$14,000,000~~))~~  
\$4,847,000  
 TOTAL APPROPRIATION \$22,319,000  
\$13,278,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,043,000 of the transportation partnership account—state appropriation is provided solely for completion of a new traffic management center in Shoreline, Washington. By September 30, 2015, the department shall report to the transportation committees of the legislature and the office of financial management on the resulting vacancy rate of the existing regional headquarters building in Shoreline, plans to consolidate department staff into the building, and the schedule for terminating the current lease of the Goldsmith building in Seattle, and provide an update on future plans to consolidate agency staff within the region.
- (2) ~~((~~\$4,000,000~~))~~ \$934,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue. The property purchase was approved by the 2005 legislature for the site of the new Olympic region and the land was acquired by the department in August

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2005. The department must work with the office of financial management's facilities oversight program to develop a revised predesign for a new Olympic region facility, with an estimated total cost of no more than forty million dollars. Priority must be given to accommodating the maintenance and operations functions of the Olympic region. The department must provide a copy of the revised predesign to the transportation committees of the legislature by December 2015.

(3) ~~(\$10,000,000)~~ \$3,913,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

**Sec. 1006.** 2016 c 14 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

|                                                     |                        |                 |  |
|-----------------------------------------------------|------------------------|-----------------|--|
| Multimodal Transportation Account—State             |                        |                 |  |
| Appropriation <del>(\$19,181,000)</del>             |                        |                 |  |
|                                                     | <u>\$19,176,000</u>    |                 |  |
| Transportation Partnership Account—State            |                        |                 |  |
| Appropriation <del>(\$1,065,758,000)</del>          |                        |                 |  |
|                                                     | <u>\$994,147,000</u>   |                 |  |
| Motor Vehicle Account—State                         | Appropriation          |                 |  |
| <del>(\$71,841,000)</del>                           |                        |                 |  |
|                                                     | <u>\$72,890,000</u>    |                 |  |
| Motor Vehicle Account—Federal                       | Appropriation          |                 |  |
| <del>(\$315,447,000)</del>                          |                        |                 |  |
|                                                     | <u>\$293,164,000</u>   |                 |  |
| Motor Vehicle Account—Private/Local                 | Appropriation          |                 |  |
| <del>(\$177,022,000)</del>                          |                        |                 |  |
|                                                     | <u>\$186,640,000</u>   |                 |  |
| Transportation 2003 Account (Nickel Account)—State  |                        |                 |  |
| Appropriation <del>(\$79,064,000)</del>             |                        |                 |  |
|                                                     | <u>\$76,668,000</u>    |                 |  |
| State Route Number 520 Corridor Account—State       |                        |                 |  |
| Appropriation <del>(\$368,121,000)</del>            |                        |                 |  |
|                                                     | <u>\$135,041,000</u>   |                 |  |
| State Route Number 520 Corridor Account—Federal     |                        |                 |  |
| Appropriation                                       | \$104,801,000          |                 |  |
| State Route Number 520 Civil Penalties Account—     |                        |                 |  |
| State Appropriation                                 | \$14,000,000           |                 |  |
| Special Category C Account—State                    | Appropriation          |                 |  |
| <del>(\$6,000,000)</del>                            |                        |                 |  |
|                                                     | <u>\$5,855,000</u>     |                 |  |
| <u>Interstate 405 Express Toll Lanes Operations</u> |                        |                 |  |
| Account—State Appropriation                         | <u>\$9,500,000</u>     |                 |  |
| Connecting Washington Account—State                 | Appropriation          |                 |  |
| <del>(\$229,425,000)</del>                          |                        |                 |  |
|                                                     | <u>\$181,837,000</u>   |                 |  |
| TOTAL APPROPRIATION                                 |                        | \$2,450,660,000 |  |
|                                                     | <u>\$2,093,719,000</u> |                 |  |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2016-4)~~) 2017-1 as developed March (~~(7, 2016)~~) 25, 2017, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section (~~(601)~~) 1201 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle

account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2016-2)~~) 2017-2 ALL PROJECTS as developed March (~~(7, 2016)~~) 25, 2017, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to ~~(\$79,064,000)~~ \$76,666,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account—state appropriation includes up to \$546,857,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) ~~(\$4,359,000)~~ \$4,360,000 of the motor vehicle account—state appropriation is provided solely for the I-5/JBLM Early Corridor Design project (300596S) to complete an environmental impact statement for a project that creates additional general purpose lanes on Interstate 5 in the Joint Base Lewis-McChord corridor. The design of this project must be high occupancy vehicle lane ready for a future connection to the Interstate 5 high occupancy vehicle lane system that currently terminates in Tacoma.

(7) ~~(\$267,071,000)~~ \$266,277,000 of the transportation partnership account—state appropriation, ~~(\$55,389,000)~~ \$55,390,000 of the motor vehicle account—federal appropriation, ~~(\$156,423,000)~~ \$166,423,000 of the motor vehicle account—private/local appropriation, ~~(\$45,400,000)~~ \$45,401,000 of the transportation 2003 account (nickel account)—state appropriation, and \$2,139,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(8) \$17,000,000 of the multimodal transportation account—state appropriation and \$1,676,000 of the transportation partnership account—state appropriation are provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B). The transportation partnership account—state appropriation must be placed in unallotted status and may only be released by the office of financial management for unpaid invoices from the 2013-2015 fiscal biennium.

(9) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

(10) ~~(\$22,491,000)~~ \$21,463,000 of the transportation partnership account—state appropriation, ~~(\$5,576,000)~~ \$6,342,000 of the transportation 2003 account (nickel account)—state appropriation, ~~(\$42,000)~~ \$37,000 of the multimodal transportation account—state appropriation, ~~(\$6,000,000)~~ \$5,855,000 of the special category C account—state appropriation, \$368,000 of the motor vehicle account—state appropriation, ~~(\$13,000)~~ \$14,000 of the motor vehicle

account—private/local appropriation, and ~~((\$12,976,000))~~ \$12,696,000 of the motor vehicle account—federal appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2015-2017.

(11) ~~((\$34,732,000))~~ \$34,725,000 of the transportation partnership account—state appropriation, ~~((\$7,329,000))~~ \$6,274,000 of the transportation 2003 account (nickel account)—state appropriation, and \$56,000 of the motor vehicle account—private/local appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8B11002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C) or the I-405 Renton to Bellevue project in the 2015-2017 fiscal biennium. The transportation partnership account—state appropriation in this subsection includes funding to begin preliminary engineering for adding capacity on Interstate 405 between state route number 522 and Interstate 5.

(12)(a) The SR 520 Bridge Replacement and HOV project (8B11003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$923,000,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account—state appropriation includes up to \$343,834,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account—federal appropriation includes up to \$104,801,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) ~~((\$126,937,000))~~ \$45,680,000 of the transportation partnership account—state appropriation, \$104,801,000 of the state route number 520 corridor account—federal appropriation, and ~~((\$368,121,000))~~ \$110,910,000 of the state route number 520 corridor account—state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8B11003). ~~((~~Of the amounts appropriated in this subsection (12)(d), \$233,085,000 of the state route number 520 corridor account—state appropriation must be put into unallotted status and is subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.~~))~~

(e) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(13) \$14,000,000 of the state route number 520 civil penalties account—state appropriation is provided solely for the department to continue to work with the Seattle department of transportation in their joint planning, design, right-of-way acquisition, outreach, and operation of the remaining west side elements including, but not limited to, the Montlake lid, the bicycle/pedestrian path, the effective network of transit connections, and the Portage Bay bridge of the SR 520 Bridge Replacement and HOV project.

(14) \$1,056,000 of the motor vehicle account—federal appropriation and \$38,000 of the motor vehicle account—state appropriation are provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred

workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2017, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(16) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2016 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(18) ~~((\$52,869,000))~~ \$44,742,000 of the motor vehicle account—federal appropriation, ~~((\$4,439,000))~~ \$4,381,000 of the motor vehicle account—state appropriation, and ~~((\$1,085,000))~~ \$529,000 of the motor vehicle account—private/local appropriation are provided solely for fish passage barrier and chronic deficiency improvements (0B14001).

(19) Any new advisory group that the department convenes during the 2015-2017 fiscal biennium must consider the interests of the entire state of Washington.

(20) Except as provided otherwise in this section, the entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2016-4))~~ 2017-1 as developed March ~~((7, 2016))~~ 25, 2017, Program - Highway Improvements Program (I).

(21) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(22) Of the amounts allocated to the Puget Sound Gateway project (M00600R) in LEAP Transportation Document ~~((2016-4))~~ 2017-1 as developed March ~~((7, 2016))~~ 25, 2017, \$4,000,000 must be used to complete the bridge connection at 28th/24th Street over state route number 509 in the city of SeaTac. The bridge connection must be completed prior to other construction on the state route number 509 segment of the project.

(23) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

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(24) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(25) ~~(\$1,500,000)~~ \$901,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle, covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(26)(a) The department must conduct outreach to local transit agencies during the planning process for highway construction projects led by the department.

(b) The department must develop process recommendations for best practices in minimizing impacts to transit and freight during project construction. A report on best practices must be submitted to the transportation committees of the legislature by December 1, 2016.

(27) The legislature finds that project efficiencies and savings may be gained by combining the I-5 Marine Drive project (I5OTC1A1) and the SR 529/I-5 Interchange project (N52900R). The department must deliver them as one project, the I-5 Peak Hour Use Lanes and Interchange Improvements project (L2000229), using a design-build approach.

(28)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be impeded by the I-90/Two-Way Transit and HOV Improvements project. ~~((The department must continue to work with the city of Mercer Island to address potential access solutions as the project nears completion))~~ One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather-in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes. A final access solution must consider all safety, operational, and enforcement requirements, not benefit one group of commuters at the expense of another group, and meet applicable requirements of state and federal law.

(b) The department may not close or restrict, in any way, the westbound on-ramp from Island Crest Way to the current westbound Interstate 90 general purpose lanes until a mutually acceptable final access solution has been reached.

(29) \$9,500,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the

I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

**Sec. 1007.** 2016 c 14 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION— PRESERVATION—PROGRAM P**

|                                                    |                       |               |  |
|----------------------------------------------------|-----------------------|---------------|--|
| Transportation Partnership Account—State           |                       |               |  |
| Appropriation <del>(\$6,489,000)</del>             |                       |               |  |
| <u>\$6,434,000</u>                                 |                       |               |  |
| Motor Vehicle                                      | Account—State         | Appropriation |  |
| <del>(\$70,908,000)</del>                          |                       |               |  |
| <u>\$68,694,000</u>                                |                       |               |  |
| Motor Vehicle                                      | Account—Federal       | Appropriation |  |
| <del>(\$475,025,000)</del>                         |                       |               |  |
| <u>\$525,688,000</u>                               |                       |               |  |
| Motor Vehicle                                      | Account—Private/Local | Appropriation |  |
| <del>(\$8,647,000)</del>                           |                       |               |  |
| <u>\$8,092,000</u>                                 |                       |               |  |
| Transportation 2003 Account (Nickel Account)—State |                       |               |  |
| Appropriation <del>(\$28,032,000)</del>            |                       |               |  |
| <u>\$26,654,000</u>                                |                       |               |  |
| Tacoma Narrows Toll Bridge Account—State           |                       |               |  |
| Appropriation <del>(\$4,564,000)</del>             |                       |               |  |
| <u>\$1,038,000</u>                                 |                       |               |  |
| Recreational Vehicle                               | Account—State         | Appropriation |  |
| <del>(\$2,194,000)</del>                           |                       |               |  |
| <u>\$2,197,000</u>                                 |                       |               |  |
| High Occupancy Toll Lanes Operations Account—State |                       |               |  |
| Appropriation \$1,000,000                          |                       |               |  |
| State Route Number 520 Corridor Account—State      |                       |               |  |
| Appropriation <del>(\$1,730,000)</del>             |                       |               |  |
| <u>\$1,460,000</u>                                 |                       |               |  |
| Connecting Washington                              | Account—State         | Appropriation |  |
| <del>(\$79,963,000)</del>                          |                       |               |  |
| <u>\$77,134,000</u>                                |                       |               |  |
| TOTAL APPROPRIATION                                |                       | \$678,552,000 |  |
| <u>\$718,391,000</u>                               |                       |               |  |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2016-4)) 2017-1~~ as developed March ~~((7, 2016)) 25, 2017~~, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section ~~((601)) 1201~~ of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2016-2)) 2017-2~~ ALL PROJECTS as developed March ~~((7, 2016)) 25, 2017~~, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to ~~((\$28,032,000))~~ \$26,654,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature by December 1, 2015, on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

(6) \$38,142,000 of the motor vehicle account—federal appropriation and \$858,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. The department shall provide a report that identifies the scope, cost, and benefit of each project funded in this subsection as part of its 2016 agency budget request.

(7) Except as provided otherwise in this section, the entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2016-1))~~ 2017-1 as developed March ~~((7, 2016))~~ 25, 2017, Program – Highway Preservation Program (P).

(8) It is the intent of the legislature that, with respect to the amounts provided for highway preservation from the connecting Washington account, the department consider the preservation and rehabilitation of concrete roadway on Interstate 5 from the Canadian border to the Oregon border to be a priority within the preservation program.

(9) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR99/Alaskan Way viaduct replacement project.

(10)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(11) The department must consult with the Washington state patrol during the design phase of a department-led improvement or preservation project that could impact weigh station operations. The department must ensure that the designs of the projects do not prevent or interfere with weigh station operations.

**Sec. 1008.** 2016 c 14 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation ~~((\$7,190,000))~~  
\$6,783,000

Motor Vehicle Account—Federal Appropriation  
~~((\$7,567,000))~~  
\$6,716,000

Motor Vehicle Account—Private/Local Appropriation  
~~((\$200,000))~~  
\$201,000  
TOTAL APPROPRIATION \$14,957,000  
\$13,700,000

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

**Sec. 1009.** 2016 c 14 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
WASHINGTON STATE FERRIES CONSTRUCTION—  
PROGRAM W**

Puget Sound Capital Construction Account—State  
Appropriation ~~((\$57,764,000))~~  
\$57,037,000  
Puget Sound Capital Construction Account—Federal  
Appropriation ~~((\$153,647,000))~~  
\$136,346,000  
Puget Sound Capital Construction Account—Private/Local  
Appropriation \$3,730,000

Transportation 2003 Account (Nickel Account)—State  
Appropriation \$122,089,000  
Connecting Washington Account—State Appropriation  
~~((\$68,805,000))~~  
\$72,689,000  
TOTAL APPROPRIATION \$406,035,000  
\$391,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2016-2))~~ 2017-2 ALL PROJECTS as developed March ~~((7, 2016))~~ 25, 2017, Program - Washington State Ferries Capital Program (W).

(2) \$90,545,000 of the transportation 2003 account (nickel account)—state appropriation is provided solely for the acquisition of a 144-car vessel (L1000063). The department shall use as much already procured equipment as practicable on the 144-car vessels.

(3) ~~((\$46,989,000))~~ \$26,742,000 of the Puget Sound capital construction account—federal appropriation, ~~((\$2,000,000))~~ \$5,884,000 of the connecting Washington account—state appropriation, \$562,000 of the transportation 2003 account (nickel account)—state appropriation, and ~~((\$490,000))~~ \$491,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). It is the intent of the legislature, over the sixteen-year investment program, to provide ~~((\$155,000,000))~~ \$159,061,000 to complete the Mukilteo Terminal Replacement project (952515P). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section. To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal.

(4) \$7,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency

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capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future terminal modifications.

(6) If the department pursues a conversion of the existing diesel powered Issaquah class fleet to a different fuel source or engine technology or the construction of a new vessel powered by a fuel source or engine technology that is not diesel powered, the department must use a design-build procurement process.

(7) Funding is included in the future biennia of the LEAP transportation document referenced in subsection (1) of this section for future vessel purchases. Given that the recent purchase of new vessels varies from the current long range plan, the department shall include in its updated long range plan revised estimates for new vessel costs, size, and purchase time frames. Additionally, the long range plan must include a vessel retirement schedule and associated reserve vessel policy recommendations.

(8) \$325,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ferry system to participate in the development of one account-based system for customers of both the ferry system and tolling system. The current Wave2Go ferry ticketing system is reaching the end of its useful life and the department is expected to develop a replacement account-based system as part of the new tolling division customer service center toll collection system.

(9) Within existing resources, the department must evaluate the feasibility of utilizing the federal EB-5 immigrant investor program for financing the construction of a safety of life at sea (SOLAS) certificated vessel for the Anacortes-Sidney ferry route. The department must establish a group that includes, but is not limited to, the department of commerce and entities or individuals experienced with vessel engineering and EB-5 financing for assistance in evaluating the applicability of the EB-5 immigrant investor program. The department must deliver a report containing the results of the evaluation to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(10) It is the intent of the legislature, over the sixteen-year investment program, to provide ~~((\$316,000,000))~~ \$320,267,000 to complete the Seattle Terminal Replacement project (900010L), including: (a) Design work and selection of a preferred plan, (b) replacing timber pilings with pilings sufficient to support a selected terminal design, (c) replacing the timber portion of the dock with a new and reconfigured steel and concrete dock, and (d) other staging and construction work as the amount allows. These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(11) It is the intent of the legislature, over the sixteen-year new investment program, to provide \$122,000,000 in state funds to complete the acquisition of a fourth 144-car vessel (L2000109). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(12) \$300,000 of the Puget Sound capital construction account—state appropriation is provided solely to issue a request for proposals and purchase pilot program customer counting equipment. By June 30, 2017, the department must report to the governor and the transportation committees of the legislature on the most effective way to count ferry passengers.

(13) ~~((\$1,430,000))~~ \$1,255,000 of the Puget Sound capital construction account—federal appropriation and ~~((\$1,366,000))~~ \$889,000 of the Puget Sound capital construction—state

appropriation are provided solely for installation of security access control and video monitoring systems, and for enhancing wireless network capacity to handle higher security usage, increase connectivity between vessels and land-based facilities, and isolate the security portion of the network from regular business ~~((project))~~ 998925A).

(14) The transportation 2003 account (nickel account)—state appropriation includes up to \$4,131,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(15) The department shall submit a cost estimate to procure a fifth 144-car vessel to the governor and the transportation committees of the legislature by June 30, 2017. The estimate must include, but is not limited to, construction costs, estimated operating costs, and any potential savings from replacing a currently operating vessel with a fifth 144-car vessel.

**Sec. 1010.** 2016 c 14 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

|                                             |                                     |
|---------------------------------------------|-------------------------------------|
| Essential Rail Assistance Account—State     |                                     |
| Appropriation                               | \$1,459,000                         |
| Transportation Infrastructure Account—State |                                     |
| Appropriation                               | \$7,154,000                         |
| Multimodal Transportation Account—State     |                                     |
| Appropriation                               | <del>((<u>\$37,205,000</u>))</del>  |
|                                             | <u>\$31,320,000</u>                 |
| Multimodal Transportation Account—Federal   |                                     |
| Appropriation                               | <del>((<u>\$492,217,000</u>))</del> |
|                                             | <u>\$491,591,000</u>                |
| <b>TOTAL APPROPRIATION</b>                  | <b>\$538,035,000</b>                |
|                                             | <u>\$531,524,000</u>                |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2016-2))~~ 2017-2 ALL PROJECTS as developed March ~~((7, 2016))~~ 25, 2017, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. For the 2015-2017 fiscal biennium, the department shall first award loans to 2015-2017 FRIB loan applicants in priority order, and then offer loans to 2015-2017 unsuccessful freight rail assistance program grant applicants, if eligible. If any funds remain in the FRIB program, the department may reopen the loan program and shall evaluate new applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3)(a) ~~((\$5,484,000))~~ \$5,429,000 of the multimodal transportation account—state appropriation, \$270,000 of the essential rail assistance account—state appropriation, and \$455,000 of the transportation infrastructure account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(b) Of the amounts provided in this subsection, \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(4) (~~(\$487,297,000)~~) \$487,163,000 of the multimodal transportation account—federal appropriation and (~~(\$13,679,000)~~) \$10,991,000 of the multimodal transportation account—state appropriation are provided solely for expenditures related to passenger high-speed rail grants. Except for the Mount Vernon project (P01101A), the multimodal transportation account—state funds reflect no more than one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement.

(5)(a) \$1,114,000 of the essential rail assistance account—state appropriation, \$766,000 of the multimodal transportation account—state appropriation, and \$68,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2016, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

**Sec. 1011.** 2016 c 14 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation  
\$790,000

Highway Infrastructure Account—Federal  
Appropriation \$503,000

Transportation Partnership Account—State  
Appropriation (~~(\$4,054,000)~~)

\$2,911,000

Highway Safety Account—State Appropriation  
(~~(\$11,647,000)~~)

\$9,259,000

Motor Vehicle Account—State Appropriation (~~(\$1,271,000)~~)  
\$1,171,000

Motor Vehicle Account—Federal Appropriation  
(~~(\$28,043,000)~~)

\$17,571,000

Multimodal Transportation Account—State  
Appropriation (~~(\$34,031,000)~~)

\$26,119,000

Connecting Washington Account—State Appropriation  
(~~(\$47,669,000)~~)

\$27,069,000

TOTAL APPROPRIATION \$128,008,000

\$85,393,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2016-2)~~) 2017-2 ALL PROJECTS as developed March (~~(7, 2016)~~) 25, 2017, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (~~(\$20,653,000)~~) \$14,221,000 of the multimodal transportation account—state appropriation and (~~(\$3,579,000)~~) \$2,436,000 of the transportation partnership account—state appropriation are provided solely for pedestrian and bicycle safety program projects (~~(project)~~) L2000188).

(b) (~~(\$11,400,000)~~) \$6,303,000 of the motor vehicle account—federal appropriation, (~~(\$1,750,000)~~) \$925,000 of the multimodal transportation account—state appropriation, and (~~(\$6,750,000)~~) \$4,690,000 of the highway safety account—state appropriation are provided solely for newly selected safe routes to school projects. (~~(\$8,782,000)~~) \$7,507,000 of the motor vehicle account—federal appropriation, (~~(\$124,000)~~) \$26,000 of the multimodal transportation account—state appropriation, and (~~(\$4,897,000)~~) \$4,569,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (~~(project)~~) L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2015, and December 1, 2016, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the Edmonds waterfront at-grade train crossings alternatives analysis project (L2000135). The department shall work with the city of Edmonds and provide a preliminary report of key findings to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(5)(a) (~~(\$9,900,000)~~) \$9,343,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in LEAP Transportation Document (~~(2016-4)~~) 2017-2 as developed March (~~(7, 2016)~~) 25, 2017. Funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects and then to priority three projects. If a higher priority project is bypassed, it must be funded in the first round

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after the project is ready. If funds become available as a result of projects being removed from this list or completed under budget, the department may submit additional bicycle and pedestrian safety projects for consideration by the legislature. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed bicycle and pedestrian projects that have been funded and projects that have been bypassed, including an estimated time frame for when the project will be funded.

(b) Within existing resources, the local programs division must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1101.** 2016 c 14 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

|                                                     |                              |
|-----------------------------------------------------|------------------------------|
| Transportation Partnership Account—State            |                              |
| Appropriation                                       | \$3,610,000                  |
| Highway Bond Retirement Account—State               |                              |
| Appropriation                                       | <del>(\$1,176,906,000)</del> |
|                                                     | <u>\$1,173,441,000</u>       |
| Ferry Bond Retirement Account—State                 |                              |
| Appropriation                                       | <del>(\$29,230,000)</del>    |
|                                                     | <u>\$29,231,000</u>          |
| Transportation Improvement Board Bond Retirement    |                              |
| Account—State                                       |                              |
| Appropriation                                       | <del>(\$16,129,000)</del>    |
|                                                     | <u>\$16,080,000</u>          |
| State Route Number 520 Corridor Account—State       |                              |
| Appropriation                                       | \$559,000                    |
| Nondebt-Limit Reimbursable Bond Retirement Account— |                              |
| State                                               |                              |
| Appropriation                                       | <del>(\$25,837,000)</del>    |
|                                                     | <u>\$25,332,000</u>          |
| Toll Facility Bond Retirement Account—State         |                              |
| Appropriation                                       | <del>(\$72,880,000)</del>    |
|                                                     | <u>\$67,850,000</u>          |
| Motor Vehicle Account—State                         | \$2,500,000                  |
| Transportation 2003 Account (Nickel Account)—State  |                              |
| Appropriation                                       | \$477,000                    |
| <b>TOTAL APPROPRIATION</b>                          | <b>\$1,328,128,000</b>       |
|                                                     | <u>\$1,319,080,000</u>       |

The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the motor vehicle account—state appropriation is provided solely for debt service payment and withholding for the Tacoma Narrows bridge, with the intent of forestalling the need for the Washington state transportation commission to raise toll rates for the Tacoma Narrows bridge for fiscal year 2017.

**Sec. 1102.** 2016 c 14 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

**BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

|                                                    |                  |
|----------------------------------------------------|------------------|
| Transportation Partnership Account—State           |                  |
| Appropriation                                      | \$697,000        |
| Transportation 2003 Account (Nickel Account)—State |                  |
| Appropriation                                      | \$87,000         |
| State Route Number 520 Corridor Account—State      |                  |
| Appropriation                                      | \$134,000        |
| <b>TOTAL APPROPRIATION</b>                         | <b>\$784,000</b> |
|                                                    | <u>\$918,000</u> |

**Sec. 1103.** 2016 c 14 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

|                                                          |                            |
|----------------------------------------------------------|----------------------------|
| Toll Facility Bond Retirement Account—Federal            |                            |
| Appropriation                                            | <del>(\$200,215,000)</del> |
|                                                          | <u>\$200,216,000</u>       |
| <del>((Toll Facility Bond Retirement Account—State</del> |                            |
| <del>Appropriation</del>                                 | <del>\$12,009,000</del>    |
| <b>TOTAL APPROPRIATION</b>                               | <b>\$212,224,000</b>       |

**Sec. 1104.** 2016 c 14 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

|                                                |                            |
|------------------------------------------------|----------------------------|
| Motor Vehicle Account—State                    | Appropriation: For         |
| motor vehicle fuel tax distributions to cities |                            |
| and counties                                   | <del>(\$497,071,000)</del> |
|                                                | <u>\$496,685,000</u>       |

**Sec. 1105.** 2016 c 14 s 406 (uncodified) is amended to read as follows:

|                                              |                              |
|----------------------------------------------|------------------------------|
| Motor Vehicle Account—State                  | Appropriation: For           |
| motor vehicle fuel tax refunds and statutory |                              |
| transfers                                    | <del>(\$1,831,879,000)</del> |
|                                              | <u>\$1,856,065,000</u>       |

**Sec. 1106.** 2016 c 14 s 407 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

|                                        |                            |
|----------------------------------------|----------------------------|
| Motor Vehicle Account—State            | Appropriation:             |
| For motor vehicle fuel tax refunds and |                            |
| transfers                              | <del>(\$182,730,000)</del> |
|                                        | <u>\$184,758,000</u>       |

**Sec. 1107.** 2016 c 14 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

- (1) Multimodal Transportation Account—State  
Appropriation: For transfer to the Puget Sound  
Ferry Operations Account—State \$10,000,000
- (2) Multimodal Transportation Account—State  
Appropriation: For transfer to the Puget Sound  
Capital Construction Account—State \$12,000,000
- (3) State Route Number 520 Civil Penalties  
Account—State  
Appropriation: For transfer to the  
State Route Number 520 Corridor Account—State  
~~(\$1,631,000)~~  
\$1,630,000
- (4) Highway Safety Account—State  
Appropriation: For transfer to the State Patrol Highway  
Account—State \$20,000,000
- (5) Highway Safety Account—State



Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000

(6) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$18,000,000

(8) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000,

(9) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000

(10) State Patrol Highway Account—State Appropriation: For transfer to the Connecting Washington Account—State \$9,690,000

(11) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State \$4,998,000

(12) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State \$25,781,000

(13) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Connecting Washington Account—State \$596,000

(14) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Connecting Washington Account—State \$2,270,000

(15) Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$5,000,000

(16) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State \$1,922,000

(17) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State \$2,188,000

(18) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State \$1,094,000

(19) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$1,094,000

(20) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$1,922,000

(21) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$6,250,000

(22) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State \$3,438,000

(23) Multimodal Transportation Account—State Appropriation: For transfer to the Electric Vehicle Charging Infrastructure Account—State \$1,000,000

(24) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State ~~(\$59,000,000)~~ \$58,000,000

(25) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State \$8,000,000

(26) Multimodal Transportation Account—State Appropriation: For transfer to the Aeronautics Account—State ~~(\$250,000)~~

\$550,000

## IMPLEMENTING PROVISIONS

**Sec. 1201.** 2016 c 14 s 601 (uncodified) is amended to read as follows:

### FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in the LEAP list titled ~~((2016-1))~~ 2017-1 as developed March ~~((7, 2016))~~ 25, 2017, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. However, this section does not apply to the I-5/Columbia River Crossing project (400506A). For the 2015-2017 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2016 supplemental omnibus transportation appropriations act, any unexpended 2013-2015 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made, without the approval of the director of the office of financial management, by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative

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baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

amendment(s) thereto: Senators Hobbs, King and Sheldon.

MOTION

**MISCELLANEOUS 2015-2017 FISCAL BIENNIUM**

**NEW SECTION. Sec. 1301.** A new section is added to 2016 c 14 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 14, Laws of 2016 and this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2017, unless specifically prohibited, the department may transfer state appropriations for the 2015-2017 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the transportation committees of the legislature in writing no fewer than seven days before approving any allotment modifications or transfers under this section. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

**MISCELLANEOUS**

**NEW SECTION. Sec. 1401.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1402.** Except for section 706 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**NEW SECTION. Sec. 1403.** Section 706 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5096 and request of the House a conference thereon.

Senators King and Hobbs spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator King that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5096 and request a conference thereon.

The motion by Senator King carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5096 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5096 and the House

MESSAGE FROM THE HOUSE

April 6, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5388 with the following amendment(s): 5388-S.E AMH JUDI H2493.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1404.** A new section is added to chapter 9A.52 RCW to read as follows:

(1) Subject to subsections (2) and (3) of this section and upon the receipt of a declaration signed under penalty of perjury and containing all of the required information and in the form prescribed in section 2 of this act, a peace officer shall have the authority to:

(a) Remove the person or persons from the premises, with or without arresting the person or persons; and

(b) Order the person or persons to remain off the premises or be subject to arrest for criminal trespass.

(2) Only a peace officer having probable cause to believe that a person is guilty of criminal trespass under RCW 9A.52.070 for knowingly entering or remaining unlawfully in a building considered residential real property, as defined in RCW 61.24.005, has the authority and discretion to make an arrest or exclude anyone under penalty of criminal trespass.

(3) While a peace officer can take into account a declaration from the property owner signed under penalty of perjury containing all of the required information and in the form prescribed in section 2 of this act, the peace officer must provide the occupant or occupants with a reasonable opportunity to secure and present any credible evidence provided by the person or persons on the premises, which the peace officer must consider, showing that the person or persons are tenants, legal occupants, or the guests or invitees of tenants or legal occupants.

(4) Neither the peace officer nor his or her law enforcement agency shall be held liable for actions or omissions made in good faith under this section.

(5) This section may not be construed to in any way limit rights under RCW 61.24.060 or to allow a peace officer to remove or exclude an occupant who is entitled to occupy a dwelling unit under a rental agreement or the occupant's guests or invitees.

**NEW SECTION. Sec. 1405.** A new section is added to chapter 9A.52 RCW to read as follows:

The owner of premises, or his or her authorized agent, may initiate the investigation and request the removal of an unauthorized person or persons from the premises by providing to law enforcement a declaration containing all of the following required information and in substantially the following form:

REQUEST TO REMOVE TRESPASSER(S) FORM

The undersigned owner, or authorized agent of the owner, of the premises located at ..... hereby represents and declares under the penalty of perjury that (initial each box):

(1) was not found The declarant is the owner of the premises or the authorized agent of the owner of the premises;

(2) An unauthorized person or persons have entered and are remaining unlawfully on the premises;

(3) The person or persons were not authorized to enter or remain;

(4) The person or persons are not a tenant or tenants and have not been a tenant or tenants, or a homeowner or homeowners who have been on title, within the last twelve months on the property;

(5) The declarant has demanded that the unauthorized person or persons vacate the premises but they have not done so;

(6) The premises were not abandoned at the time the unauthorized person or persons entered;

(7) The premises were not open to members of the public at the time the unauthorized person or persons entered;

(8) The declarant understands that a person or persons removed from the premises pursuant to section 1 of this act may bring a cause of action under section 3 of this act against the declarant for any false statements made in this declaration, and that as a result of such action the declarant may be held liable for actual damages, costs, and reasonable attorneys' fees;

(9)The declarant understands and acknowledges the prohibitions in RCW 59.18.230 and 59.18.290 against taking or detaining an occupant's personal property or removing or excluding an occupant from a dwelling unit or rental premises without an authorizing court order;

(10) The declarant agrees to indemnify and hold harmless law enforcement for its actions or omissions made in good faith pursuant to this declaration; and

(11) Additional Optional Explanatory Comments:

.....

A declarant of premises who falsely swears on a declaration provided under this section may be guilty of false swearing under RCW 9A.72.040 or of making a false or misleading statement to a public servant under RCW 9A.76.175, both of which are gross misdemeanors.

NEW SECTION. Sec. 1406. A new section is added to chapter 4.24 RCW to read as follows:

All persons removed from premises pursuant to section 1 of this act on the basis of false statements made by a declarant pursuant to section 2 of this act shall have a cause of action to recover from the declarant for the full amount of damages caused thereby, together with costs and reasonable attorneys' fees."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Zeiger moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5388 and ask the House to recede therefrom.

Senators Zeiger and Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5388 and ask the House to recede therefrom.

The motion by Senator Zeiger carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5388 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 17, 2017

MR. PRESIDENT:

The Speaker ruled that the Senate amendments: 1718 AMS SCHO S2586.1 #199; 1718 AMS FORT S2587.2 #202 to HOUSE BILL NO. 1718 to be beyond scope & object of the bill. The House refuses to concur in said amendments and asks the Senate to recede therefrom. The House did consider amendment 1718 AMS CLS S2105.1 to HOUSE BILL NO. 1718 and concurred thereon.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Baumgartner moved that the Senate recede from its position on House Bill No. 1718 and pass the bill without Senate amendments no. 199 and no. 202.

Senator Baumgartner spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Baumgartner that the Senate recede from its position on House Bill No. 1718 and pass the bill without certain Senate amendments.

The motion by Senator Baumgartner carried and the Senate receded from its position on House Bill No. 1718 and passed the bill without certain Senate amendments by voice vote.

The President declared the question before the Senate to be the final passage of House Bill No. 1718 without certain Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1718, without certain Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Darneille and Pearson

HOUSE BILL NO. 1718, without certain Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1620 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate recede from its position on the Senate amendments to Engrossed House Bill No. 1620.

The President declared the question before the Senate to be motion by Senator Short that the Senate recede from its position on the Senate amendments to Engrossed House Bill No. 1620.

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The motion by Senator Short carried and the Senate recessed from its amendments to Engrossed House Bill No. 1620.

MOTION

On motion of Senator Short, the rules were suspended and Engrossed House Bill No. 1620 was returned to second reading for the purposes of amendment.

MOTION

Senator Short moved that the following striking floor amendment no. 269 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1407.** RCW 35.21.920 and 2010 c 47 s 2 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by city or town officials, cities or towns may((:));

(a) By ordinance, require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by city or town officials));

(b) By ordinance, require a federal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state criminal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the city or town.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the city or town shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the city or town.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

**Sec. 1408.** RCW 35A.21.370 and 2010 c 47 s 3 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by code city officials, code cities may((:));

(a) By ordinance, require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by code city officials));

(b) By ordinance, require a federal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state criminal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the code city.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the code city shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the code city.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

**Sec. 1409.** RCW 36.01.300 and 2010 c 47 s 1 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by county officials, counties may((:));

(a) By ordinance, require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by county officials));

(b) By ordinance, require a federal background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have

unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the county.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the county shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the county.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

**Sec. 1410.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and

playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

~~(4) ((For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions.))~~

(a) For the purpose of receiving criminal history record information by metropolitan park districts, metropolitan park districts:

(i) Shall establish by resolution the requirements for a state and federal record check of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may:

(A) Have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; or

(B) Be responsible for collecting or disbursing cash or processing credit/debit card transactions; and

(ii) May require a criminal background check conducted through a private organization of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults. A background check conducted through a private organization under this subsection is not required in addition to the requirement under (a)(i) of this subsection.

(b) The investigation under (a)(i) of this subsection shall consist of a background check as allowed through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, the Washington state criminal records act under RCW 10.97.030((7)) and 10.97.050, and ((through)) the federal bureau of investigation((, including a fingerprint check using a complete Washington state criminal identification fingerprint card)).

(c) The background checks conducted under (a)(i) of this subsection must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the metropolitan park district.

(d) The park district shall provide a copy of the record report to the employee, prospective employee, volunteer, vendor, or independent contractor.

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(e) When necessary, as determined by the park district, prospective employees, volunteers, vendors, or independent contractors may be employed on a conditional basis pending completion of the investigation.

(f) If the employee, prospective employee, volunteer, vendor, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. ~~((The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.))~~

(g) For background checks conducted pursuant to (c) of this subsection, the metropolitan park district must transmit appropriate fees, as the Washington state patrol may require under RCW 10.97.100 and 43.43.838, to the Washington state patrol, unless alternately arranged.

(h) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

On page 1, line 2 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130."

Senator Short spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 269 by Senator Short to Engrossed House Bill No. 1620.

The motion by Senator Short carried and floor striking amendment no. 269 was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed House Bill No. 1620 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1620 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1620 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 1620, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1714.

The President declared the question before the Senate to be motion by Senator Rivers that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1714.

The motion by Senator Rivers carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1714.

MOTION

On motion of Senator Rivers, the rules were suspended and House Bill No. 1714 was returned to second reading for the purposes of amendment.

MOTION

Senator Rivers moved that the following floor striking amendment no. 272 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1411. The legislature finds that:

(1) Research demonstrates that registered nurses play a critical role in improving patient safety and quality of care;

(2) Appropriate staffing of hospital personnel including registered nurses available for patient care assists in reducing errors, complications, and adverse patient care events and can improve staff safety and satisfaction and reduce incidences of workplace injuries;

(3) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care;

(4) Assuring sufficient staffing of hospital personnel, including registered nurses, is an urgent public policy priority in order to protect patients and support greater retention of registered nurses and safer working conditions; and

(5) Steps should be taken to promote evidence-based nurse staffing and increase transparency of health care data and decision making based on the data.

**Sec. 1412.** RCW 70.41.420 and 2008 c 47 s 3 are each amended to read as follows:

(1) By September 1, 2008, each hospital shall establish a nurse staffing committee, either by creating a new committee or assigning the functions of a nurse staffing committee to an existing committee. At least one-half of the members of the nurse staffing committee shall be registered nurses currently providing direct patient care and up to one-half of the members shall be determined by the hospital administration. The selection of the registered nurses providing direct patient care shall be according to the collective bargaining agreement if there is one in effect at

the hospital. If there is no applicable collective bargaining agreement, the members of the nurse staffing committee who are registered nurses providing direct patient care shall be selected by their peers.

(2) Participation in the nurse staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. Nurse staffing committee members shall be relieved of all other work duties during meetings of the committee.

(3) Primary responsibilities of the nurse staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based nurse staffing plan, based on the needs of patients, to be used as the primary component of the staffing budget. Factors to be considered in the development of the plan should include, but are not limited to:

(i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;

(ii) Level of intensity of all patients and nature of the care to be delivered on each shift;

(iii) Skill mix;

(iv) Level of experience and specialty certification or training of nursing personnel providing care;

(v) The need for specialized or intensive equipment;

(vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment; ~~(and)~~

(vii) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(viii) Availability of other personnel supporting nursing services on the unit; and

(ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff;

(b) Semiannual review of the staffing plan against patient need and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or concerns presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources ~~(may)~~ must be taken into account in the development of the nurse staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff.

(6) The committee will produce the hospital's annual nurse staffing plan. If this staffing plan is not adopted by the hospital, the chief executive officer shall provide a written explanation of the reasons why the plan was not adopted to the committee. The chief executive officer must then either: (a) Identify those elements of the proposed plan being changed prior to adoption of the plan by the hospital or (b) prepare an alternate annual staffing plan that must be adopted by the hospital. Beginning January 1, 2019, each hospital shall submit its staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning January 1, 2019, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse may report to the staffing committee any variations where the nurse personnel assignment in a patient care

unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse on a patient care unit objects to a shift-to-shift adjustment, the registered nurse may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data.

(8) Each hospital shall post, in a public area on each patient care unit, the nurse staffing plan and the nurse staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

~~((8))~~ (9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the nurse staffing committee; or

(b) An employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.

~~((9))~~ (10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having nurse staffing committees work by telephone or ~~(electronic mail)~~ email.

NEW SECTION. Sec. 1413. A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a staffing committee;

(ii) Conduct a semiannual review of a nurse staffing plan;

(iii) Submit a nurse staffing plan on an annual basis and any updates; or

(iv)(A) Follow the nursing personnel assignments in a patient care unit in violation of RCW 70.41.420(7)(a) or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b).

(B) The department may only investigate a complaint under this subsection (1)(a)(iv) after making an assessment that the submitted evidence indicates a continuing pattern of unresolved violations of RCW 70.41.420(7) (a) or (b), that were submitted to the nurse staffing committee excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The submitted evidence must include the aggregate data contained in the complaints submitted to the hospital's nurse staffing committee that indicate a continuing pattern of unresolved violations for a minimum sixty-day continuous period leading up to receipt of the complaint by the department.

(C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within forty-five days of the presentation of findings from the department to the hospital.

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(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of one hundred dollars per day until the hospital submits or begins to follow a corrective plan of action or takes other action agreed to by the department.

(3) The department shall maintain for public inspection records of any civil penalties, administrative actions, or license suspensions or revocations imposed on hospitals under this section.

(4) For purposes of this section, "unforeseeable emergency circumstance" means:

- (a) Any unforeseen national, state, or municipal emergency;
- (b) When a hospital disaster plan is activated;
- (c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or
- (d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients who are from another hospital or hospitals.

(5) Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420.

(6) The department shall submit a report to the legislature on December 31, 2020. This report shall include the number of complaints submitted to the department under this section, the disposition of these complaints, the number of investigations conducted, the associated costs for complaint investigations, and recommendations for any needed statutory changes. The department shall also project, based on experience, the impact, if any, on hospital licensing fees over the next four years. Prior to the submission of the report, the secretary shall convene a stakeholder group consisting of the Washington state hospital association, the Washington state nurses association, service employees international union healthcare 1199NW, and united food and commercial workers 21. The stakeholder group shall review the report prior to its submission to review findings and jointly develop any legislative recommendations to be included in the report.

(7) No fees shall be increased to implement this act prior to July 1, 2021.

NEW SECTION. Sec. 1414. This act expires June 1, 2023.  
NEW SECTION. Sec. 1415. This act may be known and cited as the Washington state patient safety act."

On page 1, line 1 of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.420; adding a new section to chapter 70.41 RCW; creating new sections; prescribing penalties; and providing an expiration date."

Senator Rivers spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 272 by Senator Rivers to House Bill No. 1714.

The motion by Senator Rivers carried and floor striking amendment no. 272 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1714 as amended by the

Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1714 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1714 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Honeyford, Schoesler and Short

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1902 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Baumgartner moved that the Senate recede from its position on Substitute House Bill No. 1902 and pass the bill without the Senate amendment(s).

Senator Baumgartner spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Baumgartner that the Senate recede from its position on Substitute House Bill No. 1902 and pass the bill without Senate amendment(s).

The motion by Senator Baumgartner carried and the Senate receded from its position on Substitute House Bill No. 1902 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1902 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1902, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer,



McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Darneille, Hasegawa, Honeyford, Lias, Padden, Pearson and Van De Wege

SUBSTITUTE HOUSE BILL NO. 1902, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate recede from its position on Engrossed Substitute House Bill No. 1547 and pass the bill without the Senate amendment(s).

Senators Rivers and Cleveland spoke in favor of passage of the motion.

Senators Padden and Becker spoke against passage of the motion.

The President declared the question before the Senate to be motion by Senator Rivers that the Senate recede from its position on Engrossed Substitute House Bill No. 1547 and pass the bill without Senate amendment(s).

The motion by Senator Rivers carried and the Senate receded from its position on Engrossed Substitute House Bill No. 1547 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1547 without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1547, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Brown, Hasegawa, Honeyford, Padden, Palumbo, Warnick and Wilson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1427.

MOTION

On motion of Senator Saldaña, Senators Ranker and Rolfes were excused.

The President declared the question before the Senate to be motion by Senator Rivers that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1427.

The motion by Senator Rivers carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1427.

MOTION

On motion of Senator Rivers, the rules were suspended and Engrossed Substitute House Bill No. 1427 was returned to second reading for the purposes of amendment.

MOTION

Senator Rivers moved that the following floor striking amendment no. 274 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1416.** The legislature finds that in 2015 an average of two Washington residents died per day in this state from opioid overdose and that opioid overdose deaths have more than doubled between 2010 and 2015.

The legislature further finds that medically prescribed opioids intended to treat pain have contributed to the opioid epidemic and although Washington has done much to address the prescribing and tracking of opioid prescriptions, more needs to be done to ensure proper prescribing and use of opioids and access to treatment. This includes allowing local health officers to access the prescription monitoring program in order to provide patient follow-up and care coordination, including directing care to opioid treatment programs in the area as appropriate to the patient following an overdose event.

The legislature intends to streamline its already comprehensive system of tracking and treating opioid abuse by: Reducing barriers to the siting of opioid treatment programs; ensuring ease of access for prescribers, including those prescribers who provide services in opioid treatment programs, to the prescription monitoring program; allowing facilities and practitioners to use the information received under the prescription monitoring program for the purpose of providing individual prescriber quality improvement feedback; and requiring the boards and commissions of the health care professions with prescriptive authority to adopt rules establishing requirements for prescribing opioid drugs with the goal of reducing the number of people who

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inadvertently become addicted to opioids and, consequently, reducing the burden on opioid treatment programs.

**NEW SECTION. Sec. 1417.** A new section is added to chapter 18.22 RCW to read as follows:

(1) By January 1, 2019, the board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of podiatric physicians and surgeons in the state.

**NEW SECTION. Sec. 1418.** A new section is added to chapter 18.32 RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of dentists in the state.

**NEW SECTION. Sec. 1419.** A new section is added to chapter 18.57 RCW to read as follows:

(1) By January 1, 2019, the board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of osteopathic physicians and surgeons in the state.

**NEW SECTION. Sec. 1420.** A new section is added to chapter 18.57A RCW to read as follows:

(1) By January 1, 2019, the board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of osteopathic physician assistants in the state.

**NEW SECTION. Sec. 1421.** A new section is added to chapter 18.71 RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of physicians in the state.

**NEW SECTION. Sec. 1422.** A new section is added to chapter 18.71A RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control

guidelines, and may consult with the department of health, the University of Washington, and the largest professional association of physician assistants in the state.

**NEW SECTION. Sec. 1423.** A new section is added to chapter 18.79 RCW to read as follows:

(1) By January 1, 2019, the commission must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the commission must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

**Sec. 1424.** RCW 70.225.040 and 2016 c 104 s 1 are each amended to read as follows:

(1) Prescription information submitted to the department must be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3) ~~((and))~~, (4), and (5) of this section.

(2) The department must maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3) ~~((and))~~, (4), and (5) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances or legend drugs, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate law enforcement or prosecutorial officials, including local, state, and federal officials and officials of federally recognized tribes, who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services and the health care authority regarding medicaid program recipients;

(f) The director or the director's designee within the health care authority regarding medicaid clients for the purposes of quality improvement, patient safety, and care coordination. The information may not be used for contracting or value-based purchasing decisions;

~~((g))~~ (g) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

~~((h))~~ (h) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

~~((i))~~ (i) Other entities under grand jury subpoena or court order;

~~((j))~~ (j) Personnel of the department for purposes of:

(i) Assessing prescribing practices, including controlled substances related to mortality and morbidity;

(ii) Providing quality improvement feedback to providers, including comparison of their respective data to aggregate data for providers with the same type of license and same specialty; and

~~((k))~~ (iii) Administration and enforcement of this chapter or chapter 69.50 RCW;

~~((#))~~ (k) Personnel of a test site that meet the standards under RCW 70.225.070 pursuant to an agreement between the test site and a person identified in (a) of this subsection to provide assistance in determining which medications are being used by an identified patient who is under the care of that person;

~~((#))~~ (l) A health care facility or entity for the purpose of providing medical or pharmaceutical care to the patients of the facility or entity, or for quality improvement purposes if:

(i) The facility or entity is licensed by the department or is operated by the federal government or a federally recognized Indian tribe; and

(ii) The facility or entity is a trading partner with the state's health information exchange; ~~(and~~

~~(#))~~ (m) A health care provider group of five or more providers for purposes of providing medical or pharmaceutical care to the patients of the provider group, or for quality improvement purposes if:

(i) All the providers in the provider group are licensed by the department or the provider group is operated by the federal government or a federally recognized Indian tribe; and

(ii) The provider group is a trading partner with the state's health information exchange;

(n) The local health officer of a local health jurisdiction for the purposes of patient follow-up and care coordination following a controlled substance overdose event. For the purposes of this subsection "local health officer" has the same meaning as in RCW 70.05.010; and

(o) The coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine, for the purposes of providing:

(i) Prescription monitoring program data to emergency department personnel when the patient registers in the emergency department; and

(ii) Notice to providers, appropriate care coordination staff, and prescribers listed in the patient's prescription monitoring program record that the patient has experienced a controlled substance overdose event. The department shall determine the content and format of the notice in consultation with the Washington state hospital association, Washington state medical association, and Washington state health care authority, and the notice may be modified as necessary to reflect current needs and best practices.

(4) The department shall, on at least a quarterly basis, and pursuant to a schedule determined by the department, provide a facility or entity identified under subsection (3)(l) of this section or a provider group identified under subsection (3)(m) of this section with facility or entity and individual prescriber information if the facility, entity, or provider group:

(a) Uses the information only for internal quality improvement and individual prescriber quality improvement feedback purposes and does not use the information as the sole basis for any medical staff sanction or adverse employment action; and

(b) Provides to the department a standardized list of current prescribers of the facility, entity, or provider group. The specific facility, entity, or provider group information provided pursuant to this subsection and the requirements under this subsection must be determined by the department in consultation with the Washington state hospital association, Washington state medical association, and Washington state health care authority, and may be modified as necessary to reflect current needs and best practices.

(5)(a) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(b)(i) The department may provide dispenser and prescriber data and data that includes indirect patient identifiers to the Washington state hospital association for use solely in connection with its coordinated quality improvement program maintained under RCW 43.70.510 after entering into a data use agreement as specified in RCW 43.70.052(8) with the association.

(ii) For the purposes of this subsection, "indirect patient identifiers" means data that may include: Hospital or provider identifiers, a five-digit zip code, county, state, and country of resident; dates that include month and year; age in years; and race and ethnicity; but does not include the patient's first name; middle name; last name; social security number; control or medical record number; zip code plus four digits; dates that include day, month, and year; or admission and discharge date in combination.

~~((5) A dispenser or practitioner)~~ (6) Persons authorized in subsections (3), (4), and (5) of this section to receive data in the prescription monitoring program from the department, acting in good faith ~~((#))~~, are immune from any civil, criminal, disciplinary, or administrative liability that might otherwise be incurred or imposed for ~~((requesting, receiving, or using information from the program))~~ acting under this chapter.

NEW SECTION. Sec. 1425. A new section is added to chapter 70.225 RCW to read as follows:

Beginning November 15, 2017, the department shall annually report to the governor and the appropriate committees of the legislature on the number of facilities, entities, or provider groups identified in RCW 70.225.040(3) (l) and (m) that have integrated their federally certified electronic health records with the prescription monitoring program utilizing the state health information exchange.

Sec. 1426. RCW 71.24.560 and 2016 sp.s. c 29 s 506 are each amended to read as follows:

(1) All approved ~~((opiate substitution))~~ opioid treatment programs that provide services to women who are pregnant are required to disseminate up-to-date and accurate health education information to all their pregnant clients concerning the possible addiction and health risks that their ~~((opiate substitution))~~ treatment may have on their baby. All pregnant clients must also be advised of the risks to both them and their baby associated with not remaining on the ~~((opiate substitute))~~ opioid treatment program. The information must be provided to these clients both verbally and in writing. The health education information provided to the pregnant clients must include referral options for the ~~((addicted))~~ substance-exposed baby.

(2) The department shall adopt rules that require all ~~((opiate))~~ opioid treatment programs to educate all pregnant women in their program on the benefits and risks of ~~((methadone))~~ medication-assisted treatment to their fetus before they are provided these medications, as part of their ~~((addiction))~~ treatment. The department shall meet the requirements under this subsection within the appropriations provided for ~~((opiate))~~ opioid treatment programs. The department, working with treatment providers and medical experts, shall develop and disseminate the educational materials to all certified ~~((opiate))~~ opioid treatment programs.

Sec. 1427. RCW 71.24.585 and 2016 sp.s. c 29 s 519 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ~~((opiate substitution))~~ medication-assisted treatment for opioid use disorder. The state of Washington further declares that while ~~((opiate substitution drugs))~~ medications used in the treatment of ~~((opiate dependency))~~ opioid use disorder are addictive substances, that they nevertheless have several legal, important, and justified uses and that one of their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons ~~((addicted to or habituated to opioids))~~ with opioid use disorder. The state of Washington

recognizes as evidence-based for the management of opioid use disorder the medications approved by the federal food and drug administration for the treatment of opioid use disorder. ((Opiate substitution)) Medication-assisted treatment should only be used for participants who are deemed appropriate to need this level of intervention ((and should not be the first treatment intervention for all opiate addicts)). Providers must inform patients of all treatment options available. The provider and the patient shall consider alternative treatment options, like abstinence, when developing the treatment plan. If medications are prescribed, follow up must be included in the treatment plan in order to work towards the goal of abstinence.

Because ~~((opiate substitution drugs, used in the treatment of opiate dependency are addictive and are listed as a schedule II))~~ some such medications are controlled substances in chapter 69.50 RCW, the state of Washington ~~((has))~~ maintains the legal obligation and right to regulate the ~~((use of opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in consultation with counties and cities, all clinical uses of opiate substitution drugs used in the treatment of opiate addiction))~~ clinical uses of these medications in the treatment of opioid use disorder.

Further, the state declares that the ~~((primary))~~ main goal of opiate substitution treatment is total abstinence from substance use for the individuals who participate in the treatment program, but recognizes the additional goals of reduced morbidity, and restoration of the ability to lead a productive and fulfilling life. The state recognizes that a small percentage of persons who participate in ~~((opiate substitution))~~ opioid treatment programs require treatment for an extended period of time. ~~((Opiate substitution))~~ Opioid treatment programs shall provide a comprehensive transition program to eliminate substance use, including ~~((opiate and opiate substitute addiction))~~ opioid use of program participants.

**NEW SECTION. Sec. 1428.** A new section is added to chapter 71.24 RCW to read as follows:

The state declares that a person lawfully possessing or using lawfully prescribed medication for the treatment of opioid use disorder must be treated the same in judicial and administrative proceedings as a person lawfully possessing or using other lawfully prescribed medications.

**Sec. 1429.** RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

(1) ~~((For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.))~~

When making a decision on an application for certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) Certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ~~((or special))~~ use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of that population;

~~((c))~~ ~~((Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;))~~

~~((f))~~ Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

~~((g))~~ ~~((f))~~ Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

~~((h))~~ ~~((g))~~ Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature~~((, including abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances))~~ in RCW 71.24.585. The department shall prioritize certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

~~((i))~~ ~~((h))~~ Hold ~~((at least))~~ one public hearing in the ~~((county))~~ community in which the facility is proposed to be located ~~((and one hearing in the area in which the facility is proposed to be located)).~~ The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

~~((3))~~ (4) For the purpose of this chapter, ((opiate substitution)) opioid treatment program means:

(a) Dispensing ~~((an opiate substitution drug))~~ a medication approved by the federal drug administration for the treatment of ~~((opiate addiction))~~ opioid use disorder and dispensing medication for the reversal of opioid overdose; and

(b) Providing a comprehensive range of medical and rehabilitative services.

**Sec. 1430.** RCW 71.24.590 and 2001 c 242 s 2 are each amended to read as follows:

(1) ~~((For purposes of this section, "area" means the county in which an applicant proposes to locate a certified program and counties adjacent, or near to, the county in which the program is proposed to be located.))~~

When making a decision on an application for licensing or certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional ~~((or special))~~ use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

~~(e) ((Demonstrate a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community. No program shall exceed three hundred fifty participants unless specifically authorized by the county in which the program is certified;~~

~~(f))~~ Consider the availability of other licensed or certified opioid treatment programs near the area in which the applicant proposes to locate the program;

~~((g))~~ (f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

~~((h))~~ (g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature~~((, including abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances))~~ in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

~~((i))~~ (h) Hold ~~((at least))~~ one public hearing in the ~~((county))~~ community in which the facility is proposed to be located ~~((and one hearing in the area in which the facility is proposed to be located))~~. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

~~((3))~~ (4) For the purpose of this chapter, ~~((opiate substitution))~~ opioid treatment program means:

(a) Dispensing ~~((an opiate substitution drug))~~ a medication approved by the federal drug administration for the treatment of ((opiate addiction)) opioid use disorder and dispensing medication for the reversal of opioid overdose; and

(b) Providing a comprehensive range of medical and rehabilitative services.

**Sec. 1431.** RCW 71.24.595 and 2003 c 207 s 6 are each amended to read as follows:

(1) The department, in consultation with ~~((opiate substitution))~~ opioid treatment program service providers and counties and cities, shall establish statewide treatment standards for certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with ~~((opiate substitution))~~ opioid treatment programs and counties, shall establish statewide

operating standards for certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified and licensed ~~((opiate substitution))~~ opioid treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((opiate substitution))~~ opioid treatment programs upon the business and residential neighborhoods in which the program is located.

~~(3) ((The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis.))~~ The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opioid treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

**Sec. 1432.** RCW 71.24.595 and 2003 c 207 s 6 are each amended to read as follows:

(1) The department, in consultation with ~~((opiate substitution))~~ opioid treatment program service providers and counties and cities, shall establish statewide treatment standards for licensed or certified ((opiate substitution)) opioid treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with ~~((opiate substitution))~~ opioid treatment programs and counties, shall establish statewide operating standards for certified ~~((opiate substitution))~~ opioid treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified ~~((and))~~ or licensed ((opiate substitution)) opioid treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((opiate substitution))~~ opioid treatment programs upon the business and residential neighborhoods in which the program is located.

~~(3) ((The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis.))~~ The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opioid treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

**NEW SECTION. Sec. 1433.** Sections 14 and 16 of this act take effect only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

**NEW SECTION. Sec. 1434.** Sections 15 and 17 of this act take effect only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No.

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5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 70.225.040, 71.24.560, 71.24.585, 71.24.590, 71.24.590, 71.24.595, and 71.24.595; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 70.225 RCW; adding a new section to chapter 71.24 RCW; creating a new section; and providing contingent effective dates."

Senator Rivers spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 274 by Senator Rivers to Engrossed Substitute House Bill No. 1427.

The motion by Senator Rivers carried and floor striking amendment no. 274 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1427 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1427.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1427 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President. While you and Senator Baumgartner have engaged in some interesting banter about history 400 b.c., I have some recollections that are not quite that old. I was recently appointed to a, by you Mr. President, a conference committee. And we haven't had conference committees here in the Senate for a long long time. But the first conference committee that I was appointed to, I think was in 1991 or perhaps 1992, and at that time we had something known as a free conference. They are all free conferences my esteemed floor leader says. But in those days you could change the entire bill. The four conferees would go in a room, and they had the

ability to make all the changes they wanted. And the bill that I was a conferee on was one, I forget the number, but it was one in the House and it was bill about the spotted owl, and what was the state's response to this crisis that was happening in rural communities. The two main conferees were Senator Ann Anderson from the 42<sup>nd</sup> Legislative District from Acme, who was Chair of the Senate committee and Representative Jennifer Belcher from Thurston County who was the Chair of the Natural Resources Committee. So being a young member, I took this very seriously. I attended all the negotiations for this bill. They were up on the fourth floor here and that took twenty hours. Twenty hours of negotiations, but both of those chairs were running for Commissioner of Public Lands and there was some differences of opinion. But I do remember when finally the bill was developed and the bill was voted on on the floor, and after the session the voting records came out, and of course my caucus was voting for me while I was spending twenty hours upstairs. I had a one hundred percent voting record with labor that year, so, it is a very interesting conference committee."

REPLY BY THE PRESIDENT

President Habib: "Senator Sheldon, that does go back to the Jurassic Era when you had a one hundred percent labor voting record. Thank you. I was in fifth grade that year. So, thank you for that."

MESSAGE FROM THE HOUSE

April 18, 2017

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5018. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5018-S AMH ENGR H2431.E, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1435.** (1) The department of transportation shall engage in a transparent, public process to reexamine the administrative rules surrounding access to high occupancy vehicle lanes that must include an examination of the benefits and impacts of allowing private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device into the high occupancy vehicle lanes.

(2) By January 1, 2018, the department of transportation shall report progress of the public rule reexamination process in subsection (1) of this section to the transportation committees of the legislature with sufficient time for review before the conclusion of the process.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5018.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5018.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5018 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5018, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5018, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5018, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 18, 2017

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5815 with the following amendment(s): 5815-S AMH ENGR H2705.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1436.** RCW 74.60.005 and 2015 2nd sp.s. c 5 s 1 are each amended to read as follows:

(1) The purpose of this chapter is to provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding from all other sources and thereby support additional payments to hospitals for medicaid services as specified in this chapter.

(2) The legislature finds that federal health care reform will result in an expansion of medicaid enrollment in this state and an increase in federal financial participation.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;

(b) To generate approximately ~~((nine hundred seventy five million))~~ one billion dollars per state fiscal biennium in new state and federal funds by disbursing all of that amount to pay for medicaid hospital services and grants to certified public expenditure and critical access hospitals, except costs of administration as specified in this chapter, in the form of additional payments to hospitals and managed care plans, which may not be a substitute for payments from other sources, but which include quality improvement incentive payments under RCW 74.09.611;

(c) To generate two hundred ninety-two million dollars per biennium during the ~~((2015-2017 and))~~ 2017-2019 and 2019-2021 biennia in new funds to be used in lieu of state general fund payments for medicaid hospital services;

(d) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the payments authorized by this chapter;

(e) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the ~~((levels))~~ rates the state paid for those services on July 1, 2015, as adjusted for current enrollment and utilization; and

(f) For each of the two biennia starting with fiscal year ~~((2016))~~ 2018 to generate:

(i) Four million dollars for new integrated evidence-based psychiatry residency program slots that did not receive state funding prior to 2016 at the integrated psychiatry residency program at the University of Washington; and

(ii) Eight million two hundred thousand dollars for new family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals.

**Sec. 1437.** RCW 74.60.010 and 2013 2nd sp.s. c 17 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Base year" for medicaid payments for state fiscal year ~~((2014))~~ 2017 is state fiscal year ~~((2011))~~ 2014. For each following year's calculations, the base year must be updated to the next following year.

(3) "Bordering city hospital" means a hospital as defined in WAC 182-550-1050 and bordering cities as described in WAC 182-501-0175, or successor rules.

(4) "Certified public expenditure hospital" means a hospital participating in or that at any point from June 30, 2013, to July 1, 2019, has participated in the authority's certified public expenditure payment program as described in WAC 182-550-4650 or successor rule. For purposes of this chapter any such hospital shall continue to be treated as a certified public expenditure hospital for assessment and payment purposes through the date specified in RCW 74.60.901. The eligibility of such hospitals to receive grants under RCW 74.60.090 solely from funds generated under this chapter must not be affected by any modification or termination of the federal certified public expenditure program, or reduced by the amount of any federal funds no longer available for that purpose.

(5) "Critical access hospital" means a hospital as described in RCW 74.09.5225.

(6) "Director" means the director of the health care authority.

(7) "Eligible new prospective payment hospital" means a prospective payment hospital opened after January 1, 2009, for which a full year of cost report data as described in RCW 74.60.030(2) and a full year of medicaid base year data required for the calculations in RCW 74.60.120(3) are available.

(8) "Fund" means the hospital safety net assessment fund established under RCW 74.60.020.

(9) "Hospital" means a facility licensed under chapter 70.41 RCW.

(10) "Long-term acute care hospital" means a hospital which has an average inpatient length of stay of greater than twenty-five days as determined by the department of health.

(11) "Managed care organization" means an organization having a certificate of authority or certificate of registration from the office of the insurance commissioner that contracts with the authority under a comprehensive risk contract to provide prepaid

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health care services to eligible clients under the authority's medicaid managed care programs, including the healthy options program.

(12) "Medicaid" means the medical assistance program as established in Title XIX of the social security act and as administered in the state of Washington by the authority.

(13) "Medicare cost report" means the medicare cost report, form 2552, or successor document.

(14) "Nonmedicare hospital inpatient day" means total hospital inpatient days less medicare inpatient days, including medicare days reported for medicare managed care plans, as reported on the medicare cost report, form 2552, or successor forms, excluding all skilled and nonskilled nursing facility days, skilled and nonskilled swing bed days, nursery days, observation bed days, hospice days, home health agency days, and other days not typically associated with an acute care inpatient hospital stay.

(15) "Outpatient" means services provided classified as ambulatory payment classification services or successor payment methodologies as defined in WAC 182-550-7050 or successor rule and applies to fee-for-service payments and managed care encounter data.

(16) "Prospective payment system hospital" means a hospital reimbursed for inpatient and outpatient services provided to medicaid beneficiaries under the inpatient prospective payment system and the outpatient prospective payment system as defined in WAC 182-550-1050 or successor rule. For purposes of this chapter, prospective payment system hospital does not include a hospital participating in the certified public expenditure program or a bordering city hospital located outside of the state of Washington and in one of the bordering cities listed in WAC 182-501-0175 or successor rule.

(17) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

(18) "Rehabilitation hospital" means a medicare-certified freestanding inpatient rehabilitation facility.

(19) "Small rural disproportionate share hospital payment" means a payment made in accordance with WAC 182-550-5200 or successor rule.

(20) "Upper payment limit" means the aggregate federal upper payment limit on the amount of the medicaid payment for which federal financial participation is available for a class of service and a class of health care providers, as specified in 42 C.F.R. Part 47, as separately determined for inpatient and outpatient hospital services.

**Sec. 1438.** RCW 74.60.020 and 2015 2nd sp.s. c 5 s 2 are each amended to read as follows:

(1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal year shall carry over into the following fiscal year or that fiscal year and the following fiscal year and shall be applied to reduce the amount of the assessment under RCW 74.60.050(1)(c).

(b) Any amounts remaining in the fund after July 1, ~~((2019))~~ 2021, shall be refunded to hospitals, pro rata according to the amount paid by the hospital since July 1, 2013, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the authority under RCW 74.60.030 and 74.60.050 shall be deposited into the fund.

(3) Disbursements from the fund are conditioned upon appropriation and the continued availability of other funds sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, 2015, as adjusted for current enrollment and utilization.

(4) Disbursements from the fund may be made only:

(a) To make payments to hospitals and managed care plans as specified in this chapter;

(b) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(c) For one million dollars per biennium for payment of administrative expenses incurred by the authority in performing the activities authorized by this chapter;

(d) For two hundred ~~((eighty-three))~~ ninety-two million dollars per biennium, to be used in lieu of state general fund payments for medicaid hospital services, provided that if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, this amount must be reduced proportionately;

(e) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations in a final determination by a court of competent jurisdiction with all appeals exhausted. In such a case, the authority may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop either a payment plan, or deduct moneys from future medicaid payments, or both;

(f) ~~((Beginning in state fiscal year 2015,))~~ To pay an amount sufficient, when combined with the maximum available amount of federal funds necessary to provide a one percent increase in medicaid hospital inpatient rates to hospitals eligible for quality improvement incentives under RCW 74.09.611. By June 1, 2018, and by each June 1 thereafter, the authority, in cooperation with the department of health, must certify that each hospital eligible to receive quality improvement incentives under the terms of this chapter has met the reporting requirements in RCW 43.70.052 and 70.01.040 for the prior period. The authority must distribute quality improvement incentives to hospitals that have met these requirements beginning July 1 of 2018 and each July 1 thereafter; and

(g) For each state fiscal year ~~((2016))~~ 2018 through ~~((2019))~~ 2021 to generate:

(i) Two million dollars for new integrated evidence-based psychiatry residency program slots that did not receive state funding prior to 2016 at the integrated psychiatry residency program at the University of Washington; and

(ii) Four million one hundred thousand dollars for new family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals.

**Sec. 1439.** RCW 74.60.030 and 2015 2nd sp.s. c 5 s 3 are each amended to read as follows:

(1)(a) Upon satisfaction of the conditions in RCW 74.60.150(1), and so long as the conditions in RCW 74.60.150(2) have not occurred, an assessment is imposed as set forth in this subsection. Assessment notices must be sent on or about thirty



days prior to the end of each quarter and payment is due thirty days thereafter.

(b) Effective July 1, 2015, and except as provided in RCW 74.60.050:

(i) Each prospective payment system hospital, except psychiatric and rehabilitation hospitals, shall pay a quarterly assessment. Each quarterly assessment shall be no more than one quarter of three hundred ~~((fifty))~~ eighty dollars for each annual nonmedicare hospital inpatient day, up to a maximum of fifty-four thousand days per year. For each nonmedicare hospital inpatient day in excess of fifty-four thousand days, each prospective payment system hospital shall pay ~~((an))~~ a quarterly assessment of one quarter of seven dollars for each such day, unless such assessment amount or threshold needs to be modified to comply with applicable federal regulations;

(ii) Each critical access hospital shall pay a quarterly assessment of one quarter of ten dollars for each annual nonmedicare hospital inpatient day;

(iii) Each psychiatric hospital shall pay a quarterly assessment of no more than one quarter of seventy-four dollars for each annual nonmedicare hospital inpatient day; and

(iv) Each rehabilitation hospital shall pay a quarterly assessment of no more than one quarter of seventy-four dollars for each annual nonmedicare hospital inpatient day.

(2) The authority shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under RCW 74.60.040. The authority shall obtain inpatient data from the hospital's 2552 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the authority. For state fiscal year ~~((2016))~~ 2017, the authority shall use cost report data for hospitals' fiscal years ending in ~~((2012))~~ 2013. For subsequent years, the hospitals' next succeeding fiscal year cost report data must be used.

(a) With the exception of a prospective payment system hospital commencing operations after January 1, 2009, for any hospital without a cost report for the relevant fiscal year, the authority shall work with the affected hospital to identify appropriate supplemental information that may be used to determine annual nonmedicare hospital inpatient days.

(b) A prospective payment system hospital commencing operations after January 1, 2009, must be assessed in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.

**Sec. 1440.** RCW 74.60.050 and 2015 2nd sp.s. c 5 s 4 are each amended to read as follows:

(1) The authority, in cooperation with the office of financial management, shall develop rules for determining the amount to be assessed to individual hospitals, notifying individual hospitals of the assessed amount, and collecting the amounts due. Such rule making shall specifically include provision for:

(a) Transmittal of notices of assessment by the authority to each hospital informing the hospital of its nonmedicare hospital inpatient days and the assessment amount due and payable;

(b) Interest on delinquent assessments at the rate specified in RCW 82.32.050; and

(c) Adjustment of the assessment amounts in accordance with subsection (2) of this section.

(2) For ~~((state fiscal year 2016 and))~~ each ~~((subsequent))~~ state fiscal year, the assessment amounts established under RCW 74.60.030 must be adjusted as follows:

(a) If sufficient other funds, including federal funds, are available to make the payments required under this chapter and fund the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f) without utilizing the full

assessment under RCW 74.60.030, the authority shall reduce the amount of the assessment to the minimum levels necessary to support those payments;

(b) If the total amount of inpatient ~~((or))~~ and outpatient supplemental payments under RCW 74.60.120 is in excess of the upper payment limits and the entire excess amount cannot be disbursed by additional payments to managed care organizations under RCW 74.60.130, the authority shall proportionately reduce future assessments on prospective payment hospitals to the level necessary to generate additional payments to hospitals that are consistent with the upper payment limit plus the maximum permissible amount of additional payments to managed care organizations under RCW 74.60.130;

(c) If the amount of payments to managed care organizations under RCW 74.60.130 cannot be distributed because of failure to meet federal actuarial soundness or utilization requirements or other federal requirements, the authority shall apply the amount that cannot be distributed to reduce future assessments to the level necessary to generate additional payments to managed care organizations that are consistent with federal actuarial soundness or utilization requirements or other federal requirements;

(d) If required in order to obtain federal matching funds, the maximum number of nonmedicare inpatient days at the higher rate provided under RCW 74.60.030(1)(b)(i) may be adjusted in order to comply with federal requirements;

(e) If the number of nonmedicare inpatient days applied to the rates provided in RCW 74.60.030 will not produce sufficient funds to support the payments required under this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may be increased proportionately by category of hospital to amounts no greater than necessary in order to produce the required level of funds needed to make the payments specified in this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f); and

(f) Any actual or estimated surplus remaining in the fund at the end of the fiscal year must be applied to reduce the assessment amount for the subsequent fiscal year or that fiscal year and the following fiscal years prior to and including fiscal year ~~((2019))~~ 2021.

(3)(a) Any adjustment to the assessment amounts pursuant to this section, and the data supporting such adjustment, including, but not limited to, relevant data listed in (b) of this subsection, must be submitted to the Washington state hospital association for review and comment at least sixty calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association does not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the authority that is not made in accordance with this chapter.

(b) The authority shall provide the following data to the Washington state hospital association sixty days before implementing any revised assessment levels, detailed by fiscal year, beginning with fiscal year 2011 and extending to the most recent fiscal year, except in connection with the initial assessment under this chapter:

(i) The fund balance;

(ii) The amount of assessment paid by each hospital;

(iii) The state share, federal share, and total annual medicaid fee-for-service payments for inpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate the payments to individual hospitals under that section;

(iv) The state share, federal share, and total annual medicaid fee-for-service payments for outpatient hospital services made to each hospital under RCW 74.60.120, and the data used to

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calculate annual payments to individual hospitals under that section;

(v) The annual state share, federal share, and total payments made to each hospital under each of the following programs: Grants to certified public expenditure hospitals under RCW 74.60.090, for critical access hospital payments under RCW 74.60.100; and disproportionate share programs under RCW 74.60.110;

(vi) The data used to calculate annual payments to individual hospitals under (b)(v) of this subsection; and

(vii) The amount of payments made to managed care plans under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments.

(c) On a monthly basis, the authority shall provide the Washington state hospital association the amount of payments made to managed care plans under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments.

**Sec. 1441.** RCW 74.60.090 and 2015 2nd sp.s. c 5 s 5 are each amended to read as follows:

(1) In each fiscal year commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), funds must be disbursed from the fund and the authority shall make grants to certified public expenditure hospitals, which shall not be considered payments for hospital services, as follows:

(a) University of Washington medical center: Ten million five hundred fifty-five thousand dollars in each state fiscal year ~~((2016))~~ 2018 through ~~((2019))~~ 2021 paid as follows, except if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection ~~((ii) and (iii))~~ must be reduced proportionately:

(i) Four million four hundred fifty-five thousand dollars;

(ii) Two million dollars to new integrated, evidence-based psychiatry residency program slots that did not receive state funding prior to 2016, at the integrated psychiatry residency program at the University of Washington; and

(iii) Four million one hundred thousand dollars to new family medicine residency program slots that did not receive state funding prior to 2016, as directed through the family medicine residency network at the University of Washington, for slots where residents are employed by hospitals;

(b) Harborview medical center: Ten million two hundred sixty thousand dollars in each state fiscal year ~~((2016 through 2019))~~ 2018 through 2021, except if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately;

(c) All other certified public expenditure hospitals: Six million three hundred forty-five thousand dollars in each state fiscal year ~~((2016 through 2019))~~ 2018 through 2021, except if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, the amounts in this subsection must be reduced proportionately. The amount of payments to individual hospitals under this subsection must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4).

(2) Payments must be made quarterly, before the end of each quarter, taking the total disbursement amount and dividing by four to calculate the quarterly amount. The authority shall provide

a quarterly report of such payments to the Washington state hospital association.

**Sec. 1442.** RCW 74.60.100 and 2015 2nd sp.s. c 5 s 6 are each amended to read as follows:

In each fiscal year commencing upon satisfaction of the conditions in RCW 74.60.150(1), the authority shall make access payments to critical access hospitals that do not qualify for or receive a small rural disproportionate share hospital payment in a given fiscal year in the total amount of ~~((seven hundred))~~ two million thirty-eight thousand dollars from the fund ~~((and to critical access hospitals that receive disproportionate share payments in the total amount of one million three hundred thirty-six thousand dollars))~~. The amount of payments to individual hospitals under this section must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4). Payments must be made after the authority determines a hospital's payments under RCW 74.60.110. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals. The authority shall provide a report of such payments to the Washington state hospital association within thirty days after payments are made.

**Sec. 1443.** RCW 74.60.120 and 2015 2nd sp.s. c 5 s 7 are each amended to read as follows:

(1) In each state fiscal year, commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), the authority shall make supplemental payments directly to Washington hospitals, separately for inpatient and outpatient fee-for-service medicaid services, as follows unless there are federal restrictions on doing so. If there are federal restrictions, to the extent allowed, funds that cannot be paid under (a) of this subsection, should be paid under (b) of this subsection, and funds that cannot be paid under (b) of this subsection, shall be paid under (a) of this subsection:

(a) For inpatient fee-for-service payments for prospective payment hospitals other than psychiatric or rehabilitation hospitals, twenty-nine million one hundred sixty-two thousand five hundred dollars per state fiscal year plus federal matching funds;

(b) For outpatient fee-for-service payments for prospective payment hospitals other than psychiatric or rehabilitation hospitals, thirty million dollars per state fiscal year plus federal matching funds;

(c) For inpatient fee-for-service payments for psychiatric hospitals, eight hundred seventy-five thousand dollars per state fiscal year plus federal matching funds;

(d) For inpatient fee-for-service payments for rehabilitation hospitals, two hundred twenty-five thousand dollars per state fiscal year plus federal matching funds;

(e) For inpatient fee-for-service payments for border hospitals, two hundred fifty thousand dollars per state fiscal year plus federal matching funds; and

(f) For outpatient fee-for-service payments for border hospitals, two hundred fifty thousand dollars per state fiscal year plus federal matching funds.

(2) If the amount of inpatient or outpatient payments under subsection (1) of this section, when combined with federal matching funds, exceeds the upper payment limit, payments to each category of hospital must be reduced proportionately to a level where the total payment amount is consistent with the upper payment limit. Funds under this chapter unable to be paid to

hospitals under this section because of the upper payment limit must be paid to managed care organizations under RCW 74.60.130, subject to the limitations in this chapter.

(3) The amount of such fee-for-service inpatient payments to individual hospitals within each of the categories identified in subsection (1)(a), (c), (d), and (e) of this section must be determined by:

(a) ~~((Applying the medicaid fee for service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to each hospital's inpatient fee for services claims and medicaid managed care encounter data for)) Totaling the inpatient fee-for-service claims payments and inpatient managed care encounter rate payments for each hospital during the base year;~~

(b) ~~((Applying the medicaid fee for service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to all hospitals' inpatient fee for services claims and medicaid managed care encounter data for)) Totaling the inpatient fee-for-service claims payments and inpatient managed care encounter rate payments for all hospitals during the base year; and~~

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(4) The amount of such fee-for-service outpatient payments to individual hospitals within each of the categories identified in subsection (1)(b) and (f) of this section must be determined by:

(a) ~~((Applying the medicaid fee for service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to each hospital's outpatient fee for services claims and medicaid managed care encounter data for)) Totaling the outpatient fee-for-service claims payments and outpatient managed care encounter rate payments for each hospital during the base year;~~

(b) ~~((Applying the medicaid fee for service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to all hospitals' outpatient fee for services claims and medicaid managed care encounter data for)) Totaling the outpatient fee-for-service claims payments and outpatient managed care encounter rate payments for all hospitals during the base year; and~~

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(5) Sixty days before the first payment in each subsequent fiscal year, the authority shall provide each hospital and the Washington state hospital association with an explanation of how the amounts due to each hospital under this section were calculated.

(6) Payments must be made in quarterly installments on or about the last day of every quarter.

(7) A prospective payment system hospital commencing operations after January 1, 2009, is eligible to receive payments in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.

(8) Payments under this section are supplemental to all other payments and do not reduce any other payments to hospitals.

**Sec. 1444.** RCW 74.60.130 and 2015 2nd sp.s. c 5 s 8 are each amended to read as follows:

(1) For state fiscal year 2016 and for each subsequent fiscal year, commencing within thirty days after satisfaction of the conditions in RCW 74.60.150(1) and subsection (5) of this section, the authority shall increase capitation payments in a manner consistent with federal contracting requirements to managed care organizations by an amount at least equal to the

amount available from the fund after deducting disbursements authorized by RCW 74.60.020(4) (c) through (f) and payments required by RCW 74.60.080 through 74.60.120. When combined with applicable federal matching funds, the capitation payment under this subsection must be ((no less than ninety-six million dollars per state fiscal year plus the maximum available amount of federal matching funds)) at least three hundred sixty million dollars per year. The initial payment following satisfaction of the conditions in RCW 74.60.150(1) must include all amounts due from July 1, 2015, to the end of the calendar month during which the conditions in RCW 74.60.150(1) are satisfied. Subsequent payments shall be made monthly.

(2) Payments to individual managed care organizations shall be determined by the authority based on each organization's or network's enrollment relative to the anticipated total enrollment in each program for the fiscal year in question, the anticipated utilization of hospital services by an organization's or network's medicaid enrollees, and such other factors as are reasonable and appropriate to ensure that purposes of this chapter are met.

(3) If the federal government determines that total payments to managed care organizations under this section exceed what is permitted under applicable medicaid laws and regulations, payments must be reduced to levels that meet such requirements, and the balance remaining must be applied as provided in RCW 74.60.050. Further, in the event a managed care organization is legally obligated to repay amounts distributed to hospitals under this section to the state or federal government, a managed care organization may recoup the amount it is obligated to repay under the medicaid program from individual hospitals by not more than the amount of overpayment each hospital received from that managed care organization.

(4) Payments under this section do not reduce the amounts that otherwise would be paid to managed care organizations: PROVIDED, That such payments are consistent with actuarial soundness certification and enrollment.

(5) Before making such payments, the authority shall require medicaid managed care organizations to comply with the following requirements:

(a) All payments to managed care organizations under this chapter must be expended for hospital services provided by Washington hospitals, which for purposes of this section includes psychiatric and rehabilitation hospitals, in a manner consistent with the purposes and provisions of this chapter, and must be equal to all increased capitation payments under this section received by the organization or network, consistent with actuarial certification and enrollment, less an allowance for any estimated premium taxes the organization is required to pay under Title 48 RCW associated with the payments under this chapter;

(b) Managed care organizations shall expend the increased capitation payments under this section in a manner consistent with the purposes of this chapter, with the initial expenditures to hospitals to be made within thirty days of receipt of payment from the authority. Subsequent expenditures by the managed care plans are to be made before the end of the quarter in which funds are received from the authority;

(c) Providing that any delegation or attempted delegation of an organization's or network's obligations under agreements with the authority do not relieve the organization or network of its obligations under this section and related contract provisions.

(6) No hospital or managed care organizations may use the payments under this section to gain advantage in negotiations.

(7) No hospital has a claim or cause of action against a managed care organization for monetary compensation based on the amount of payments under subsection (5) of this section.

(8) If funds cannot be used to pay for services in accordance with this chapter the managed care organization or network must

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return the funds to the authority which shall return them to the hospital safety net assessment fund.

**Sec. 1445.** RCW 74.60.150 and 2015 2nd sp.s. c 5 s 9 are each amended to read as follows:

(1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) Final approval by the centers for medicare and medicaid services of any state plan amendments or waiver requests that are necessary in order to implement the applicable sections of this chapter including, if necessary, waiver of the broad-based or uniformity requirements as specified under section 1903(w)(3)(E) of the federal social security act and 42 C.F.R. 433.68(e);

(b) To the extent necessary, amendment of contracts between the authority and managed care organizations in order to implement this chapter; and

(c) Certification by the office of financial management that appropriations have been adopted that fully support the rates established in this chapter for the upcoming fiscal year.

(2) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that any of the following conditions occur:

(a) The federal department of health and human services and a court of competent jurisdiction makes a final determination, with all appeals exhausted, that any element of this chapter, other than RCW 74.60.100, cannot be validly implemented;

(b) Funds generated by the assessment for payments to prospective payment hospitals or managed care organizations are determined to be not eligible for federal ~~((match))~~ matching funds in addition to those federal funds that would be received without the assessment, or the federal government replaces medicaid matching funds with a block grant or grants;

(c) Other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the ~~((levels))~~ rates the state paid for those services on July 1, 2015, as adjusted for current enrollment and utilization is not appropriated or available;

(d) Payments required by this chapter are reduced, except as specifically authorized in this chapter, or payments are not made in substantial compliance with the time frames set forth in this chapter; or

(e) The fund is used as a substitute for or to supplant other funds, except as authorized by RCW 74.60.020.

**Sec. 1446.** RCW 74.60.160 and 2015 2nd sp.s. c 5 s 10 are each amended to read as follows:

(1) The legislature intends to provide the hospitals with an opportunity to contract with the authority each fiscal biennium to protect the hospitals from future legislative action during the biennium that could result in hospitals receiving less from supplemental payments, increased managed care payments, disproportionate share hospital payments, or access payments than the hospitals expected to receive in return for the assessment based on the biennial appropriations and assessment legislation.

(2) Each odd-numbered year after enactment of the biennial omnibus operating appropriations act, the authority shall ~~((offer to enter into a contract or to))~~ extend ~~((an))~~ the existing contract for the period of the fiscal biennium beginning July 1st with a hospital that is required to pay the assessment under this chapter or shall offer to enter into a contract with any hospital subject to this chapter that has not previously been a party to a contract or whose contract has expired. The contract must include the following terms:

(a) The authority must agree not to do any of the following:

(i) Increase the assessment from the level set by the authority pursuant to this chapter on the first day of the contract period for reasons other than those allowed under RCW 74.60.050(2)(e);

(ii) Reduce aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, adjusting for changes in enrollment and utilization, from the levels the state paid for those services on the first day of the contract period;

(iii) For critical access hospitals only, reduce the levels of disproportionate share hospital payments under RCW 74.60.110 or access payments under RCW 74.60.100 for all critical access hospitals below the levels specified in those sections on the first day of the contract period;

(iv) For prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the levels of supplemental payments under RCW 74.60.120 for all prospective payment system hospitals below the levels specified in that section on the first day of the contract period unless the supplemental payments are reduced under RCW 74.60.120(2);

(v) For prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the increased capitation payments to managed care organizations under RCW 74.60.130 below the levels specified in that section on the first day of the contract period unless the managed care payments are reduced under RCW 74.60.130(3); or

(vi) Except as specified in this chapter, use assessment revenues for any other purpose than to secure federal medicaid matching funds to support payments to hospitals for medicaid services; and

(b) As long as payment levels are maintained as required under this chapter, the hospital must agree not to challenge the authority's reduction of hospital reimbursement rates to July 1, 2009, levels, which results from the elimination of assessment supported rate restorations and increases, under 42 U.S.C. Sec. 1396a(a)(30)(a) either through administrative appeals or in court during the period of the contract.

(3) If a court finds that the authority has breached an agreement with a hospital under subsection (2)(a) of this section, the authority:

(a) Must immediately refund any assessment payments made subsequent to the breach by that hospital upon receipt; and

(b) May discontinue supplemental payments, increased managed care payments, disproportionate share hospital payments, and access payments made subsequent to the breach for the hospital that are required under this chapter.

(4) The remedies provided in this section are not exclusive of any other remedies and rights that may be available to the hospital whether provided in this chapter or otherwise in law, equity, or statute.

**Sec. 1447.** RCW 74.60.901 and 2015 2nd sp.s. c 5 s 11 are each amended to read as follows:

This chapter expires July 1, ~~((2019))~~ 2021.

**Sec. 1448.** RCW 74.60.902 and 2010 1st sp.s. c 30 s 22 are each amended to read as follows:

Upon expiration of chapter 74.60 RCW, inpatient and outpatient hospital reimbursement rates shall return to a ~~((rate structure))~~ funding level as if the four percent medicaid inpatient and outpatient rate reductions did not occur on July 1, 2009, using the rate structure in effect July 1, 2015, or as otherwise specified in the ~~((2013-15))~~ 2019-2021 biennial operating appropriations act.

**NEW SECTION. Sec. 1449.** A new section is added to chapter 74.60 RCW to read as follows:

(1) The estimated hospital net financial benefit under this chapter shall be determined by the authority by summing the

following anticipated hospital payments, including all applicable federal matching funds, specified in RCW 74.60.090 for grants to certified public expenditure hospitals, RCW 74.60.100 for payments to critical access hospitals, RCW 74.60.110 for payments to small rural disproportionate share hospitals, RCW 74.60.120 for direct supplemental payments to hospitals, RCW 74.60.130 for managed care capitation payments, RCW 74.60.020(4)(f) for quality improvement incentives, minus the total assessments paid by all hospitals under RCW 74.60.030 for hospital assessments, and minus any taxes paid on RCW 74.60.130 for managed care payments.

(2) If, for any reason including reduction or elimination of federal matching funds, the estimated hospital net financial benefit falls below one hundred thirty million dollars in any state fiscal year, the office of financial management shall direct the authority to modify the assessment rates provided for in RCW 74.60.030, and the office of financial management is authorized to direct the authority to adjust the amounts disbursed from the fund, including disbursements for payments under RCW 74.60.020(4)(f) and payments to hospitals under RCW 74.60.090 through 74.60.130 and 74.60.020(4)(g), such that the estimated hospital net financial benefit is equal to the amount disbursed from the fund for use in lieu of state general fund payments. Each category of adjusted payments to hospitals under RCW 74.60.090 through 74.60.130 and payments under RCW 74.60.020(4)(g) must bear the same relationship to the total of such adjusted payments as originally provided in this chapter.

**NEW SECTION. Sec. 1450.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017."

Correct the title.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5815.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5815.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5815 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5815, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5815, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner and Ericksen

SUBSTITUTE SENATE BILL NO. 5815, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 19, 2017

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SENATE BILL NO. 5096. The Speaker has appointed the following members as Conferees: Representatives Clibborn, Orcutt, Fey

NONA SNELL, Deputy Chief Clerk

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1086,  
HOUSE BILL NO. 1091,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,  
HOUSE BILL NO. 1150,  
HOUSE BILL NO. 1250,  
HOUSE BILL NO. 1278,  
SUBSTITUTE HOUSE BILL NO. 1444,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481,  
SUBSTITUTE HOUSE BILL NO. 1520,  
ENGROSSED HOUSE BILL NO. 1648,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814,  
SUBSTITUTE HOUSE BILL NO. 1845,  
HOUSE BILL NO. 1906,  
ENGROSSED HOUSE BILL NO. 1924,  
SUBSTITUTE HOUSE BILL NO. 1944,  
HOUSE BILL NO. 1983,  
SUBSTITUTE HOUSE BILL NO. 1988,  
ENGROSSED HOUSE BILL NO. 2003,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010.

#### MESSAGE FROM THE HOUSE

April 18, 2017

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5081. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5081-S AMH JINK H2685.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1451.** SHORT TITLE. This chapter may be known and cited as the revised uniform law on notarial acts.

**NEW SECTION. Sec. 1452.** DEFINITIONS. In this chapter:

(1) "Acknowledgment" means a declaration by an individual in the presence of a notarial officer stating that the individual has signed a record of the individual's free will for the purpose stated in the record and, if the record is signed in a representative capacity, the individual also declares that he or she signed the

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record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing or the director's designee.

(4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(5) "Electronic records notary public" means an individual commissioned by the director to perform a notarial act with respect to electronic records. Nothing in this act authorizes an electronic records notary public to provide court reporting services.

(6) "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(7) "In a representative capacity" means acting as:

(a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(c) An agent or attorney-in-fact for a principal; or

(d) An authorized representative of another in any other capacity.

(8) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, certifying the occurrence of an event or the performance of an act, and noting a protest of a negotiable instrument if the protest was prepared under the authority of an attorney licensed to practice law in this state or another state, or was prepared under the authority of a financial institution that is regulated by this state, another state, or the federal government.

(9) "Notarial officer" means a notary public or other individual authorized to perform a notarial act.

(10) "Notary public" means an individual commissioned to perform a notarial act by the director.

(11) "Official stamp" means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

(12) "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in human perceivable form.

(14) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(15) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

(16) "Stamping device" means:

(a) A physical device capable of affixing to or embossing on a tangible record an official stamp; or

(b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

(17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(18) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

NEW SECTION. **Sec. 1453.** APPLICABILITY. This chapter applies to a notarial act performed on or after the effective date of this section.

NEW SECTION. **Sec. 1454.** AUTHORITY TO PERFORM NOTARIAL ACT. (1) A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

(2)(a) A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party, or in which any of the above have a direct beneficial interest.

(b) A notarial officer may not notarize the notarial officer's own signature.

(c) A notarial act performed in violation of this subsection (2) is voidable.

NEW SECTION. **Sec. 1455.** REQUIREMENTS FOR CERTAIN NOTARIAL ACTS. (1) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(3) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(4) A notarial officer who certifies or attests a copy of a record or an item that was copied shall compare the copy with the original record or item and determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(5) A notarial officer may make or note a protest of a negotiable instrument only if the notarial officer is licensed to practice law in this state, acting under the authority of an attorney who is licensed to practice law in this or another state, or acting under the authority of a financial institution regulated by this state, another state, or the federal government. In making or noting a protest of a negotiable instrument the notarial officer or licensed attorney shall determine the matters set forth in RCW 62A.3-505(b).

NEW SECTION. **Sec. 1456.** PERSONAL APPEARANCE REQUIRED. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

NEW SECTION. **Sec. 1457.** IDENTIFICATION OF INDIVIDUAL. (1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(a) By means of:

(i) A passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act; or

(ii) Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or

(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and personally known to the officer and who provides satisfactory evidence of his or her identity as described in (a) of this subsection.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

**NEW SECTION. Sec. 1458. AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT.** (1) A notarial officer has the authority to refuse to perform a notarial act if the officer is not satisfied that:

(a) The individual executing the record is competent or has the capacity to execute the record; or

(b) The individual's signature is knowingly and voluntarily made.

(2) A notarial officer has the authority to refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

**NEW SECTION. Sec. 1459. SIGNATURE IF INDIVIDUAL UNABLE TO SIGN.** Except as otherwise provided in RCW 64.08.100, if an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

**NEW SECTION. Sec. 1460. NOTARIAL ACT IN THIS STATE.** (1) A notarial act may be performed in this state by:

(a) A notary public of this state;

(b) A judge, clerk, or deputy clerk of a court of this state; or

(c) Any other individual authorized to perform the specific act by the law of this state.

(2) The signature and title of an individual authorized by this act to perform a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (b) of this section conclusively establishes the authority of the officer to perform the notarial act.

**NEW SECTION. Sec. 1461. NOTARIAL ACT IN ANOTHER STATE.** (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

(a) A notary public of that state;

(b) A judge, clerk, or deputy clerk of a court of that state; or

(c) Any other individual authorized by the law of that state to perform the notarial act.

(2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) through (c) of this section conclusively establishes the authority of the officer to perform the notarial act.

**NEW SECTION. Sec. 1462. NOTARIAL ACT UNDER AUTHORITY OF FEDERALLY RECOGNIZED INDIAN TRIBE.** (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:

(a) A notary public of the tribe;

(b) A judge, clerk, or deputy clerk of a court of the tribe; or

(c) Any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) through (c) of this section conclusively establishes the authority of the officer to perform the notarial act.

**NEW SECTION. Sec. 1463. NOTARIAL ACT UNDER FEDERAL AUTHORITY.** (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

(a) A judge, clerk, or deputy clerk of a court;

(b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(c) An individual designated a notarizing officer by the United States department of state for performing notarial acts overseas; or

(d) Any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in subsection (1)(a), (b), or (c) of this section conclusively establishes the authority of the officer to perform the notarial act.

**NEW SECTION. Sec. 1464. FOREIGN NOTARIAL ACT.** (1) In this section, "foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(2) If a notarial act is performed under the authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(3) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(4) The signature and official stamp of an individual holding an office described in subsection (3) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(5) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Hague Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(6) A consular authentication issued by an individual designated by the United States department of state as a notarizing officer for performing notarial acts overseas and attached to the

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record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

NEW SECTION. Sec. 1465. CERTIFICATE OF NOTARIAL ACT. (1) A notarial act must be evidenced by a certificate. The certificate must:

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the department;
- (c) Identify the jurisdiction in which the notarial act is performed;
- (d) Contain the title of office of the notarial officer;
- (e) Be written in English or in dual languages, one of which must be English; and
- (f) If the notarial officer is a notary public, indicate the date of expiration, if any, of the officer's commission.

(2) Regarding notarial act certificates on a tangible record:

- (a) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate.
- (b) If a notarial act regarding a tangible record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c), and (d) of this section, an official stamp may be affixed to or embossed on the certificate.

(3) Regarding notarial act certificates on an electronic record:

- (a) If a notarial act regarding an electronic record is performed by an electronic records notary public, an official stamp must be attached to or logically associated with the certificate.
- (b) If a notarial act regarding an electronic record is performed by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c), and (d) of this section, an official stamp may be attached to or logically associated with the certificate.

(4) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) through (3) of this section and:

- (a) Is in a short form set forth in section 16 of this act;
- (b) Is in a form otherwise permitted by the law of this state;
- (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
- (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 5, 6, and 7 of this act or law of this state other than this chapter.

(5) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 5, 6, and 7 of this act.

(6) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(7) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the director has established standards pursuant to section 27 of this act for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

NEW SECTION. Sec. 1466. SHORT FORM CERTIFICATES. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed

with the information required by section 15 (1) through (4) of this act:

(1) For an acknowledgment in an individual capacity:

State of .....

County of .....

This record was acknowledged before me on (date) by (name(s) of individuals).

(Stamp) (Signature of notary public)

(Title of office)  
My commission expires:

(date)

(2) For an acknowledgment in a representative capacity:

State of .....

County of .....

This record was acknowledged before me on (date) by (name(s) of individuals) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

(Stamp) (Signature of notary public)

(Title of office)  
My commission expires:

(date)

(3) For verification on oath or affirmation:

State of .....

County of .....

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individuals making statement).

(Stamp) (Signature of notary public)

(Title of office)  
My commission expires:

(date)

(4) For witnessing or attesting a signature:

State of .....

County of .....

Signed or attested before me on (date) by (name(s) of individuals).

(Stamp) (Signature of notary public)

(Title of office)  
My commission expires:

(date)

(5) For certifying or attesting a copy of a record:

State of .....

County of .....

I certify that this is a true and correct copy of a record in the possession of .....

Dated: (Stamp) (Signature of notary public)



(Title of office)  
My commission expires:

(date)

(6) For certifying the occurrence of an event or the performance of any act:

State of .....

County of .....

I certify that the event described in this document has occurred or been performed.

Dated:

(Signature of notary public)

(Stamp)

(Title of office)  
My commission expires:

(date)

**NEW SECTION. Sec. 1467. OFFICIAL STAMP.** (1) It is unlawful for any person intentionally to manufacture, give, sell, procure, or possess a seal or stamp evidencing the current appointment of a person as a notary public until the director has issued a notary commission. The official seal or stamp of a notary public must include:

- (a) The words "notary public;"
- (b) The words "state of Washington;"
- (c) The notary public's name as commissioned;
- (d) The notary public's commission expiration date; and
- (e) Any other information required by the director.

(2) The size and form or forms of the seal or stamp shall be prescribed by the director in rule.

(3) The seal or stamp must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(4) The seal or stamp used at the time that a notarial act is performed must be the seal or stamp evidencing the notary public's commission in effect as of such time, even if the notary public has received the seal or stamp evidencing his or her next commission.

**NEW SECTION. Sec. 1468. STAMPING DEVICE.** (1) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(2) The seal or stamp should be kept in a locked and secured area, under the direct and exclusive control of the notary public. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the department on discovering that the device is lost or stolen. Any replacement device must contain a variance from the lost or stolen seal or stamp.

**NEW SECTION. Sec. 1469. FEES.** (1) The director may establish by rule the maximum fees that may be charged by notaries public for various notarial services.

(2) A notary public need not charge fees for notarial acts.

**NEW SECTION. Sec. 1470. JOURNAL.** (1) A notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled in the journal. The journal is to be destroyed as required by the director in rule upon completion of the ten-year period.

(2) Notwithstanding any other provision of this chapter requiring a notary public to maintain a journal, a notary public who is an attorney licensed to practice law in this state is not required to chronicle a notarial act in a journal if documentation of the notarial act is otherwise maintained by professional practice.

(3) A notary public shall maintain only one tangible journal at a time to chronicle notarial acts, whether those notarial acts are performed regarding tangible or electronic records. The journal must be a permanent, bound register with numbered pages. An electronic records notary public may also maintain an electronic format journal, which can be kept concurrently with the tangible journal. The electronic journal must be in a permanent, tamper-evident electronic format complying with the rules of the director.

(4) An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:

- (a) The date and time of the notarial act;
- (b) A description of the record, if any, and type of notarial act;
- (c) The full name and address of each individual for whom the notarial act is performed; and
- (d) Any additional information as required by the director in rule.

(5) The journal shall be kept in a locked and secured area, under the direct and exclusive control of the notary public. Failure to secure the journal may be cause for the director to take administrative action against the commission held by the notary public. If a notary public's journal is lost or stolen, the notary public promptly shall notify the department on discovering that the journal is lost or stolen.

(6) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (1) of this section and inform the department where the journal is located.

**NEW SECTION. Sec. 1471. NOTIFICATION REGARDING PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD—SELECTION OF TECHNOLOGY.** (1) A notary public may not perform notarial acts with respect to electronic records unless the notary public holds a commission as an electronic records notary public.

(2) An electronic records notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records that meet the standards provided in subsection (4) of this section. A person cannot require an electronic records notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(3) Before an electronic records notary public performs the notary public's initial notarial act with respect to an electronic record, an electronic records notary public shall notify the department that he or she will be performing notarial acts with respect to electronic records and identify the technology the electronic records notary public intends to use.

(4) The director shall establish standards for approval of technology in rule. If the technology conforms to the standards, the director shall approve the use of the technology.

**NEW SECTION. Sec. 1472. COMMISSION AS NOTARY PUBLIC—QUALIFICATIONS—NO IMMUNITY OR BENEFIT.** (1) An individual qualified under subsection (2)

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of this section may apply to the director for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the director and pay any application fee.

(2) An applicant for a commission as a notary public must:

- (a) Be at least eighteen years of age;
- (b) Be a citizen or permanent legal resident of the United States;
- (c) Be a resident of or have a place of employment or practice in this state;
- (d) Be able to read and write English; and
- (e) Not be disqualified to receive a commission under section 23 of this act.

(3) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the department in the format prescribed by the director in rule.

(4) Before issuance of a commission as a notary public, the applicant for a commission shall submit to the director an assurance in the form of a surety bond in the amount established by the director in rule. The assurance must be issued by a surety or other entity licensed or authorized to write surety bonds in this state. The assurance must be effective for a four-year term or for a term that expires on the date the notary public's commission expires. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the director. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give at least thirty days notice to the department before canceling the assurance. The surety or issuing entity shall notify the department not later than thirty days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the department.

(5) On compliance with this section, the director shall issue a commission as a notary public to an applicant for a term of four years or for a term that expires on the date of expiration of the assurance, whichever comes first.

(6) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

(7) An individual qualified under (a) of this subsection may apply to the director for a commission as an electronic records notary public. The applicant shall comply with and provide the information required by rules established by the director and pay the relevant application fee.

(a) An applicant for a commission as an electronic records notary public must hold a commission as notary public.

(b) An electronic records notary public commission may take the form of an endorsement to the notary public commission if deemed appropriate by the director.

**NEW SECTION. Sec. 1473. GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR CONDITION COMMISSION OF NOTARY PUBLIC.** (1) In addition to conduct defined as unprofessional under RCW 18.235.130, the director may take action as provided for in RCW 18.235.110 against a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

- (a) Failure to comply with this chapter;
- (b) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the department;

(c) A conviction of the applicant or notary public of any felony or crime involving fraud, dishonesty, or deceit;

(d) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

(e) Failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules of the director, or any federal or state law;

(f) Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have;

(g) Violation by the notary public of a rule of the director regarding a notary public;

(h) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state;

(i) Failure of the notary public to maintain an assurance as provided in section 22(4) of this act; or

(j) Making or noting a protest of a negotiable instrument without being a person authorized by section 5(5) of this act.

(2) If the director denies, refuses to renew, revokes, suspends, imposes conditions, or otherwise sanctions, a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter 34.05 RCW.

(3) The authority of the director to take disciplinary action on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

**NEW SECTION. Sec. 1474. DATABASE OF NOTARIES PUBLIC.** The director shall maintain an electronic database of notaries public:

(1) Through which a person may verify the authority of a notary public to perform notarial acts; and

(2) Which indicates whether a notary public has notified the director that the notary public will be performing notarial acts on electronic records.

**NEW SECTION. Sec. 1475. PROHIBITED ACTS.** (1) A commission as a notary public does not authorize an individual to:

(a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

(b) Act as an immigration consultant or an expert on immigration matters;

(c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters;

(d) Receive compensation for performing any of the activities listed in this subsection; or

(e) Provide court reporting services.

(2) A notary public may not engage in false or deceptive advertising.

(3) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not use the term "notario" or "notario publico."

(4) A notary public, other than an attorney licensed to practice law in this state or a limited license legal technician acting within the scope of his or her license, may not assist another person in selecting the appropriate certificate required by section 15 of this act.

(5) A notary public, other than an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice

law. If a notary public who is not an attorney licensed to practice law in this state, or a Washington-licensed limited license legal technician acting within the scope of his or her license, in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the director, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(6) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public. A notary public may not maintain copies or electronic images of documents notarized unless the copies or images are maintained by an attorney or Washington-licensed limited license legal technician acting within his or her scope of practice for the performance of legal services or for other services performed for the client and the copies or images are not maintained solely as part of the notary transaction.

**NEW SECTION. Sec. 1476. VALIDITY OF NOTARIAL ACTS.** Except as otherwise provided in section 4(2) of this act, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts. Nothing in this act gives the director authority to invalidate a notarial act.

**NEW SECTION. Sec. 1477. RULES.** (1) The director may adopt rules necessary to implement this chapter.

(2) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the director shall consider standards, practices, and customs of other jurisdictions that substantially enact this chapter.

**NEW SECTION. Sec. 1478. NOTARY PUBLIC COMMISSION IN EFFECT.** A commission as a notary public in effect on the effective date of this section continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this section is subject to and shall comply with this chapter. A notary public, in performing notarial acts after the effective date of this section, shall comply with this chapter.

**NEW SECTION. Sec. 1479. SAVINGS CLAUSE.** This chapter does not affect the validity or effect of a notarial act performed before the effective date of this section.

**NEW SECTION. Sec. 1480. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**NEW SECTION. Sec. 1481. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** This chapter modifies, limits, and

supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

**NEW SECTION. Sec. 1482. UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

**NEW SECTION. Sec. 1483. NEW CHAPTER.** Sections 1 through 32 and 44 of this act constitute a new chapter in Title 42 RCW.

**NEW SECTION. Sec. 1484. REPEALS.** The following acts or parts of acts are each repealed:

- (1)RCW 42.44.010 (Definitions) and 1985 c 156 s 1;
- (2)RCW 42.44.020 (Qualifications—Application—Bond) and 1985 c 156 s 2;
- (3)RCW 42.44.030 (Appointment—Denial for unprofessional conduct—Certificate of appointment) and 2011 c 244 s 6, 2002 c 86 s 287, & 1985 c 156 s 3;
- (4)RCW 42.44.050 (Seal or stamp) and 1985 c 156 s 5;
- (5)RCW 42.44.060 (Term) and 2002 c 86 s 288 & 1985 c 156 s 6;
- (6)RCW 42.44.070 (Reappointment without endorsements) and 1985 c 156 s 7;
- (7)RCW 42.44.080 (Standards for notarial acts) and 1987 c 76 s 3 & 1985 c 156 s 8;
- (8)RCW 42.44.090 (Form of certificate—General—Seal or stamp as exclusive property) and 1985 c 156 s 9;
- (9)RCW 42.44.100 (Short forms of certificate) and 1988 c 69 s 4 & 1985 c 156 s 10;
- (10)RCW 42.44.110 (Illegible writing) and 1985 c 156 s 11;
- (11)RCW 42.44.120 (Fees) and 1985 c 156 s 12;
- (12)RCW 42.44.130 (Notarial acts by officials of other jurisdictions) and 1985 c 156 s 13;
- (13)RCW 42.44.140 (Notarial acts by federal authorities) and 1985 c 156 s 14;
- (14)RCW 42.44.150 (Notarial acts by foreign authorities) and 1985 c 156 s 15;
- (15)RCW 42.44.160 (Official misconduct—Penalty) and 2002 c 86 s 289 & 1985 c 156 s 16;
- (16)RCW 42.44.170 (Revocation of appointment—Resignation) and 2002 c 86 s 290 & 1985 c 156 s 17;
- (17)RCW 42.44.180 (Evidence of authenticity of notarial seal and signature) and 1985 c 156 s 18;
- (18)RCW 42.44.190 (Rules) and 2002 c 86 s 291 & 1985 c 156 s 20;
- (19)RCW 42.44.200 (Transfer of records) and 1985 c 156 s 22;
- (20)RCW 42.44.210 (Uniform regulation of business and professions act) and 2002 c 86 s 292;
- (21)RCW 42.44.220 (Military training or experience) and 2011 c 351 s 18;
- (22)RCW 42.44.221 (Spouses of military personnel—Appointment) and 2011 2nd sp.s. c 5 s 7;
- (23)RCW 42.44.900 (Savings—1985 c 156) and 1985 c 156 s 21;
- (24)RCW 42.44.901 (Construction) and 1985 c 156 s 23; and
- (25)RCW 42.44.903 (Effective date—1985 c 156) and 1985 c 156 s 27.

**Sec. 1485.** RCW 9.97.020 and 2016 c 81 s 3 are each amended to read as follows:

(1) Except as provided in this section, no state, county, or municipal department, board, officer, or agency authorized to assess the qualifications of any applicant for a license, certificate of authority, qualification to engage in the practice of a profession

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or business, or for admission to an examination to qualify for such a license or certificate may disqualify a qualified applicant, solely based on the applicant's criminal history, if the qualified applicant has obtained a certificate of restoration of opportunity and the applicant meets all other statutory and regulatory requirements, except as required by federal law or exempted under this subsection. Nothing in this section is interpreted as restoring or creating a means to restore any firearms rights or eligibility to obtain a firearm dealer license pursuant to RCW 9.41.110 or requiring the removal of a protection order.

(a)(i) Criminal justice agencies, as defined in RCW 10.97.030, and the Washington state bar association are exempt from this section.

(ii) This section does not apply to the licensing, certification, or qualification of the following professionals: Accountants, RCW 18.04.295; assisted living facilities employees, RCW 18.20.125; bail bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term care workers, RCW 18.88B.080; nursing home administrators, RCW 18.52.071; nursing, chapter 18.79 RCW; physicians and physician assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and 28A.410 RCW; notaries public, chapter ~~((42.44 RCW))~~ 42.--- RCW (the new chapter created in section 33 of this act); private investigators, chapter 18.165 RCW; real estate brokers and salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

(iii) To the extent this section conflicts with the requirements for receipt of federal funding under the adoption and safe families act, 42 U.S.C. Sec. 671, this section does not apply.

(b) Unless otherwise addressed in statute, in cases where an applicant would be disqualified under RCW 43.20A.710, and the applicant has obtained a certificate of restoration of opportunity, the department of social and health services may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Allow the applicant to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities if the applicant is otherwise qualified and suitable; or

(ii) Disqualify the applicant solely based on the applicant's criminal history.

(c) If the practice of a profession or business involves unsupervised contact with vulnerable adults, children, or individuals with mental illness or developmental disabilities, or populations otherwise defined by statute as vulnerable, the department of health may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Disqualify an applicant who has obtained a certificate of restoration of opportunity, for a license, certification, or registration to engage in the practice of a health care profession or business solely based on the applicant's criminal history; or

(ii) If such applicant is otherwise qualified and suitable, credential or credential with conditions an applicant who has obtained a certificate of restoration of opportunity for a license, certification, or registration to engage in the practice of a health care profession or business.

(d) The state of Washington, any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, the

department of health, and its officers, employees, contractors, and agents are immune from suit in law, equity, or any action under the administrative procedure act based upon its exercise of discretion under this section. This section does not create a protected class; private right of action; any right, privilege, or duty; or change to any right, privilege, or duty existing under law. This section does not modify a licensing or certification applicant's right to a review of an agency's decision under the administrative procedure act or other applicable statute or agency rule. A certificate of restoration of opportunity does not remove or alter citizenship or legal residency requirements already in place for state agencies and employers.

(2) A qualified court has jurisdiction to issue a certificate of restoration of opportunity to a qualified applicant.

(a) A court must determine, in its discretion whether the certificate:

(i) Applies to all past criminal history; or

(ii) Applies only to the convictions or adjudications in the jurisdiction of the court.

(b) The certificate does not apply to any future criminal justice involvement that occurs after the certificate is issued.

(c) A court must determine whether to issue a certificate by determining whether the applicant is a qualified applicant as defined in RCW 9.97.010.

(3) An employer or housing provider may, in its sole discretion, determine whether to consider a certificate of restoration of opportunity issued under this chapter in making employment or rental decisions. An employer or housing provider is immune from suit in law, equity, or under the administrative procedure act for damages based upon its exercise of discretion under this section or the refusal to exercise such discretion. In any action at law against an employer or housing provider arising out of the employment of or provision of housing to the recipient of a certificate of restoration of opportunity, evidence of the crime for which a certificate of restoration of opportunity has been issued may not be introduced as evidence of negligence or intentionally tortious conduct on the part of the employer or housing provider. This subsection does not create a protected class, private right of action, any right, privilege, or duty, or to change any right, privilege, or duty existing under law related to employment or housing except as provided in RCW 7.60.035.

(4)(a) Department of social and health services: A certificate of restoration of opportunity does not apply to the state abuse and neglect registry. No finding of abuse, neglect, or misappropriation of property may be removed from the registry based solely on a certificate. The department must include such certificates as part of its criminal history record reports, qualifying letters, or other assessments pursuant to RCW 43.43.830 through 43.43.838. The department shall adopt rules to implement this subsection.

(b) Washington state patrol: The Washington state patrol is not required to remove any records based solely on a certificate of restoration of opportunity. The state patrol must include a certificate as part of its criminal history record report.

(c) Court records:

(i) A certificate of restoration of opportunity has no effect on any other court records, including records in the judicial information system. The court records related to a certificate of restoration of opportunity must be processed and recorded in the same manner as any other record.

(ii) The qualified court where the applicant seeks the certificate of restoration of opportunity must administer the court records regarding the certificate in the same manner as it does regarding all other proceedings.

(d) Effect in other judicial proceedings: A certificate of restoration of opportunity may only be submitted to a court to demonstrate that the individual met the specific requirements of this section and not for any other procedure, including evidence of character, reputation, or conduct. A certificate is not an equivalent procedure under Rule of Evidence 609(c).

(e) Department of health: The department of health must include a certificate of restoration of opportunity on its public web site if:

(i) Its web site includes an order, stipulation to informal disposition, or notice of decision related to the conviction identified in the certificate of restoration of opportunity; and

(ii) The credential holder has provided a certified copy of the certificate of restoration of opportunity to the department of health.

(5) In all cases, an applicant must provide notice to the prosecutor in the county where he or she seeks a certificate of restoration of opportunity of the pendency of such application. If the applicant has been sentenced by any other jurisdiction in the five years preceding the application for a certificate, the applicant must also notify the prosecuting attorney in those jurisdictions. The prosecutor in the county where an applicant applies for a certificate shall provide the court with a report of the applicant's criminal history.

(6) Application for a certificate of restoration of opportunity must be filed as a civil action.

(7) A superior court in the county in which the applicant resides may decline to consider the application for certificate of restoration of opportunity. If the superior court in which the applicant resides declines to consider the application, the court must dismiss the application without prejudice and the applicant may refile the application in another qualified court. The court must state the reason for the dismissal on the order. If the court determines that the applicant does not meet the required qualifications, then the court must dismiss the application without prejudice and state the reason(s) on the order. The superior court in the county of the applicant's conviction or adjudication may not decline to consider the application.

(8) Unless the qualified court determines that a hearing on an application for certificate of restoration is necessary, the court must decide without a hearing whether to grant the certificate of restoration of opportunity based on a review of the application filed by the applicant and pleadings filed by the prosecuting attorney.

(9) The clerk of the court in which the certificate of restoration of opportunity is granted shall transmit the certificate of restoration of opportunity to the Washington state patrol identification section, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol shall update its records to reflect the certificate of restoration of opportunity.

(10)(a) The administrative office of the courts shall develop and prepare instructions, forms, and an informational brochure designed to assist applicants applying for a certificate of restoration of opportunity.

(b) The instructions must include, at least, a sample of a standard application and a form order for a certificate of restoration of opportunity.

(c) The administrative office of the courts shall distribute a master copy of the instructions, informational brochure, and sample application and form order to all county clerks and a master copy of the application and order to all superior courts by January 1, 2017.

(d) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for

translation of the instructions, which shall contain a sample of the standard application and order, and the informational brochure into languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to the county clerks by January 1, 2017.

(e) The administrative office of the courts shall update the instructions, brochures, standard application and order, and translations when changes in the law make an update necessary.

**Sec. 1486.** RCW 18.235.010 and 2007 c 256 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term ("~~appointment~~") "commission" under chapter (~~(42.44 RCW)~~) 42.--- RCW (the new chapter created in section 33 of this act), are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

**Sec. 1487.** RCW 18.235.020 and 2013 c 322 s 29 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

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(xi) Notaries public under chapter ~~((42.44 RCW))~~ 42.--- RCW (the new chapter created in section 33 of this act);

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;

(xvii) Security guards under chapter 18.170 RCW;

(xviii) Sellers of travel under chapter 19.138 RCW;

(xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xx) Whitewater river outfitters under chapter 79A.60 RCW;

(xxi) Home inspectors under chapter 18.280 RCW;

(xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxiii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

**Sec. 1488.** RCW 19.34.340 and 1997 c 27 s 21 are each amended to read as follows:

(1) Unless otherwise provided by law or contract, if so provided in the certificate issued by a licensed certification authority, a digital signature verified by reference to the public key listed in a valid certificate issued by a licensed certification authority satisfies the requirements for an acknowledgment under ~~((RCW 42.44.010(4)))~~ section 2(1) of this act and for acknowledgment of deeds and other real property conveyances under RCW 64.04.020 if words of an express acknowledgment appear with the digital signature regardless of whether the signer personally appeared before either the certification authority or some other person authorized to take acknowledgments of deeds, mortgages, or other conveyance instruments under RCW 64.08.010 when the digital signature was created, if that digital signature is:

(a) Verifiable by that certificate; and

(b) Affixed when that certificate was valid.

(2) If the digital signature is used as an acknowledgment, then the certification authority is responsible to the same extent as a

notary up to the recommended reliance limit for failure to satisfy the requirements for an acknowledgment. The certification authority may not disclaim or limit, other than as provided in RCW 19.34.280, the effect of this section.

**Sec. 1489.** RCW 19.154.060 and 2011 c 244 s 3 are each amended to read as follows:

(1) Persons, other than those licensed to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the practice of law in an immigration matter for compensation.

(2) Persons, other than those licensed to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the following acts or practices, for compensation:

(a) Advising or assisting another person in determining the person's legal or illegal status for the purpose of an immigration matter;

(b) Selecting or assisting another in selecting, or advising another as to his or her answers on, a government agency form or document in an immigration matter;

(c) Selecting or assisting another in selecting, or advising another in selecting, a benefit, visa, or program to apply for in an immigration matter;

(d) Soliciting to prepare documents for, or otherwise representing the interests of, another in a judicial or administrative proceeding in an immigration matter;

(e) Explaining, advising, or otherwise interpreting the meaning or intent of a question on a government agency form in an immigration matter;

(f) Charging a fee for referring another to a person licensed to practice law;

(g) Selecting, drafting, or completing legal documents affecting the legal rights of another in an immigration matter.

(3) Persons, other than those holding an active license to practice law issued by the Washington state bar association or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the following acts or practices, regardless of whether compensation is sought:

(a) Representing, either orally or in any document, letterhead, advertisement, stationery, business card, web site, or other comparable written material, that he or she is a notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or using any other designation or title, in any language, that conveys or implies that he or she possesses professional legal skills in the area of immigration law;

(b) Representing, in any language, either orally or in any document, letterhead, advertisement, stationery, business card, web site, or other comparable written material, that he or she can or is willing to provide services in an immigration matter, if such services would constitute the practice of law.

(4)(a) The prohibitions of subsections (1) through (3) of this section shall not apply to the activities of nonlawyer assistants acting under the supervision of a person holding an active license to practice law issued by the Washington state bar association or otherwise permitted to practice law or represent others under federal law in an immigration matter.

(b) This section does not prohibit a person from offering translation services, regardless of whether compensation is sought. Translating words contained on a government form from English to another language and translating a person's words from another language to English does not constitute the unauthorized practice of law.

(5) In addition to complying with the prohibitions of subsections (1) through (3) of this section, persons licensed as a notary public under chapter ((42.44 RCW)) 42.--- RCW (the new chapter created in section 33 of this act) who do not hold an active license to practice law issued by the Washington state bar association shall not use the term notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or any other designation or title, in any language, that conveys or implies that he or she possesses professional legal skills in the areas of immigration law, when advertising notary public services in the conduct of their business. A violation of any provision of this chapter by a person licensed as a notary public under chapter ((42.44 RCW)) 42.--- RCW (the new chapter created in section 33 of this act) shall constitute unprofessional conduct under the uniform regulation of business and professions act, chapter 18.235 RCW.

Sec. 1490. RCW 43.24.150 and 2013 2nd sp.s. c 4 s 978 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

- (a) Chapter 18.11 RCW, auctioneers;
- (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- (c) Chapter 18.145 RCW, court reporters;
- (d) Chapter 18.165 RCW, private investigators;
- (e) Chapter 18.170 RCW, security guards;
- (f) Chapter 18.185 RCW, bail bond agents;
- (g) Chapter 18.280 RCW, home inspectors;
- (h) Chapter 19.16 RCW, collection agencies;
- (i) Chapter 19.31 RCW, employment agencies;
- (j) Chapter 19.105 RCW, camping resorts;
- (k) Chapter 19.138 RCW, sellers of travel;
- (l) Chapter ((42.44 RCW)) 42.--- RCW (the new chapter created in section 33 of this act), notaries public;
- (m) Chapter 64.36 RCW, timeshares;
- (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- (p) Chapter 79A.60 RCW, whitewater river outfitters;
- (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- (r) Chapter 19.290 RCW, scrap metal businesses.

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account must be accumulated and may not revert to the general fund at the end of the biennium. However, during the 2013-2015 fiscal biennium the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the account.

(2) The director must biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which must include the estimated income from these business and professions fees.

Sec. 1491. RCW 64.08.060 and 2016 c 202 s 40 are each amended to read as follows:

A certificate of acknowledgment for an individual, substantially in the following form or, after December 31, 1985, substantially in the form set forth in ((RCW 42.44.100(1))) section 16(1) of this act, shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter:

ss.

On this day personally appeared before me (here insert the name of grantor or grantors) to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that he (she or they) signed the same as his (her or their) free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this . . . . day of . . . . , (year) . . . . (Signature of officer and official seal)

If acknowledgment is taken before a notary public of this state the signature shall be followed by substantially the following: Notary Public in and for the state of Washington, residing at . . . . , (giving place of residence).

Sec. 1492. RCW 64.08.070 and 2016 c 202 s 41 are each amended to read as follows:

A certificate of acknowledgment for a corporation, substantially in the following form or, after December 31, 1985, substantially in the form set forth in ((RCW 42.44.100(2))) section 16(2) of this act, shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter:

ss.

On this . . . . day of . . . . , (year) . . . . , before me personally appeared . . . . , to me known to be the (president, vice president, secretary, treasurer, or other authorized officer or agent, as the case may be) of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written. (Signature and title of officer with place of residence of notary public.)

NEW SECTION. Sec. 1493. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1494. EFFECTIVE DATE. This act takes effect July 1, 2018."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5081.

Senators Padden, Pedersen and Schoesler spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5081.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5081 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5081, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5081, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5081, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5131 with the following amendment(s): 5131-S.E AMH ENGR H2600.E

Strike everything after the enacting clause and insert the following:

"Sec. 1495. RCW 69.50.325 and 2016 c 170 s 1 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the state liquor and cannabis board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers ((and to produce marijuana)); and (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250((, regulated by the state liquor and cannabis board and subject to annual renewal)). The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor and cannabis board and subject to annual renewal. The

processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the state liquor and cannabis board pursuant to this section.

(ii) The state liquor and cannabis board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the state liquor and cannabis board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The state liquor and cannabis board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The state liquor and cannabis board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after the effective date of this section. However, no license of a marijuana retailer that otherwise meets



the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first three calendar months of the effective date of this section.

**Sec. 1496.** RCW 69.50.331 and 2015 2nd sp.s. c 4 s 301 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, or for the renewal of a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, the state liquor and cannabis board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received. As part of the licensing application and renewal process, the board must review and report demographic data regarding the race, ethnic background, and gender of the applicants for the licenses authorized under this chapter.

~~(a) ((The state liquor and cannabis board must develop a competitive, merit based application process that includes, at a minimum, the opportunity for an applicant to demonstrate experience and qualifications in the marijuana industry. The state liquor and cannabis board must give preference between competing applications in the licensing process to applicants that have the following experience and qualifications, in the following order of priority:~~

~~(i) First priority is given to applicants who:~~

~~(A) Applied to the state liquor and cannabis board for a marijuana retailer license prior to July 1, 2014;~~

~~(B) Operated or were employed by a collective garden before January 1, 2013;~~

~~(C) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and~~

~~(D) Have had a history of paying all applicable state taxes and fees;~~

~~(ii) Second priority must be given to applicants who:~~

~~(A) Operated or were employed by a collective garden before January 1, 2013;~~

~~(B) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and~~

~~(C) Have had a history of paying all applicable state taxes and fees; and~~

~~(iii) Third priority must be given to all other applicants who do not have the experience and qualifications identified in (a)(i) and (ii) of this subsection.~~

~~(b))~~ The state liquor and cannabis board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor and cannabis board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor and cannabis board and a criminal history record information check. The state liquor and cannabis board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor and cannabis board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases.

Subject to the provisions of this section, the state liquor and cannabis board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the state liquor and cannabis board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

~~((e))~~ (b) No license of any kind may be issued to:

(i) A person under the age of twenty-one years;

(ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;

(iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The state liquor and cannabis board may, in its discretion, subject to the provisions of RCW 69.50.334, suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products thereunder must be suspended or terminated, as the case may be.

(b) The state liquor and cannabis board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the state liquor and cannabis board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The state liquor and cannabis board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under rules and regulations the state liquor and cannabis board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the state liquor and cannabis board or a subpoena issued by the state liquor and cannabis board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the state liquor and cannabis board. Where the license has been suspended only, the state liquor and cannabis board must return the license to the licensee at the expiration or termination of the period of suspension. The state liquor and cannabis board must

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notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the state liquor and cannabis board to implement and enforce this chapter. All conditions and restrictions imposed by the state liquor and cannabis board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of twenty-one years.

(7)(a) Before the state liquor and cannabis board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, ~~(or)~~ the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the state liquor and cannabis board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The state liquor and cannabis board may extend the time period for submitting written objections upon request from the authority notified by the state liquor and cannabis board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the state liquor and cannabis board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the state liquor and cannabis board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, state liquor and cannabis board representatives must present and defend the state liquor and cannabis board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the state liquor and cannabis board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

- (i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees;
- (ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and
- (iii) Bears no advertising or signage indicating that it is a marijuana research facility.

(e) The state liquor and cannabis board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

~~(9) ((Subject to section 1601 of this act.))~~ A city, town, or county may adopt an ordinance prohibiting a marijuana producer or marijuana processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the state liquor and cannabis board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

**Sec. 1497.** RCW 69.50.372 and 2016 sp.s. c 9 s 1 are each amended to read as follows:

(1) A marijuana research license is established that permits a licensee to produce, process, and possess marijuana for the following limited research purposes:

- (a) To test chemical potency and composition levels;

(b) To conduct clinical investigations of marijuana-derived drug products;

(c) To conduct research on the efficacy and safety of administering marijuana as part of medical treatment; and

(d) To conduct genomic or agricultural research.

(2) As part of the application process for a marijuana research license, an applicant must submit to the liquor and cannabis board's designated scientific reviewer a description of the research that is intended to be conducted. The liquor and cannabis board must select a scientific reviewer to review an applicant's research project and determine that it meets the requirements of subsection (1) of this section, as well as assess the following:

(a) Project quality, study design, value, or impact;

(b) Whether applicants have the appropriate personnel, expertise, facilities/infrastructure, funding, and human/animal/other federal approvals in place to successfully conduct the project; and

(c) Whether the amount of marijuana to be grown by the applicant is consistent with the project's scope and goals.

If the scientific reviewer determines that the research project does not meet the requirements of subsection (1) of this section, the application must be denied.

(3) A marijuana research licensee may only sell marijuana grown or within its operation to other marijuana research licensees. The liquor and cannabis board may revoke a marijuana research license for violations of this subsection.

(4) A marijuana research licensee may contract with the University of Washington or Washington State University to perform research in conjunction with the university. All research projects, not including those projects conducted pursuant to a contract entered into under RCW 28B.20.502(3), must be approved by the scientific reviewer and meet the requirements of subsection (1) of this section.

(5) In establishing a marijuana research license, the liquor and cannabis board may adopt rules on the following:

(a) Application requirements;

(b) Marijuana research license renewal requirements, including whether additional research projects may be added or considered;

(c) Conditions for license revocation;

(d) Security measures to ensure marijuana is not diverted to purposes other than research;

(e) Amount of plants, useable marijuana, marijuana concentrates, or marijuana-infused products a licensee may have on its premises;

(f) Licensee reporting requirements;

(g) Conditions under which marijuana grown by licensed marijuana producers and other product types from licensed marijuana processors may be donated to marijuana research licensees; and

(h) Additional requirements deemed necessary by the liquor and cannabis board.

(6) The production, processing, possession, delivery, donation, and sale of marijuana, including immature plants or clones and seeds, in accordance with this section, RCW 69.50.366(3), and the rules adopted to implement and enforce ((#)) this section and RCW 69.50.366(3), by a validly licensed marijuana researcher, shall not be a criminal or civil offense under Washington state law. Every marijuana research license must be issued in the name of the applicant, must specify the location at which the marijuana researcher intends to operate, which must be within the state of Washington, and the holder thereof may not allow any other person to use the license.

(7) The application fee for a marijuana research license is two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana research license is one thousand dollars. The applicant must pay the cost of the review process directly to the

scientific reviewer as designated by the liquor and cannabis board.

(8) The scientific reviewer shall review any reports made by marijuana research licensees under liquor and cannabis board rule and provide the liquor and cannabis board with its determination on whether the research project continues to meet research qualifications under this section.

(9) For the purposes of this section, "scientific reviewer" means an organization that convenes or contracts with persons who have the training and experience in research practice and research methodology to determine whether a project meets the criteria for a marijuana research license under this section and to review any reports submitted by marijuana research licensees under liquor and cannabis board rule. "Scientific reviewers" include, but are not limited to, educational institutions, research institutions, peer review bodies, or such other organizations that are focused on science or research in its day-to-day activities.

**Sec. 1498.** RCW 66.08.100 and 2012 c 117 s 269 are each amended to read as follows:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the board or any member thereof for anything done or omitted to be done in or arising out of the performance of his or her or their duties under this title. Neither the board nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done or omitted to be done by the board or any employee of the board in the performance of his or her duties and in the administration of this title or chapter 69.50 or 69.51A RCW.

**Sec. 1499.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "Commission" means the pharmacy quality assurance commission.

(e) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules.

(f)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

- (i) a controlled substance;
- (ii) a substance for which there is an approved new drug application;
- (iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or
- (iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(g) "Deliver" or "delivery(~~(s)~~)" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(h) "Department" means the department of health.

(i) "Designated provider" has the meaning provided in RCW 69.51A.010.

(j) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(k) "Dispenser" means a practitioner who dispenses.

(l) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(m) "Distributor" means a person who distributes.

(n) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(o) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(p) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(q) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(r) "Immediate precursor" means a substance:

- (1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;
- (2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and
- (3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(~~(s)~~) (s) "Isomer" means an optical isomer, but in subsection (~~(cc)~~) (ce)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35),

69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(~~(t)~~) (t) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(~~(u)~~) (u) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(~~(v)~~) (v) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

- (1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
- (2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(~~(w)~~) (w) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(~~(x)~~) (x) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(~~(y)~~) (y) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(~~(z)~~) (z) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(~~(aa)~~) (aa) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(~~(bb)~~) (bb) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

(~~(cc)~~) (cc) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates,

useable marijuana, and marijuana-infused products in a retail outlet.

~~((ee))~~ ~~(dd)~~ "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection ~~((+))~~ ~~(v)~~ of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

~~((dd))~~ ~~(ee)~~ "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

~~((ee))~~ ~~(ff)~~ "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

~~((ff))~~ ~~(gg)~~ "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

~~((gg))~~ ~~(hh)~~ "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((hh))~~ ~~(ii)~~ "Plant" has the meaning provided in RCW 69.51A.010.

~~((ii))~~ ~~(jj)~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

~~((jj))~~ ~~(kk)~~ "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed

practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

~~((kk))~~ ~~(ll)~~ "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

~~((ll))~~ ~~(mm)~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

~~((mm))~~ ~~(nn)~~ "Qualifying patient" has the meaning provided in RCW 69.51A.010.

~~((nn))~~ ~~(oo)~~ "Recognition card" has the meaning provided in RCW 69.51A.010.

~~((oo))~~ ~~(pp)~~ "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

~~((pp))~~ ~~(qq)~~ "Secretary" means the secretary of health or the secretary's designee.

~~((qq))~~ ~~(rr)~~ "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

~~((rr))~~ ~~(ss)~~ "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

~~((ss))~~ ~~(tt)~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~((tt))~~ ~~(uu)~~ "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

**Sec. 1500.** RCW 69.50.366 and 2015 c 207 s 8 are each amended to read as follows:

The following acts, when performed by a validly licensed marijuana producer or employee of a validly licensed marijuana producer in compliance with rules adopted by the state liquor ~~(control)~~ and cannabis board to implement and enforce this

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chapter (~~(3, Laws of 2013)~~), do not constitute criminal or civil offenses under Washington state law:

(1) Production or possession of quantities of marijuana that do not exceed the maximum amounts established by the state liquor (~~(control)~~) and cannabis board under RCW 69.50.345(3);

(2) Delivery, distribution, and sale of marijuana to a marijuana processor or another marijuana producer validly licensed under this chapter (~~(3, Laws of 2013)~~); (~~and~~)

(3) Delivery, distribution, and sale of immature plants or clones and marijuana seeds to a licensed marijuana researcher, and to receive or purchase immature plants or clones and seeds from a licensed marijuana researcher; and

(4) Delivery, distribution, and sale of marijuana or useable marijuana to a federally recognized Indian tribe as permitted under an agreement between the state and the tribe entered into under RCW 43.06.490.

**Sec. 1501.** RCW 69.50.382 and 2015 2nd sp.s. c 4 s 501 are each amended to read as follows:

(1) A licensed marijuana producer, marijuana processor, marijuana researcher, or marijuana retailer, or their employees, in accordance with the requirements of this chapter and the administrative rules adopted thereunder, may use the services of a common carrier subject to regulation under chapters 81.28 and 81.29 RCW and licensed in compliance with the regulations established under RCW 69.50.385, to physically transport or deliver, as authorized under this chapter, marijuana, useable marijuana, marijuana concentrates, immature plants or clones, marijuana seeds, and marijuana-infused products between licensed marijuana businesses located within the state.

(2) An employee of a common carrier engaged in marijuana-related transportation or delivery services authorized under subsection (1) of this section is prohibited from carrying or using a firearm during the course of providing such services, unless:

(a) Pursuant to RCW 69.50.385, the state liquor and cannabis board explicitly authorizes the carrying or use of firearms by such employee while engaged in the transportation or delivery services;

(b) The employee has an armed private security guard license issued pursuant to RCW 18.170.040; and

(c) The employee is in full compliance with the regulations established by the state liquor and cannabis board under RCW 69.50.385.

(3) A common carrier licensed under RCW 69.50.385 may, for the purpose of transporting and delivering marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products, utilize Washington state ferry routes for such transportation and delivery.

(4) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized under, and in accordance with, this section and RCW 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

**Sec. 1502.** RCW 69.51A.250 and 2016 c 170 s 2 are each amended to read as follows:

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated provider of a

qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf. All plants grown in the cooperative must be (~~(purchased or cloned)~~) from an immature plant or clone purchased from a licensed marijuana producer as defined in RCW 69.50.101. Cooperatives may also purchase marijuana seeds from a licensed marijuana producer.

(2) Qualifying patients and designated providers who wish to form a cooperative must register the location with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's recognition card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) No cooperative may be located in any of the following areas:

(a) Within one mile of a marijuana retailer;

(b) Within the smaller of either:

(i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or

(ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW 69.50.331(8); or

(c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location does not comply with the requirements set forth in subsection (3) of this section.

(5) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until sixty days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(6) Qualifying patients or designated providers who participate in a cooperative under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up to a maximum of sixty plants. At the location, the qualifying patients or designated providers may possess the amount of useable marijuana that can be produced with the number of plants permitted under this subsection, but no more than seventy-two ounces;

(b) May only participate in one cooperative;

(c) May only grow plants in the cooperative and if he or she grows plants in the cooperative may not grow plants elsewhere;

(d) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide nonmonetary resources and labor in order to participate; and

(e) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(7) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's recognition card must be kept at the location at all times.

(8) The state liquor and cannabis board may adopt rules to implement this section including:

(a) Any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative;

(b) A seed to sale traceability model that is similar to the seed to sale traceability model used by licensees that will allow the state liquor and cannabis board to track all marijuana grown in a cooperative.

(9) The state liquor and cannabis board or law enforcement may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

**Sec. 1503.** RCW 15.120.020 and 2016 sp.s. c 11 s 3 are each amended to read as follows:

Except as otherwise provided in this chapter, industrial hemp is an agricultural product that may be grown, produced, possessed, processed, and exchanged in the state solely and exclusively as part of an industrial hemp research program supervised by the department. Processing any part of industrial hemp, except seed, as food, extract, oil, cake, concentrate, resin, or other preparation for topical use, oral consumption, or inhalation by humans is prohibited, unless authorized by the department under section 10 of this act.

**NEW SECTION. Sec. 1504.** A new section is added to chapter 15.120 RCW to read as follows:

(1) The department may allow a person holding an industrial hemp license authorizing the licensee to grow, produce, possess, or process industrial hemp to sell or transfer industrial hemp to a marijuana processor licensed under chapter 69.50 RCW and the rules adopted by the state liquor and cannabis board, for use by the marijuana processor.

(2) A licensed marijuana processor is not required to obtain an industrial hemp license from the department in order to possess or process industrial hemp for the purposes authorized under this section.

(3) A licensed marijuana processor may use any part of industrial hemp obtained in accordance with this section. A licensee's use of industrial hemp must comply with the requirements of chapter 69.50 RCW, the rules adopted by the state liquor and cannabis board, and the rules adopted by the department of health for marijuana products.

(4) The department may adopt rules, in consultation with the state liquor and cannabis board, to implement this section.

**NEW SECTION. Sec. 1505.** The legislature finds that protecting the state's children, youth, and young adults under the legal age to purchase and consume marijuana, by establishing limited restrictions on the advertising of marijuana and marijuana products, is necessary to assist the state's efforts to discourage and prevent underage consumption and the potential risks associated with underage consumption. The legislature finds that these restrictions assist the state in maintaining a strong and effective regulatory and enforcement system as specified by the federal government. The legislature finds this act leaves ample opportunities for licensed marijuana businesses to market their products to those who are of legal age to purchase them, without infringing on the free speech rights of business owners. Finally, the legislature finds that the state has a substantial and compelling interest in enacting this act aimed at protecting Washington's children, youth, and young adults.

**Sec. 1506.** RCW 69.50.357 and 2016 c 171 s 1 are each amended to read as follows:

(1) Retail outlets may not sell products or services other than marijuana concentrates, useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

(2) Licensed marijuana retailers may not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. However, qualifying patients between eighteen and twenty-one years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement and may purchase products for their personal medical use. Qualifying patients who are under the age of eighteen with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement, but may not purchase products for their personal medical use.

(3)(a) Licensed marijuana retailers must ensure that all employees are trained on the rules adopted to implement this chapter, identification of persons under the age of twenty-one, and other requirements adopted by the state liquor and cannabis board to ensure that persons under the age of twenty-one are not permitted to enter or remain on the premises of a retail outlet.

(b) Licensed marijuana retailers with a medical marijuana endorsement must ensure that all employees are trained on the subjects required by (a) of this subsection as well as identification of authorizations and recognition cards. Employees must also be trained to permit qualifying patients who hold recognition cards and are between the ages of eighteen and twenty-one to enter the premises and purchase marijuana for their personal medical use and to permit qualifying patients who are under the age of eighteen with a recognition card to enter the premises if accompanied by their designated providers.

(4) Except as otherwise provided under RCW 69.50.369, licensed marijuana retailers may not display any signage outside of the licensed premises, other than two signs identifying the retail outlet by the licensee's business or trade name, stating the location of the business, and identifying the nature of the business. Each sign must be no larger than one thousand six hundred square inches, be permanently affixed to a building or other structure, and be posted not less than one thousand feet from any elementary school, secondary school, or playground. Such signs may not contain any depictions of marijuana plants, marijuana products, or images that might be appealing to children. The content of the signs authorized under this subsection (4) are subject to all requirements and restrictions applicable to outdoor signs as set forth in RCW 69.50.369.

(5) Except for the purposes of disposal as authorized by the state liquor and cannabis board, no licensed marijuana retailer or employee of a retail outlet may open or consume, or allow to be opened or consumed, any marijuana concentrates, useable marijuana, or marijuana-infused product on the outlet premises.

(6) The state liquor and cannabis board must fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana account created under RCW 69.50.530.

**Sec. 1507.** RCW 69.50.369 and 2015 2nd sp.s. c 4 s 204 are each amended to read as follows:

(1) No licensed marijuana producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, an advertisement of marijuana, useable marijuana, marijuana concentrates, or a marijuana-infused product in any form or through any medium whatsoever(=)

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~~(a))~~ within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older;

~~(b) On or in a public transit vehicle or public transit shelter; or (c) On or in a publicly owned or operated property).~~

(2) A marijuana licensee may not utilize transit advertisements for the purpose of advertising its business or product line. "Transit advertisements" means advertising on or within private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

(3) A marijuana licensee may not engage in advertising or other marketing practice that specifically targets persons residing outside of the state of Washington.

(4) All signs, billboards, or other print advertising for marijuana businesses or marijuana products must contain text stating that marijuana products may be purchased or possessed only by persons twenty-one years of age or older.

(5) A marijuana licensee may not:

(a) Take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of marijuana and marijuana products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of marijuana or marijuana products;

(b) Use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to youth, where such objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of marijuana products; or

(c) Use or employ a commercial mascot outside of, and in proximity to, a licensed marijuana business. A "commercial mascot" means live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of marijuana products or the presence of a marijuana business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a marijuana-related commercial message or image, where the intent is to draw attention to a marijuana business or its products.

(6) A marijuana licensee that engages in outdoor advertising is subject to the advertising requirements and restrictions set forth in this subsection (6) and elsewhere in this chapter.

(a) All outdoor advertising signs, including billboards, are limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business. Such signs may not contain any depictions of marijuana plants, marijuana products, or images that might be appealing to children. The state liquor and cannabis board is granted rule-making authority to regulate the text and images that are permissible on outdoor advertising. Such rule making must be consistent with other administrative rules generally applicable to the advertising of marijuana businesses and products.

(b) Outdoor advertising is prohibited:

(i) On signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located in an adult only facility; and

(ii) Billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited, except as provided in (c) of this subsection.

(c) Licensed retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the licensed retail outlet. Billboards advertising is subject to the same requirements and restrictions as set forth in (a) of this subsection.

(d) Advertising signs within the premises of a retail marijuana business outlet that are visible to the public from outside the premises must meet the signage regulations and requirements applicable to outdoor signs as set forth in this section.

(e) The restrictions and regulations applicable to outdoor advertising under this section are not applicable to:

(i) An advertisement inside a licensed retail establishment that sells marijuana products that is not placed on the inside surface of a window facing outward; or

(ii) An outdoor advertisement at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but in no event more than fourteen days before the event, and that does not advertise any marijuana product other than by using a brand name to identify the event.

(7) Merchandising within a retail outlet is not advertising for the purposes of this section.

~~((3))~~ (8) This section does not apply to a noncommercial message.

~~((4))~~ (9)(a) The state liquor and cannabis board must:

(i) Adopt rules implementing this section and specifically including provisions regulating the billboards and outdoor signs authorized under this section; and

(ii) Fine a licensee one thousand dollars for each violation of ~~(subsection (1) of)~~ this section until the state liquor and cannabis board adopts rules prescribing penalties for violations of this section. The rules must establish escalating penalties including fines and up to suspension or revocation of a marijuana license for subsequent violations.

(b) Fines collected under this subsection must be deposited into the dedicated marijuana account created under RCW 69.50.530.

(10) A city, town, or county may adopt rules of outdoor advertising by licensed marijuana retailers that are more restrictive than the advertising restrictions imposed under this chapter. Enforcement of restrictions to advertising by a city, town, or county is the responsibility of the city, town, or county.

**Sec. 1508.** RCW 69.50.4013 and 2015 2nd sp.s. c 4 s 503 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.



(4) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

- (a) One-half ounce of useable marijuana;
- (b) Eight ounces of marijuana-infused product in solid form;
- (c) Thirty-six ounces of marijuana-infused product in liquid form; or
- (d) Three and one-half grams of marijuana concentrates.

(5) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

~~((5))~~ (6) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

**NEW SECTION. Sec. 1509.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A licensed marijuana business may enter into a licensing agreement, or consulting contract, with any individual, partnership, employee cooperative, association, nonprofit corporation, or corporation, for:

- (a) Any goods or services that are registered as a trademark under federal law or under chapter 19.77 RCW;
- (b) Any unregistered trademark, trade name, or trade dress; or
- (c) Any trade secret, technology, or proprietary information used to manufacture a cannabis product or used to provide a service related to a marijuana business.

(2) All agreements or contracts entered into by a licensed marijuana business, as authorized under this section, must be disclosed to the state liquor and cannabis board.

**Sec. 1510.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s 1, and 2016 c 178 s 1 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such

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information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW; (~~and~~)

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section; (~~and~~)

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for

the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure; (~~and~~)

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; and

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under section 15 of this act, which may be submitted to or obtained by the state liquor and cannabis board.

**Sec. 1511.** RCW 69.07.010 and 1992 c 34 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington;

(2) "Director" means the director of the department;

(3) "Food" means any substance used for food or drink by any person, including ice, bottled water, and any ingredient used for components of any such substance regardless of the quantity of such component;

(4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media;

(5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;

(6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for distribution or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That, as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control

of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants;

(8) "Person" means an individual, partnership, corporation, or association;

(9) "Board" means the state liquor and cannabis board;

(10) "Marijuana" has the meaning provided in RCW 69.50.101;

(11) "Marijuana-infused edible" means "marijuana-infused products," which is defined in RCW 69.50.101, but limited to products intended for oral consumption;

(12) "Marijuana-infused edible processing" means processing, packaging, or making marijuana-infused edibles using marijuana, marijuana extract, or marijuana concentrates as an ingredient. The term does not include preparation of marijuana as an ingredient including, but not limited to, processing marijuana extracts or marijuana concentrates;

(13) "Marijuana processor" has the meaning provided in RCW 69.50.101.

**Sec. 1512.** RCW 69.07.020 and 1969 c 68 s 1 are each amended to read as follows:

(1) The department shall enforce and carry out the provisions of this chapter, and may adopt the necessary rules to carry out its purposes.

(2) Such rules may include:

(a) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.

(b) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.

(c) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they shall be made available to the department of agriculture for inspection.

(d) Requirements for the keeping of records of the temperatures, times and pressures at which foods were processed, or for the temperatures at which refrigerated products were stored by the licensee and the furnishing of such records to the department.

(e) Standards that must be used to establish the temperature and purity of water used in the processing of foods.

(3) The department may adopt rules specific to marijuana-infused edibles. The rules must be written and interpreted to be consistent with rules adopted by the board and the department of health.

**Sec. 1513.** RCW 19.02.110 and 2013 c 144 s 25 are each amended to read as follows:

(1) In addition to the licenses processed under the business licensing system prior to April 1, 1982, on July 1, 1982, use of the business licensing system is expanded as provided by this section.

(2) Applications for the following must be filed with the business licensing service and must be processed, and renewals must be issued, under the business licensing system:

(a) Nursery dealer's licenses required by chapter 15.13 RCW;

(b) Seed dealer's licenses required by chapter 15.49 RCW;

(c) Pesticide dealer's licenses required by chapter 15.58 RCW;

(d) Shopkeeper's licenses required by chapter 18.64 RCW;

(e) Egg dealer's licenses required by chapter 69.25 RCW; and

(f) Marijuana-infused edible endorsements required by chapter 69.07 RCW.

**NEW SECTION. Sec. 1514.** A new section is added to chapter 69.07 RCW to read as follows:

(1) In addition to the requirements administered by the board under chapter 69.50 RCW, the department shall regulate marijuana-infused edible processing the same as other food processing under this chapter, except:

(a) The department shall not consider foods containing marijuana to be adulterated when produced in compliance with chapter 69.50 RCW and the rules adopted by the board;

(b) Initial issuance and renewal for an annual marijuana-infused edible endorsement in lieu of a food processing license under RCW 69.07.040 must be made through the business licensing system under chapter 19.02 RCW;

(c) Renewal of the endorsement must coincide with renewal of the endorsement holder's marijuana processor license;

(d) The department shall adopt a penalty schedule specific to marijuana processors, which may have values equivalent to the penalty schedule adopted by the board. The penalties are in addition to any penalties imposed under the penalty schedule adopted by the board; and

(e) The department shall notify the board of violations by marijuana processors under this chapter.

(2) A marijuana processor that processes, packages, or makes marijuana-infused edibles must obtain an annual marijuana-infused edible endorsement, as provided in this subsection (2).

(a) The marijuana processor must apply for issuance and renewal for the endorsement from the department through the business licensing system under chapter 19.02 RCW.

(b) The marijuana processor must have a valid marijuana processor license before submitting an application for initial endorsement. The application and initial endorsement fees total eight hundred ninety-five dollars. Applicants for endorsement otherwise must meet the same requirements as applicants for a food processing license under this chapter including, but not limited to, successful completion of inspection by the department.

(c) Annual renewal of the endorsement must coincide with renewal of the endorsement holder's marijuana processor license. The endorsement renewal fee is eight hundred ninety-five dollars.

(d) A marijuana processor must obtain a separate endorsement for each location at which the marijuana processor intends to process marijuana-infused edibles. Premises used for marijuana-infused edible processing may not be used for processing food that does not use marijuana as an ingredient, with the exception of edibles produced solely for tasting samples or internal product testing.

(3) The department may deny, suspend, or revoke a marijuana-infused edible endorsement on the same grounds as the department may deny, suspend, or revoke a food processing license under this chapter.

(4) Information about processors otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department.

**NEW SECTION. Sec. 1515.** The department of agriculture, state liquor and cannabis board, and department of revenue shall take the necessary steps to ensure that section 20 of this act is implemented on its effective date.

**NEW SECTION. Sec. 1516.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the state liquor and cannabis board.

(2) "Licensee facilities" means any premises regulated by the board for producing, processing, or retailing marijuana or marijuana products.

(3) "Marijuana" has the meaning provided in RCW 69.50.101.

(4) "Marijuana processor" has the meaning provided in RCW 69.50.101.

(5) "Marijuana producer" has the meaning provided in RCW 69.50.101.

(6) "Marijuana products" has the meaning provided in RCW 69.50.101.

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(7) "Marijuana retailer" has the meaning provided in RCW 69.50.101.

(8) "Person" means any natural person, firm, partnership, association, private or public corporation, governmental entity, or other business entity.

**NEW SECTION. Sec. 1517.** (1) The department may adopt rules establishing:

(a) Standards for marijuana and marijuana products produced and processed in a manner consistent with, to the extent practicable, 7 C.F.R. Part 205;

(b) A self-sustaining program for certifying marijuana producers and marijuana processors as meeting the standards established under (a) of this subsection; and

(c) Other rules as necessary for administration of this chapter.

(2) To the extent practicable, the program must be consistent with the program established by the director under chapter 15.86 RCW.

(3) The rules must include a fee schedule that will provide for the recovery of the full cost of the program including, but not limited to, application processing, inspections, sampling and testing, notifications, public awareness programs, and enforcement.

**NEW SECTION. Sec. 1518.** (1) No marijuana or marijuana product may be labeled, sold, or represented as produced or processed under the standards established under this chapter unless produced or processed by a person certified by the department under the program established under this chapter.

(2) No person may represent, sell, or offer for sale any marijuana or marijuana products as produced or processed under standards adopted under this chapter if the person knows, or has reason to know, that the marijuana or marijuana product has not been produced or processed in conformance with the standards established under this chapter.

(3) No person may represent, sell, or offer for sale any marijuana or marijuana products as "organic products" as that term has meaning under chapter 15.86 RCW.

**NEW SECTION. Sec. 1519.** (1) The department may inspect licensee facilities to verify compliance with this chapter and rules adopted under it.

(2) The department may deny, suspend, or revoke a certification provided for in this chapter if the department determines that an applicant or certified person has violated this chapter or rules adopted under it.

(3) The department may impose on and collect from any person who has violated this chapter or rules adopted under it a civil fine not exceeding the total of:

(a) The state's estimated costs of investigating and taking appropriate administrative and enforcement actions for the violation; and

(b) One thousand dollars.

(4) The board may take enforcement actions against a marijuana producer, marijuana processor, or marijuana retailer license issued by the board, including suspension or revocation of the license, when a licensee continues to violate this chapter after revocation of its certification or, if uncertified, receiving written notice from the department of certification requirements.

(5) The provisions of this chapter are cumulative and nonexclusive and do not affect any other remedy at law.

**NEW SECTION. Sec. 1520.** Information about marijuana producers, marijuana processors, and marijuana retailers otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department.

**NEW SECTION. Sec. 1521.** All fees collected under this chapter must be deposited in an account within the agricultural

local fund. The revenue from the fees must be used solely for carrying out the provisions of this chapter, and no appropriation is required for disbursement from the fund.

**NEW SECTION. Sec. 1522.** This act applies prospectively only and not retroactively. It applies only to causes of action that arise (if change is substantive) or that are commenced (if change is procedural) on or after the effective date of this section.

**NEW SECTION. Sec. 1523.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1524.** Sections 22 through 27 of this act constitute a new chapter in Title 15 RCW.

**NEW SECTION. Sec. 1525.** Section 20 of this act takes effect April 1, 2018."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5131 and request of the House a conference thereon.

Senators Rivers, Baumgartner, Keiser, Padden and Carlyle spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rivers that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5131 and request a conference thereon.

The motion by Senator Rivers carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5131 and requested of the House a conference thereon by voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5131 and the House amendment(s) thereto: Senators Rivers, Keiser and Baumgartner.

MOTION

On motion of Senator Fain, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 11, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5106 with the following amendment(s): 5106-S.E AMH ENGR H2602.E

Strike everything after the enacting clause and insert the following:

**"Part One – Joel's Law Amendments**

**Sec. 1526.** RCW 71.05.201 and 2016 c 107 s 1 are each amended to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a

designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated mental health professional investigation or the request for a designated mental health professional investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated mental health professional investigation.

(3)(a) The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency ~~(, which shall execute the order without delay)~~ and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated mental health professional. The designated mental health agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive

if the person were detained by a designated mental health professional. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 1527.** RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s 1 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated ~~(mental health professional)~~ crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

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~~((7))~~ (8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency ~~((, which shall execute the order without delay))~~ and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

~~((8))~~ (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

~~((9))~~ (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 1528.** RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ~~((regional support network))~~ behavioral health organization or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

(3) A designated mental health professional or designated mental health professional agency must, upon request, disclose the date of a designated mental health professional investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

**Sec. 1529.** RCW 71.05.203 and 2016 sp.s. c 29 s 223 are each amended to read as follows:

(1) The department and each behavioral health organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW

71.05.201. If the designated crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

**NEW SECTION. Sec. 1530.** By December 15, 2017, the administrative office of the courts, in collaboration with stakeholders, including but not limited to judges, prosecutors, defense attorneys, the department of social and health services, behavioral health advocates, and families, shall: (1) Develop a user's guide to assist pro se litigants in the preparation and filing of a petition under RCW 71.05.201; and (2) develop a model order of detention under RCW 71.05.201 which contains an advisement of rights for the detained person.

**NEW SECTION. Sec. 1531.** Sections 1 and 3 of this act expire April 1, 2018.

**NEW SECTION. Sec. 1532.** Sections 2 and 4 of this act take effect April 1, 2018.

**Part Two – Less Restrictive Alternative Revocations**

**Sec. 1533.** RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated mental health professional, may take action to enforce, modify, or revoke a less restrictive alternative order or conditional release order ~~((if)).~~ The agency, facility, or designated mental health professional ~~((determines))~~ must determine that:

- (a) The person is failing to adhere to the terms and conditions of the court order;
- (b) Substantial deterioration in the person's functioning has occurred;
- (c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or
- (d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

- (a) To counsel ~~((,))~~ or advise ~~((, or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;
- (b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

~~((To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a~~

~~treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;~~

~~(d)) To cause the person to be transported by a peace officer, designated mental health professional, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or evaluation and treatment facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated mental health professional or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation or modification procedures under ~~(subsection (4) of)~~ this section in appropriate circumstances; and~~

~~((e)) (d) To initiate revocation or modification procedures under ~~(subsection (4) of)~~ this section. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration.~~

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated mental health professional when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated mental health professional or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this section to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment, or initiate proceedings under ~~(this)~~ subsection ~~((4))~~ (5) of this section without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated mental health professional or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

~~((e)) (5)(a) The designated mental health professional or secretary shall ~~(notify the court that originally ordered commitment within two judicial days of a person's detention and)~~ file a petition for revocation ~~(petition)~~ or modification and an order of apprehension and detention, if applicable, with the court ~~(and)~~ of the county where the person is currently located or being detained. The designated mental health professional shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~(regarding a petition for~~~~

modification or revocation must be in) is the county ~~((in which))~~ where the petition ~~((was))~~ is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation or modification is filed, within two judicial days of the person's detention.

~~((4)) (b) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.~~

~~((e)) (c) Revocation proceedings under this subsection ~~((4))~~ (5) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.~~

~~((5)) (6) In determining whether or not to take action under this section the designated mental health professional, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.~~

**Sec. 1534.** RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative order or conditional release order ~~((#))~~. The agency, facility, or designated crisis responder ~~((determines))~~ must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel ~~((or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

~~((To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The~~

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~~county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;~~

~~(d))~~ To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation or modification procedures under ~~((subsection (4) of))~~ this section in appropriate circumstances; and

~~((e))~~ (d) To initiate revocation or modification procedures under ~~((subsection (4) of))~~ this section. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under ~~((this))~~ subsection ~~((4))~~ (5) of this section may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or

rescind the order at any time prior to commencement of the court hearing.

~~((e))~~ (5)(a) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a petition for revocation ((petition)) or modification and an order of apprehension and detention, if applicable, with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation or modification is filed, within two judicial days of the person's detention.

~~((4))~~ (b) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

~~((e))~~ (c) Revocation proceedings under this subsection ~~((4))~~ (5) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

~~((5))~~ (6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 1535.** RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative order or conditional release order ~~((#))~~. The agency, facility, or designated crisis responder ~~((determines))~~ must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;



(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel~~((r))~~ or advise~~((r or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

~~(c) ((To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;~~

~~((d))~~ To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation or modification procedures under ~~((subsection (4) of))~~ this section in appropriate circumstances; and

~~((e))~~ (d) To initiate revocation or modification procedures under ~~((subsection (4) of))~~ this section. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency

designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under ~~((this))~~ subsection ~~((4))~~ (5) of this section may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

~~((e))~~ (5)(a) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a petition for revocation ((petition)) or modification and an order of apprehension and detention, if applicable, with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation or modification is filed, within two judicial days of the person's detention.

~~((d))~~ (b) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

~~((e))~~ (c) Revocation proceedings under this subsection ~~((4))~~ (5) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

~~((5))~~ (6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

### Part Three – Initial Detention Investigations

**Sec. 1536.** RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

~~((A)) If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated mental health professional conducting ~~((an)) the~~ evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated mental health professional)) shall take serious consideration of observations and opinions by an examining emergency room physician~~((s)),~~ advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated mental health professional must document ~~((the)) his or her~~ consultation with ~~((an examining emergency room physician)) this professional, ~~((including)) if the professional is available, or his or her review of the ~~((physician's)) professional's~~ written observations or opinions regarding whether detention of the person is appropriate.~~~~~~~~

**Sec. 1537.** RCW 71.05.154 and 2016 sp.s. c 29 s 214 are each amended to read as follows:

~~((A)) If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated crisis responder conducting ~~((an)) the~~ evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated crisis responder)) shall take serious consideration of observations and opinions by an examining emergency room physician~~((s)),~~ advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated crisis responder must document ~~((the)) his or her~~ consultation with ~~((an examining emergency room physician)) this professional, ~~((including)) if the professional is available, or his or her review of the ~~((physician's)) professional's~~ written observations or opinions regarding whether detention of the person is appropriate.~~~~~~~~

**Part Four – Evaluation and Petition by Chemical Dependency Professionals**

**Sec. 1538.** RCW 70.96A.140 and 2016 sp.s. c 29 s 102 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of ~~((chemical dependency)) a substance use disorder~~, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a ~~((chemical dependency)) substance use disorder treatment~~ program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or ~~((chemical dependency)) substance use disorder~~ treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person ~~((is chemically dependent)) has a substance use disorder~~ and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment.

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) ~~((Two physicians;)) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and~~

(B) ~~((One physician and a mental health professional;))~~

(C) ~~((One physician assistant and a mental health professional; or~~

~~((D)) One psychiatric advanced registered nurse practitioner and a mental health professional.~~

(ii) ~~The persons signing the petition must have examined the person)) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or designated chemical dependency specialist.~~

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition ~~((: PROVIDED, HOWEVER, That)) The ~~((above specified))~~ seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays~~((: PROVIDED FURTHER, That))~~. The court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served ~~((by the designated chemical dependency specialist))~~ on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.~~

(3) At the hearing the court shall hear all relevant testimony including, if possible, the testimony, which may be telephonic, of at least one licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or ~~((mental health professional)) designated chemical dependency specialist~~ who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this

chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person (~~(is chemically dependent)~~) has a substance use disorder shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or (~~(mental health professional)~~) designated chemical dependency specialist, he or she shall be given an opportunity to be examined by a court appointed licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by a preponderance of the evidence and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of fourteen days unless sooner discharged. A person committed to a

less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she (~~(is chemically dependent)~~) has a substance use disorder and is likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed (~~(- PROVIDED, That,)~~). The court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a (~~(chemically dependent)~~) person with a substance use disorder committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a (~~(chemically dependent)~~) person with a substance use disorder committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or

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provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, designated chemical dependency specialist, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a qualified person and requests an examination, the court shall employ a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, designated chemical dependency specialist, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive

alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

**Sec. 1539.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with

a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

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(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 1540.** RCW 71.05.210 and 2016 sp.s. c 29 s 224 and 2016 c 155 s 2 are each reenacted and amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional)),~~ physician assistant, or psychiatric advanced registered nurse practitioner; and

~~(ii) One ((physician assistant and a)) mental health professional((; or~~

~~(iii) One advanced registered nurse practitioner and a mental health)).~~ If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a chemical dependency professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 1541.** RCW 71.05.210 and 2016 sp.s. c 29 s 225 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional)),~~ physician assistant, or psychiatric advanced registered nurse practitioner; and

~~(ii) One ((physician assistant and a)) mental health professional((; or~~

~~(iii) One advanced registered nurse practitioner and a mental health)).~~ If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a chemical dependency professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 1542.** RCW 71.05.230 and 2016 sp.s. c 29 s 230, 2016 c 155 s 5, and 2016 c 45 s 1 are each reenacted and amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary

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intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed (~~either~~) by:

(a) ~~((Two physicians))~~ One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(b) ~~One physician ((and a)), physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional((;~~

~~(c) One physician assistant and a mental health professional; or~~

~~(d) One psychiatric advanced registered nurse practitioner and a mental health professional)).~~ If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional.

The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Sec. 1543.** RCW 71.05.290 and 2016 sp.s. c 29 s 235, 2016 c 155 s 6, and 2016 c 45 s 3 are each reenacted and amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(a) ~~((Two physicians))~~ One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(b) ~~One physician ((and a)), physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional((;~~

~~(c) One physician assistant and a mental health professional; or~~

~~(d) One psychiatric advanced registered nurse practitioner and a mental health professional)).~~ If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional.

The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

**Sec. 1544.** RCW 71.05.760 and 2016 sp.s. c 29 s 201 are each amended to read as follows:

(1)(a) By April 1, 2018, the department, by rule, must combine the functions of a designated mental health professional and designated chemical dependency specialist by establishing a designated crisis responder who is authorized to conduct investigations, detain persons up to seventy-two hours to the proper facility, and carry out the other functions identified in this chapter and chapter 71.34 RCW. The behavioral health organizations shall provide training to the designated crisis responders as required by the department.

(b)(i) To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(A) Psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or social worker;

(B) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(C) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(D) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional



support network and granted by the department before July 1, 2001; or

(E) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

(ii) Training must include chemical dependency training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(c) The department must develop a transition process for any person who has been designated as a designated mental health professional or a designated chemical dependency specialist before April 1, 2018, to be converted to a designated crisis responder. The behavioral health organizations shall provide training, as required by the department, to persons converting to designated crisis responders, which must include both mental health and chemical dependency training applicable to the designated crisis responder role.

(2)(a) The department must ensure that at least one sixteen-bed secure detoxification facility is operational by April 1, 2018, and that at least two sixteen-bed secure detoxification facilities are operational by April 1, 2019. In addition, the department shall ensure that an additional sixteen-bed secure detoxification facility is operational by April 1st of each year beginning in 2020 until there is adequate capacity to meet the involuntary treatment requirements for substance use disorder clients.

(b) If, at any time during the implementation of secure detoxification facility capacity, federal funding becomes unavailable for federal match for services provided in secure detoxification facilities, then the department must cease any expansion of secure detoxification facilities until further direction is provided by the legislature.

#### Part Five - Technical

NEW SECTION. Sec. 1545. Section 13 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1546. Sections 8, 11, and 13 of this act expire April 1, 2018.

NEW SECTION. Sec. 1547. Sections 9, 12, 14, 15, and 17 through 19 of this act take effect April 1, 2018.

NEW SECTION. Sec. 1548. Sections 9 and 15 of this act expire July 1, 2026.

NEW SECTION. Sec. 1549. Sections 10 and 16 of this act take effect July 1, 2026."

Correct the title.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator O'Ban moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5106 and ask the House to recede therefrom.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5106 and ask the House to recede therefrom.

The motion by Senator O'Ban carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5106 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 17, 2017

MR. PRESIDENT:

The Speaker ruled that the Senate amendment 1058 AMS LAW S2350.2 to HOUSE BILL NO. 1058 to be beyond scope & object of the bill. The House refuses to concur in said amendment and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Padden moved that the Senate recede from its position on the Senate amendments to House Bill No. 1058.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Padden that the Senate recede from its position on the Senate amendments to House Bill No. 1058.

The motion by Senator Padden carried and the Senate receded from its amendments to House Bill No. 1058.

#### MOTION

On motion of Senator Padden, the rules were suspended and House Bill No. 1058 was returned to second reading for the purposes of amendment.

#### MOTION

Senator Padden moved that the following floor striking amendment no. 273 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1550. The legislature finds that providing a victim with the opportunity for restitution from the perpetrator of the crime is an important part of the criminal justice system. It is the intent of the legislature to reaffirm the priority of restitution and, by this act, clarify that any outstanding debt for restitution be paid prior to the payment of any other legal financial obligation owed by the offender.

Sec. 1551. RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of ~~((an offender's monthly))~~ each payment ~~((, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied))~~ made by or on behalf of an offender, the county clerk shall distribute the payment ~~((proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court))~~ in the following order of priority:

(a) First, proportionally to restitution owed to victims that have not been fully compensated from other sources until satisfied;

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(b) Second, proportionally to restitution owed to insurance or other sources with respect to a loss that has provided compensation to victims until satisfied;

(c) Third, proportionally to crime victims' assessments until satisfied; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

~~((2))~~ (3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the court may require the offender to pay the actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior

court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((5))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((6))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((7))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under

oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((8))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((9))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((10))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.

~~((11))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((12))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((13))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((14))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community

custody, and who remains under the jurisdiction of the court for payment of legal financial obligations."

On page 1, line 1 of the title, after "restitution;" strike the remainder of the title and insert "amending RCW 9.94A.760; and creating a new section."

Senators Padden and Pedersen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 273 by Senator Padden to House Bill No. 1058.

The motion by Senator Padden carried and floor striking amendment no. 273 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1058 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Bill No. 1058 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 13, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1337 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Rivers moved that the Senate recede from its position on House Bill No. 1337 and pass the bill without the Senate amendment(s).

Senator River spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rivers that the Senate recede from its position on House Bill No. 1337 and pass the bill without Senate amendment(s).

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The motion by Senator Rivers carried and the Senate receded from its position on House Bill No. 1337 and passed the bill without the Senate amendment(s) by voice vote.

Senator Padden spoke in favor of the final passage of the bill.

## POINT OF INQUIRY

Senator Padden: "I believe that House Bill 1337, which enacts the Interstate Medical Licensure Compact, grants unchecked rulemaking authority to an un-elected Interstate Compact Commission with no mechanism for active state oversight. Section 24 of the bill makes all rules and bylaws promulgated by the Commission binding upon member states. I fear that if enacted as drafted, the Medical Compact would allow the Compact Commission to unilaterally adopt rules that have the force and effect of law in Washington State, which could expand the scope of the Compact or go beyond the scope of the Compact entirely. Does the Senator from the 47th district yield to a question?"

President Habib: "He does."

Senator Padden: "Does House Bill 1337 limit the scope of rule-making of the Compact Commission, and does the bill provide the state with any oversight over the rule-making of the Commission?"

Senator Fain: "The Interstate Medical Licensure Compact, as would be enacted in Washington with the passage of House Bill 1337, would expand access to care for the citizens of this state. The rule-making authority of the Compact Commission, as authorized by the enacting legislation, would be confined to the administration of the Compact and pursuant to Section 15 of the bill, any rule-making that is beyond the scope of the purposes of the compact or the powers granted thereunder would be invalid and have no force or effect. Section 24 further provides that any provisions of the Compact that exceed the constitutional limits imposed by the legislature of any member state shall be ineffective to the extent of the conflict. Physicians practicing with a license issued under the Compact must practice in a manner compliant with the medical practice act in the state in which the physician is practicing. Rule-making procedures provided for in the bill require notice of rule-making and allow for public comment, and as a last resort, the State is entitled to withdraw from the Compact through enactment of future legislation. The scope, then, of rule-making is confined by this bill, and the state does retain certain forms of oversight over the enactment and enforcement of the Compact."

The President declared the question before the Senate to be the final passage of House Bill No. 1337 without the Senate amendment(s).

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1337, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña,

Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1337, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 18, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

## MOTION

Senator Short moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1465.

Senator Short spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Short that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1465.

The motion by Senator Short carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1465.

## MOTION

On motion of Senator Short, the rules were suspended and Engrossed Substitute House Bill No. 1465 was returned to second reading for the purposes of amendment.

## MOTION

Senator Short moved that the following floor striking amendment no. 270 by Senator Short be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1552.** RCW 42.56.430 and 2008 c 252 s 1 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or

easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration;

(3) The following information regarding any damage prevention cooperative agreement, or nonlethal preventative measures deployed to minimize wolf interactions with pets and livestock:

(a) The name, telephone number, residential address, and other personally identifying information of any person who has a current damage prevention cooperative agreement with the department, including a pet or livestock owner, and his or her employees or immediate family members, who agrees to deploy, or is responsible for the deployment of, nonlethal, preventative measures; and

(b) The legal description or name of any residential property, ranch, or farm, that is owned, leased, or used by any person included in (a) of this subsection;

(4) The following information regarding a reported depredation by wolves on pets or livestock:

(a) The name, telephone number, residential address, and other personally identifying information of:

(i) Any person who reported the depredation;

(ii) Any pet or livestock owner, and his or her employees or immediate family members, whose pet or livestock was the subject of a reported depredation; and

(iii) Any department of fish and wildlife employee, range rider contractor, or trapper contractor who directly:

(A) Responds to a depredation; or

(B) Assists in the lethal removal of a wolf; and

(b) The legal description, location coordinates, or name that identifies any residential property, or ranch or farm that contains a residence, that is owned, leased, or used by any person included in (a) of this subsection;

(5) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040; and

~~((4))~~ (6) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)).

**Sec. 1553.** RCW 77.12.885 and 2007 c 293 s 2 are each amended to read as follows:

Except for the personal information on reported depredations by wolves that is exempted from disclosure as provided in RCW 42.56.430, the department shall post on its internet web site all reported predatory wildlife interactions, including reported human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock, within ten days of receiving the report. The posted material must include, but is not limited to, the location and time, the known details, and a running summary of such reported interactions by identified specie and interaction type within each affected county. For the purposes of this section and RCW 42.56.430, "predatory wildlife" means grizzly bears, wolves, and cougars.

**NEW SECTION. Sec. 1554.** A new section is added to chapter 42.56 RCW to read as follows:

By December 1, 2021, the public records exemptions accountability committee, in addition to its duties in RCW 42.56.140, must prepare and submit a report to the legislature that includes recommendations on whether the exemptions created in section 1, chapter . . ., Laws of 2017 (section 1 of this act) should be continued or allowed to expire. The report should focus on whether the exemption continues to serve the intent of the legislature in section 1, chapter . . ., Laws of 2017 (section 1 of this act) to provide protections of personal information during the period the state establishes and implements new policies regarding wolf management. The committee must consider whether the development of wolf management policy, by the time of the report, has diminished risks of threats to personal safety so that the protection of personal information in section 1, chapter . . ., Laws of 2017 (section 1 of this act) is no longer an ongoing necessity.

**NEW SECTION. Sec. 1555.** This act expires June 30, 2022."

On page 1, line 2 of the title, after "depredations;" strike the remainder of the title and insert "amending RCW 42.56.430 and 77.12.885; adding a new section to chapter 42.56 RCW; and providing an expiration date."

Senator Short spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 270 by Senator Short to Engrossed Substitute House Bill No. 1465.

The motion by Senator Short carried and floor striking amendment no. 270 was adopted by voice vote.

#### MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 1465 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1465 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1465 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Liias, Palumbo, Van De Wege and Wellman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5867, by Senator Braun

Creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following floor striking amendment no. 267 by Senators Van De Wege, McCoy and Braun be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1556.** The legislature finds that the most common form of long-term care provided to persons who are elderly, disabled, or have a developmental disability is provided by a family member in a personal residence. The legislature also finds that care provided by a family member who is chosen by the recipient is often the most appropriate form of care, allowing vulnerable individuals to remain independent while maintaining a sense of dignity and choice. The current system of medicaid services has complexities that may create obstacles for consumers who wish to be cared for by a family member and for family members who enter the system solely to provide care for their loved ones.

Therefore, the legislature intends to create an optional consumer-directed program for providing personal care services for individuals with long-term care needs or developmental disabilities receiving care from a family member. This program is intended to provide individuals with more flexibility in accessing their benefits and to reduce obstacles for consumers who wish to hire family members to provide their care.

**NEW SECTION. Sec. 1557.** A new section is added to chapter 74.39A RCW to read as follows:

The department is directed to develop and implement a consumer-directed medicaid program as provided in chapter . . . , Laws of 2017 (this act). This program is intended to be a voluntary alternative option for individuals with long-term care needs or developmental disabilities who choose to receive personal care services from a family member. The department shall review existing medicaid programs and determine the appropriate waiver to seek from the centers for medicare and medicaid services. The department shall seek stakeholder input on the new consumer-directed program's design to inform its submission of a waiver proposal to the centers for medicare and medicaid services. The department's waiver proposal must be submitted to the centers for medicare and medicaid services by March 1, 2018. By January 1, 2019, and September 1, 2019, the department must submit status reports to the legislature that provide information about the department's activities, program design, necessary statutory changes, barriers to implementation, and estimated implementation date, caseload, and costs. The consumer-directed medicaid program as provided in chapter . . . , Laws of 2017 (this act) must be available to consumers by January 1, 2019.

**NEW SECTION. Sec. 1558.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The consumer-directed medicaid program is a voluntary alternative option for consumers who seek to receive personal care services from a family member. The consumer-directed medicaid program must also reduce barriers that prevent consumers from being able to select a family member as their paid personal care or respite provider. The consumer, or his or her representatives, if applicable, must have decision-making authority to recruit, hire and fire, determine wages, train, supervise, and determine other conditions of employment for his or her family member providing personal care and respite services. The consumer, or his or her representatives, or both, must also have decision-making authority over how the medicaid funds in his or her individual budgets are spent.

(2) The consumer-directed medicaid program must include the following characteristics:

(a) A consumer-centered planning process that is directed by the consumer with assistance as needed or desired by a representative of the consumer's choosing. The process must include an assessment and service plan that establishes eligibility, the available budget amount, and the preferences, abilities, needs, and desired measurable outcomes of the consumer. The process may include other persons, freely chosen by the consumer, who are able to serve as important contributors to the process. The planning process must include planning for contingencies such as when a needed service is not provided due to the family member being unavailable. As part of the contingency planning process, an assessment of the risks to the consumer must be completed, and a discussion about how risks will be addressed must be held;

(b) A service plan that specifies the services and supports that are to be furnished to meet the preferences, choices, abilities, and needs of the consumer, and that assists the consumer to direct those services and supports so he or she is able to remain in his or her community; and

(c) An individualized budget that is under the control and direction of either the consumer, or his or her representative, or both. The budget plan is developed using a consumer-centered planning process and is individually tailored in accordance with the consumer's needs and preferences as established in the service plan. The department must describe the method for calculating the dollar values of consumer budgets and define a process for

making adjustments to the budget amount when there are significant changes in the consumer's support and service needs.

(3) The program must also include a system of supports to provide information and assistance to consumers to address assessed needs including, but not limited to:

(a) Information regarding how consumer-directed programs work;

(b) Information about a consumer's rights and responsibilities when enrolled in a consumer-directed program;

(c) A consumer may provide training directly to his or her family members or determine training topics that must be completed. The content of the training must be related to the consumer's preferences, care needs, conditions, health, safety, or topics relevant to his or her consumer-centered plan and spending plan under the program. The department may assist consumers by offering voluntary training, including training offered under RCW 74.39A.351, on how to select, manage, train, and dismiss employees. This may include referrals to other agencies, educational institutions, and consumer and community advocacy organizations to obtain information and assistance; and

(d) A consumer must determine the compensation, hours, and working conditions of his or her family members. The hourly wage paid must be at least the state minimum wage.

(4) The department must contract with an independent third party to provide financial management services to assist consumers in exercising their budget authority unless they are able to perform some or all of these functions themselves. Financial management services may include assistance in understanding billing and documentation responsibilities, performance of payroll and employer-related duties, assistance purchasing approved goods and services, tracking and monitoring goods and services purchased and provided, and identifying expenditures that are over or under the budget.

(5) The program must include necessary safeguards to protect the health and welfare of consumers. The program must include a requirement that any family member providing services pass appropriate state and federal criminal background checks to verify that he or she does not have a criminal history that would disqualify him or her from working with vulnerable persons. The family member providing services also must not be listed on any long-term care abuse and neglect registry, child abuse registry, or any other registry or list used by the department to disqualify the person from caring for vulnerable persons.

(6) A consumer must be allowed to disenroll from the program at any time and return to a traditional service delivery system.

(7) For the purposes of this section and section 2 of this act:

(a) "Consumer" means a person who:

(i) Is functionally disabled and eligible for personal care or respite care services under medicaid personal care, community first choice option, community options program entry system, chore services program, new freedom system, or respite care program;

(ii) Is eligible for respite care or residential service and support as a person with developmental disabilities under Title 71A RCW; or

(iii) Is eligible for respite care as defined in RCW 74.13.270.

(b) "Family member" means a person who is related by blood, adoption, or marriage as a child, parent, or sibling, including those relations denoted with the prefix "grand" or "great."

(8) The department shall adopt rules necessary to implement this section.

**Sec. 1559.** RCW 74.39A.074 and 2012 c 164 s 401 are each amended to read as follows:

(1)(a) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1) (a)

and (f) and, until January 1, 2016, those exempt under RCW 18.88B.041(1)(b), all persons hired as long-term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired or within one hundred twenty calendar days after March 29, 2012, whichever is later. In computing the time periods in this subsection, the first day is the date of hire or March 29, 2012, whichever is applicable.

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must successfully complete five of these seventy-five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy-five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long-term care basic training, including training related to core competencies and population specific competencies.

(2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(4) The department shall adopt rules to implement this section.

**Sec. 1560.** RCW 74.39A.076 and 2015 c 152 s 2 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1) (a) and (f):

(a) A biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider or within one hundred twenty calendar days after March 29, 2012, whichever is later.

(b) Individual providers identified in (b)(i), (ii), and (iii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider or within one hundred twenty calendar days after March 29, 2012, whichever is later. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

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(i) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by (a) of this subsection;

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; and

(iii) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(2) In computing the time periods in this section, the first day is the date of hire or March 29, 2012, whichever is applicable.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules to implement this section.

**Sec. 1561.** RCW 74.39A.240 and 2011 1st sp.s. c 21 s 7 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39A.030 ~~((and))~~, 74.39A.095 ~~((and))~~, 74.39A.220 through 74.39A.300, and 41.56.026 unless the context clearly requires otherwise.

(1) "Consumer" means a person to whom an individual provider provides any such services.

(2) "Department" means the department of social and health services.

(3) "Individual provider" means a person, including a personal aide, who has contracted with the department to provide personal care or respite care services to functionally disabled persons under the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270. "Individual provider" does not include a family member providing personal care and respite services to a consumer under the consumer-directed medicaid program created in sections 2 and 3 of this act.

**Sec. 1562.** RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) Before January 1, 2016, a long-term care worker employed by a community residential service business;

(d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; ~~((or))~~

(e) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year; or

(f) A family member providing personal care and respite services to a consumer under the consumer-directed medicaid program created in sections 2 and 3 of this act.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) The department of health shall adopt rules to implement subsection (1) of this section.

(7) The department shall adopt rules to implement subsection (2) of this section.

**Sec. 1563.** RCW 18.88B.041 and 2015 c 152 s 1 are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter:

(a)(i)(A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary determines that the circumstances do not require certification.

(B) A person who was initially hired as a long-term care worker prior to January 7, 2012, and who completes all of his or her training requirements in effect as of the date he or she was hired.

(ii) Individuals exempted by (a)(i) of this subsection may obtain certification as a home care aide without fulfilling the training requirements in RCW 74.39A.074(1)(d)(ii) but must successfully complete a certification examination pursuant to RCW 18.88B.031.

(b) All long-term care workers employed by community residential service businesses.

(c) An individual provider caring only for his or her biological, step, or adoptive child or parent.

(d) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(e) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(f) A family member providing personal care and respite services to a consumer under the consumer-directed medicaid program created in sections 2 and 3 of this act.

(2) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

(3) The department shall adopt rules to implement this section.

**Sec. 1564.** RCW 74.39A.326 and 2009 c 571 s 1 are each amended to read as follows:

(1)(a) Except as provided under (b) of this subsection, the department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39



RCW if the care is provided to a client by a family member of the client. To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client.

(b) The department may, on a case-by-case basis based on the client's health and safety, make exceptions to (a) of this subsection to authorize payment or to provide for payment during a transition period of up to three months. The restrictions under (a) of this subsection do not apply when the care is provided to: (i) A client who is an enrolled member of a federally recognized Indian tribe; or (ii) a client who resides in the household of an enrolled member of a federally recognized Indian tribe.

(2) The department shall take appropriate enforcement action against a home care agency found to have charged the state for hours of service for which the department is not authorized to pay under this section, including requiring recoupment of any payment made for those hours and, under criteria adopted by the department by rule, terminating the contract of an agency that violates a recoupment requirement.

(3) For purposes of this section:

(a) "Client" means a person who has been deemed eligible by the department to receive in-home personal care or respite services.

(b) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such relatives when related by marriage.

(4) The department shall adopt rules to implement this section. The rules shall not result in affecting the amount, duration, or scope of the personal care or respite services benefit to which a client may be entitled pursuant to RCW 74.09.520 or Title XIX of the federal social security act."

On page 1, line 4 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.39A.074, 74.39A.076, 74.39A.240, 74.39A.341, 18.88B.041, and 74.39A.326; adding new sections to chapter 74.39A RCW; and creating a new section."

#### MOTION

Senator Liias moved that the following floor amendment no. 268 by Senator Liias to floor striking amendment no. 267 be adopted:

Beginning on page 1, line 21 of the amendment, strike sections 2 through 8 and insert the following:

NEW SECTION. Sec. 2. (1) The legislative advisory committee on aging established in Engrossed Substitute Senate Bill No. 5180 shall study the various state programs allowing for the delivery of medicaid personal care services, and develop recommendations for a comprehensive and effective statewide policy to support streamlined access to personal care services for the state's citizens who are aging, disabled, or who have a developmental disability. The committee must consult with stakeholders knowledgeable about the interests and needs of both consumers and caregivers, and shall include a discussion of consumer-directed approaches, including those approaches that allow family members of the consumer to provide care. The recommendations must include strategies to:

- (a) Promote consumer health, safety, and autonomy;
- (b) Ensure adequate caregiver training and support;
- (c) Verify the quality and appropriateness of care;
- (d) Reduce barriers for consumers who prefer to receive care from caregivers of their choosing, including family members; and

(e) Mitigate or minimize potential liability issues that may arise in the context of consumer-directed programs.

(2) In the alternative, if Engrossed Substitute Senate Bill No. 5180 is not enacted by July 1, 2017, the department of social and health services shall convene a work group consisting of stakeholders knowledgeable about the interests and needs of both consumers and caregivers to conduct the study and develop the recommendations described in subsection (1) of this section.

(3) The advisory legislative committee on aging or the department of social and health services must submit a report with recommendations to the appropriate policy and fiscal committee of the legislature by July 1, 2018.

(4) This section expires July 1, 2018."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 10, beginning on line 13 of the amendment, after "RCW" strike the remainder of the title amendment and insert "74.39A.326; creating new sections; and providing an expiration date."

Senator Liias spoke in favor of adoption of the amendment to the striking amendment.

Senator Braun spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 268 by Senator Liias on page 1, line 21 to floor striking amendment no. 267.

The motion by Senator Liias did not carry and floor amendment no. 268 was not adopted by voice vote.

Senators Van De Wege and Braun spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 267 by Senators Van De Wege, McCoy and Braun to Senate Bill No. 5867.

The motion by Senator Van De Wege carried and floor striking amendment no. 267 was adopted by voice vote.

#### MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Bill No. 5867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

Senator Liias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5867.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5867 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, McCoy, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

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ENGROSSED SENATE BILL NO. 5867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Zeiger moved that the following floor striking amendment no. 271 by Senator Zeiger be adopted:

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

Strike everything after the enacting clause and insert the following:

MESSAGE FROM THE HOUSE

"NEW SECTION. **Sec. 3.** A new section is added to chapter 70.02 RCW to read as follows:

April 18, 2017

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5201 and asks the Senate to concur thereon.

(1)(a) A health care provider or health care facility may use or disclose the health care information of a patient without obtaining an authorization from the patient or the patient's personal representative if the conditions in (b) of this subsection are met and:

NONA SNELL, Deputy Chief Clerk

MOTION

Senator O'Ban moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Second Substitute Senate Bill No. 5201 and ask the House to recede therefrom.

(i) The disclosure is to a family member, including a patient's state registered domestic partner, other relative, a close personal friend, or other person identified by the patient, and the health care information is directly relevant to the person's involvement with the patient's health care or payment related to the patient's health care; or

Senators O'Ban and Darneille spoke in favor of the motion.

(ii) The use or disclosure is for the purpose of notifying, or assisting in the notification of, including identifying or locating, a family member, a personal representative of the patient, or another person responsible for the care of the patient of the patient's location, general condition, or death.

The President declared the question before the Senate to be motion by Senator O'Ban that the Senate refuse to concur and insist on its position on the House amendment(s) to Second Substitute Senate Bill No. 5201 and ask the House to recede therefrom.

(b) A health care provider or health care facility may make the uses and disclosures described in (a) of this subsection if:

The motion by Senator O'Ban carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Second Substitute Senate Bill No. 5201 and asked the House to recede therefrom by voice vote.

(i) The patient is not present or obtaining the patient's authorization or providing the opportunity to agree or object to the use or disclosure is not practicable due to the patient's incapacity or an emergency circumstance, the health care provider or health care facility may in the exercise of professional judgment, determine whether the use or disclosure is in the best interests of the patient and, if so, disclose only the health care information that is directly relevant to the person's involvement with the patient's health care or payment related to the patient's health care; or

MESSAGE FROM THE HOUSE

April 17, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1477 and asks the Senate to recede therefrom.

(ii) The patient is present for, or otherwise available prior to, the use or disclosure and has the capacity to make health care decisions, the health care provider or health care facility may use or disclose the information if it:

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1477.

(A) Obtains the patient's agreement;

(B) Provides the patient with the opportunity to object to the use or disclosure, and the patient does not express an objection; or

The President declared the question before the Senate to be motion by Senator Zeiger that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1477.

(C) Reasonably infers from the circumstances, based on the exercise of professional judgment, that the patient does not object to the use or disclosure.

The motion by Senator Zeiger carried and the Senate receded from its amendments to Substitute House Bill No. 1477.

(2) With respect to information and records related to mental health services provided to a patient by a health care provider, the health care information disclosed under this section may include, to the extent consistent with the health care provider's professional judgment and standards of ethical conduct:

MOTION

On motion of Senator Zeiger, the rules were suspended and Substitute House Bill No. 1477 was returned to second reading for the purposes of amendment.

(a) The patient's diagnoses and the treatment recommendations;

(b) Issues concerning the safety of the patient, including risk factors for suicide, steps that can be taken to make the patient's home safer, and a safety plan to monitor and support the patient;

(c) Information about resources that are available in the community to help the patient, such as case management and support groups; and

(d) The process to ensure that the patient safely transitions to a higher or lower level of care, including an interim safety plan.

(3) Any use or disclosure of health care information under this section must be limited to the minimum necessary to accomplish the purpose of the use or disclosure.

(4) A health care provider or health care facility is not subject to any civil liability for making or not making a use or disclosure in accordance with this section.

**Sec. 4.** RCW 70.02.050 and 2014 c 220 s 6 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information, except for information and records related to sexually transmitted diseases which are addressed in RCW 70.02.220, about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any person if the health care provider or health care facility ~~((reasonably))~~ believes, in good faith, that use or disclosure ((will avoid or minimize an imminent danger)) is necessary to prevent or lessen a serious and imminent threat to the health or safety of ((the patient or any other individual, however)) a person or the public, and the information is disclosed only to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat. There is no obligation under this chapter on the part of the provider or facility to so disclose ~~((The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies is not subject to disclosure unless disclosure is permitted in RCW 70.02.230))~~; or

(d) For payment, including information necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(2) A health care provider shall disclose health care information, except for information and records related to sexually transmitted diseases, unless otherwise authorized in RCW 70.02.220, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW; or

(b) When needed to protect the public health.

**Sec. 5.** RCW 70.02.200 and 2015 c 267 s 7 are each amended to read as follows:

(1) In addition to the disclosures authorized by RCW 70.02.050 and 70.02.210, a health care provider or health care facility may

disclose health care information, except for information and records related to sexually transmitted diseases and information related to mental health services which are addressed by RCW 70.02.220 through 70.02.260, about a patient without the patient's authorization, to:

(a) Any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(b) ~~((Immediate family members of the patient, including a patient's state registered domestic partner, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;))~~ Persons under section 1 of this act if the conditions in section 1 of this act are met;

(c) A health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(d) A person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(e) Provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(f) Fire, police, sheriff, or other public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(g) Federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(h) Another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010(17) (a) and (b);

(i) An official of a penal or other custodial institution in which the patient is detained; and

(j) Any law enforcement officer, corrections officer, or guard supplied by a law enforcement or corrections agency who is accompanying a patient pursuant to RCW 10.110.020, only to the extent the disclosure is incidental to the fulfillment of the role of the law enforcement officer, corrections officer, or guard under RCW 10.110.020.

(2) In addition to the disclosures required by RCW 70.02.050 and 70.02.210, a health care provider shall disclose health care information, except for information related to sexually

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transmitted diseases and information related to mental health services which are addressed by RCW 70.02.220 through 70.02.260, about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(b) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

- (i) The name of the patient;
- (ii) The patient's residence;
- (iii) The patient's sex;
- (iv) The patient's age;
- (v) The patient's condition;
- (vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;
- (vii) Whether the patient was conscious when admitted;
- (viii) The name of the health care provider making the determination in (b)(v), (vi), and (vii) of this subsection;
- (ix) Whether the patient has been transferred to another facility; and

- (x) The patient's discharge time and date;
- (c) Pursuant to compulsory process in accordance with RCW 70.02.060.

**Sec. 6.** RCW 70.02.220 and 2013 c 200 s 6 are each amended to read as follows:

(1) No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by this section, RCW 70.02.210, or chapter 70.24 RCW.

(2) No person may disclose or be compelled to disclose information and records related to sexually transmitted diseases, except as authorized by this section, RCW 70.02.210, section 1 of this act, or chapter 70.24 RCW. A person may disclose information related to sexually transmitted diseases about a patient without the patient's authorization, to the extent a recipient needs to know the information, if the disclosure is to:

(a) The subject of the test or the subject's legal representative for health care decisions in accordance with RCW 7.70.065, with the exception of such a representative of a minor fourteen years of age or over and otherwise competent;

(b) The state public health officer as defined in RCW 70.24.017, a local public health officer, or the centers for disease control of the United States public health service in accordance with reporting requirements for a diagnosed case of a sexually transmitted disease;

(c) A health facility or health care provider that procures, processes, distributes, or uses: (i) A human body part, tissue, or blood from a deceased person with respect to medical information regarding that person; (ii) semen, including that was provided prior to March 23, 1988, for the purpose of artificial insemination; or (iii) blood specimens;

(d) Any state or local public health officer conducting an investigation pursuant to RCW 70.24.024, so long as the record

was obtained by means of court-ordered HIV testing pursuant to RCW 70.24.340 or 70.24.024;

(e) A person allowed access to the record by a court order granted after application showing good cause therefor. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of the order, the court, in determining the extent to which any disclosure of all or any part of the record of any such test is necessary, shall impose appropriate safeguards against unauthorized disclosure. An order authorizing disclosure must: (i) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted; (ii) limit disclosure to those persons whose need for information is the basis for the order; and (iii) include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services;

(f) Persons who, because of their behavioral interaction with the infected individual, have been placed at risk for acquisition of a sexually transmitted disease, as provided in RCW 70.24.022, if the health officer or authorized representative believes that the exposed person was unaware that a risk of disease exposure existed and that the disclosure of the identity of the infected person is necessary;

(g) A law enforcement officer, firefighter, health care provider, health care facility staff person, department of correction's staff person, jail staff person, or other persons as defined by the board of health in rule pursuant to RCW 70.24.340(4), who has requested a test of a person whose bodily fluids he or she has been substantially exposed to, pursuant to RCW 70.24.340(4), if a state or local public health officer performs the test;

(h) Claims management personnel employed by or associated with an insurer, health care service contractor, health maintenance organization, self-funded health plan, state administered health care claims payer, or any other payer of health care claims where such disclosure is to be used solely for the prompt and accurate evaluation and payment of medical or related claims. Information released under this subsection must be confidential and may not be released or available to persons who are not involved in handling or determining medical claims payment; and

(i) A department of social and health services worker, a child placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding a child, who is less than fourteen years of age, has a sexually transmitted disease, and is in the custody of the department of social and health services or a licensed child placing agency. This information may also be received by a person responsible for providing residential care for such a child when the department of social and health services or a licensed child placing agency determines that it is necessary for the provision of child care services.

(3) No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person except as authorized by that subsection.

(4) The release of sexually transmitted disease information regarding an offender or detained person, except as provided in subsection (2)(d) of this section, is governed as follows:

(a) The sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by department of corrections health care providers and local public health officers to the department of corrections health care administrator or infection control coordinator of the

facility in which the offender is housed. The information made available to the health care administrator or the infection control coordinator under this subsection (4)(a) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. The information may be submitted to transporting officers and receiving facilities, including facilities that are not under the department of corrections' jurisdiction according to the provisions of (d) and (e) of this subsection.

(b) The sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 must be made available by the local public health officer to a jail health care administrator or infection control coordinator. The information made available to a health care administrator under this subsection (4)(b) may be used only for disease prevention or control and for protection of the safety and security of the staff, offenders, detainees, and the public. The information may be submitted to transporting officers and receiving facilities according to the provisions of (d) and (e) of this subsection.

(c) Information regarding the sexually transmitted disease status of an offender or detained person is confidential and may be disclosed by a correctional health care administrator or infection control coordinator or local jail health care administrator or infection control coordinator only as necessary for disease prevention or control and for protection of the safety and security of the staff, offenders, and the public. Unauthorized disclosure of this information to any person may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080 or any other penalties as may be prescribed by law.

(d) Notwithstanding the limitations on disclosure contained in (a), (b), and (c) of this subsection, whenever any member of a jail staff or department of corrections staff has been substantially exposed to the bodily fluids of an offender or detained person, then the results of any tests conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370, must be immediately disclosed to the staff person in accordance with the Washington Administrative Code rules governing employees' occupational exposure to blood-borne pathogens. Disclosure must be accompanied by appropriate counseling for the staff member, including information regarding follow-up testing and treatment. Disclosure must also include notice that subsequent disclosure of the information in violation of this chapter or use of the information to harass or discriminate against the offender or detainee may result in disciplinary action, in addition to the penalties prescribed in RCW 70.24.080, and imposition of other penalties prescribed by law.

(e) The staff member must also be informed whether the offender or detained person had any other communicable disease, as defined in RCW 72.09.251(3), when the staff person was substantially exposed to the offender's or detainee's bodily fluids.

(f) The test results of voluntary and anonymous HIV testing or HIV-related condition, as defined in RCW 70.24.017, may not be disclosed to a staff person except as provided in this section and RCW 70.02.050(1)((~~e~~)) (d) and 70.24.340(4). A health care administrator or infection control coordinator may provide the staff member with information about how to obtain the offender's or detainee's test results under this section and RCW 70.02.050(1)((~~e~~)) (d) and 70.24.340(4).

(5) The requirements of this section do not apply to the customary methods utilized for the exchange of medical information among health care providers in order to provide health care services to the patient, nor do they apply within health care facilities where there is a need for access to confidential medical information to fulfill professional duties.

(6) Upon request of the victim, disclosure of test results under this section to victims of sexual offenses under chapter 9A.44 RCW must be made if the result is negative or positive. The county prosecuting attorney shall notify the victim of the right to such disclosure. The disclosure must be accompanied by appropriate counseling, including information regarding follow-up testing.

(7) A person, including a health care facility or health care provider, shall disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease and information and records related to sexually transmitted diseases to federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal certification or registration rules or laws; or when needed to protect the public health. Any health care information obtained under this subsection is exempt from public inspection and copying pursuant to chapter 42.56 RCW.

**Sec. 7.** RCW 70.02.230 and 2014 c 225 s 71 and 2014 c 220 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, ((70.96A.150;)) 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated mental health professional;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

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(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)((~~iii~~)) (iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)((~~iii~~)) (iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed

under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge,

publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary;

(aa) To any person if the conditions in section 1 of this act are met.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(~~((3))~~) (4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(~~((3))~~) (4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

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**Sec. 8.** RCW 70.02.230 and 2016 sp.s. c 29 s 417 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the

results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to



possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary;

(aa) To any person if the conditions in section 1 of this act are met.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department may restrict

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the release of the information as necessary to comply with federal law and regulations.

MOTION

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1477 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1477 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1477 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Short

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

SUBSTITUTE HOUSE BILL NO. 1477, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2017

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1043 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

MOTION

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Senator Rivers moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1043.

NEW SECTION. **Sec. 9.** Section 6 of this act takes effect April 1, 2018.

NEW SECTION. **Sec. 10.** Section 5 of this act expires April 1, 2018."

The President declared the question before the Senate to be motion by Senator Rivers that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1043.

The motion by Senator Rivers carried and the Senate receded from its amendments to Substitute House Bill No. 1043.

MOTION

On page 1, line 2 of the title, after "patient;" strike the remainder of the title and insert "amending RCW 70.02.050, 70.02.200, 70.02.220, and 70.02.230; reenacting and amending RCW 70.02.230; adding a new section to chapter 70.02 RCW; providing an effective date; and providing an expiration date."

On motion of Senator Rivers, the rules were suspended and Substitute House Bill No. 1043 was returned to second reading for the purposes of amendment.

MOTION

Senator Zeiger spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 271 by Senator Zeiger to Substitute House Bill No. 1477.

Senator Becker moved that the following floor amendment no. 275 by Senators Becker and Rivers be adopted:

The motion by Senator Zeiger carried and floor striking amendment no. 271 was adopted by voice vote.

On page 3, after line 13, after "section." Insert the following:

"(5)The commissioner shall add language in large font to the release consumers use when filing complaints with the office, whether on-line or in writing, informing them that the office may share their personal health information with other entities and for the purposes authorized under subsection (3) of this section, and that the information will only be shared if it is to be held confidential by the other entity. Consumers shall be provided the opportunity to opt out at the time of filing their complaint, indicating that their personal health information may not be shared under subsection (3) of this section.

Senator Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 275 by Senators Becker and Rivers on page 3, after line 13 to House Bill No. 1043.

The motion by Senator Becker carried and floor amendment no. 275 was adopted by voice vote.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1043 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1043 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1043 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1043, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 19, 2017

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5289. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5289-S AMH FARR HAJE 147, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 11.** A new section is added to chapter 46.61 RCW to read as follows:

(1) A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction and must pay a fine as provided in RCW 46.63.110(3).

(2) Subsection (1) of this section does not apply to:

(a) A driver who is using a personal electronic device to contact emergency services;

(b) The use of a system by a transit system employee for time-sensitive relay communication between the transit system employee and the transit system's dispatch services;

(c) An individual employed as a commercial motor vehicle driver who uses a personal electronic device within the scope of such individual's employment if such use is permitted under 49 U.S.C. Sec. 31136 as it existed on the effective date of this section; and

(d) A person operating an authorized emergency vehicle.

(3) The state preempts the field of regulating the use of personal electronic devices in motor vehicles while driving, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by any political subdivision or municipality to regulate the use of a personal electronic device by the operator of a motor vehicle.

(4) A second or subsequent offense under this section is subject to two times the penalty amount under RCW 46.63.110.

(5) For purposes of this section:

(a) "Driving" means to operate a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. "Driving" does not include when the vehicle has pulled over to the side of, or off of, an active roadway and has stopped in a location where it can safely remain stationary.

(b) "Personal electronic device" means any portable electronic device that is capable of wireless communication or electronic data retrieval and is not manufactured primarily for hands-free use in a motor vehicle. "Personal electronic device" includes, but is not limited to, a cell phone, tablet, laptop, two-way messaging device, or electronic game. "Personal electronic device" does not include two-way radio, citizens band radio, or amateur radio equipment.

(c) "Use" or "uses" means:

(i) Holding a personal electronic device in either hand or both hands;

(ii) Using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; however, this does not preclude the minimal use of a finger to activate, deactivate, or initiate a function of the device;

(iii) Watching video on a personal electronic device.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1)RCW 46.61.667 (Using a wireless communications device or handheld mobile telephone while driving) and 2013 c 224 s 15, 2010 c 223 s 3, & 2007 c 417 s 2; and

(2)RCW 46.61.668 (Sending, reading, or writing a text message while driving) and 2013 c 224 s 16, 2010 c 223 s 4, & 2007 c 416 s 1.

**NEW SECTION. Sec. 13.** A new section is added to chapter 46.61 RCW to read as follows:

(1)(a) It is a traffic infraction to drive dangerously distracted. Any driver who commits this infraction must be assessed a base penalty of thirty dollars.

(b) Enforcement of the infraction of driving dangerously distracted may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of a separate traffic infraction or an equivalent local ordinance.

(c) For the purposes of this section, "dangerously distracted" means a person who engages in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such motor vehicle on any highway.

(2) The additional monetary penalty imposed under this section must be deposited into the distracted driving prevention account created in subsection (3) of this section.

(3) The distracted driving prevention account is created in the state treasury. All receipts from the base penalty in subsection (1) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support programs dedicated to reducing distracted driving and improving driver education on distracted driving.

**Sec. 14.** RCW 46.25.010 and 2013 c 224 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means:

(a) The number of grams of alcohol per one hundred milliliters of blood; or

(b) The number of grams of alcohol per two hundred ten liters of breath.

(3) "Commercial driver's license" (CDL) means a license issued to an individual under chapter 46.20 RCW that has been endorsed in accordance with the requirements of this chapter to authorize the individual to drive a class of commercial motor vehicle.

(4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to 49 U.S.C. Sec. 31309 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Commercial learner's permit" (CLP) means a permit issued under RCW 46.25.052 for the purposes of behind-the-wheel training.

(6) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit [or units] with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds or more), whichever is greater; or

(b) Has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater; or

(c) Is designed to transport sixteen or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of hazardous materials as defined in this section; or

(e) Is a school bus regardless of weight or size.

(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, entry into a deferred prosecution program under chapter 10.05 RCW, or violation of a condition of

release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(8) "Disqualification" means a prohibition against driving a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009, including, but not limited to, those substances defined by 49 C.F.R. Sec. 40.3.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units. If the GVWR of any unit cannot be determined, the actual gross weight will be used. If a vehicle with a GVWR of less than 11,794 kilograms (26,001 pounds or less) has been structurally modified to carry a heavier load, then the actual gross weight capacity of the modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will be used as the GVWR.

(13) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103 and is required to be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. Secs. 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American uniform out-of-service criteria.

(16) "Positive alcohol confirmation test" means an alcohol confirmation test that:

(a) Has been conducted by a breath alcohol technician under 49 C.F.R. Part 40; and

(b) Indicates an alcohol concentration of 0.04 or more.

A report that a person has refused an alcohol test, under circumstances that constitute the refusal of an alcohol test under 49 C.F.R. Part 40, will be considered equivalent to a report of a positive alcohol confirmation test for the purposes of this chapter.

(17) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(18) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) Driving while using a ~~(handheld wireless communications device [handheld mobile telephone], defined as a violation of RCW 46.61.667(1)(b))~~ personal electronic device, defined as a

violation of section 1 of this act, which includes in the activities it prohibits driving while holding a personal electronic device in either or both hands and using a hand or finger for texting, or an equivalent administrative rule or local law, ordinance, rule, or resolution;

~~((d))~~ ~~(Texting, defined as a violation of RCW 46.61.668(1)(b) or an equivalent administrative rule or local law, ordinance, rule, or resolution;~~

~~((e))~~ A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;

~~((f))~~ ~~(c)~~ Driving a commercial motor vehicle without obtaining a commercial driver's license;

~~((g))~~ ~~(f)~~ Driving a commercial motor vehicle without a commercial driver's license in the driver's possession; however, any individual who provides proof to the court by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid CDL on the date the citation was issued, is not guilty of a "serious traffic violation";

~~((h))~~ ~~(g)~~ Driving a commercial motor vehicle without the proper class of commercial driver's license endorsement or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported; and

~~((i))~~ ~~(h)~~ Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(19) "State" means a state of the United States and the District of Columbia.

(20) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. Sec. 40.281.

(21) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

(22) "Type of driving" means one of the following:

(a) "Nonexcepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(b) "Excepted interstate," which means the CDL or CLP holder or applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, from all or parts of the qualification requirements of 49 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and is therefore not required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on July 8, 2014, or such

subsequent date as may be provided by the department by rule, consistent with the purposes of this section;

(c) "Nonexcepted intrastate," which means the CDL or CLP holder or applicant operates only in intrastate commerce and is therefore subject to state driver qualification requirements; or

(d) "Excepted intrastate," which means the CDL or CLP holder or applicant operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.

(23) "United States" means the fifty states and the District of Columbia.

(24) "Verified positive drug test" means a drug test result or validity testing result from a laboratory certified under the authority of the federal department of health and human services that:

(a) Indicates a drug concentration at or above the cutoff concentration established under 49 C.F.R. Sec. 40.87; and

(b) Has undergone review and final determination by a medical review officer.

A report that a person has refused a drug test, under circumstances that constitute the refusal of a federal department of transportation drug test under 49 C.F.R. Part 40, will be considered equivalent to a report of a verified positive drug test for the purposes of this chapter.

NEW SECTION. **Sec. 15.** This act takes effect January 1, 2019."

Correct the title.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5289.

Senator Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5289.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5289 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5289, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5289, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Baumgartner, Becker, Ericksen, Hasegawa, Honeyford, Padden, Sheldon, Short and Warnick

SUBSTITUTE SENATE BILL NO. 5289, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

April 17, 2017

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE SENATE BILL NO. 5035,
- SENATE BILL NO. 5049,
- SENATE BILL NO. 5119,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,
- SENATE BILL NO. 5274,
- SECOND SUBSTITUTE SENATE BILL NO. 5285,
- SENATE BILL NO. 5391,
- SUBSTITUTE SENATE BILL NO. 5402,
- SUBSTITUTE SENATE BILL NO. 5404,
- SENATE BILL NO. 5454,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5552,
- SENATE BILL NO. 5581,
- SUBSTITUTE SENATE BILL NO. 5618,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5628,
- SENATE BILL NO. 5632,
- SENATE BILL NO. 5635,
- SUBSTITUTE SENATE BILL NO. 5644,
- SENATE BILL NO. 5661,
- ENGROSSED SENATE BILL NO. 5665,
- SENATE BILL NO. 5691,
- SUBSTITUTE SENATE BILL NO. 5705,
- SUBSTITUTE SENATE BILL NO. 5713,
- SENATE BILL NO. 5715,
- SUBSTITUTE SENATE BILL NO. 5779,
- SUBSTITUTE SENATE BILL NO. 5806,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5808,
- ENGROSSED SENATE BILL NO. 5834,
- SENATE BILL NO. 5849.

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1109 and ask the House to concur thereon.

Senators Padden and Pedersen spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Padden that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1109 and ask the House to concur thereon.

The motion by Senator Padden carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1109 and asked the House to concur thereon by voice vote.

MOTION

At 5:29 p.m., on motion of Senator Fain, the Senate adjourned until 9:55 o'clock a.m. Thursday, April 20, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

ONE HUNDRED SECOND DAY

MORNING SESSION

Senate Chamber, Olympia  
Thursday, April 20, 2017

The Senate was called to order at 9:56 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 19, 2017

SB 5328 Prime Sponsor, Senator Honeyford: Creating a community aviation revitalization board. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5328 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 19, 2017

SB 5605 Prime Sponsor, Senator Walsh: Aligning the office of the superintendent of public instruction's background check authority with that of the department of early learning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5605 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Referred to Committee on Rules for second reading.

April 19, 2017

EHB 1032 Prime Sponsor, Representative Ryu: Concerning the excise taxation of martial arts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Billig; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Carlyle and Schoesler.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 19, 2017

MR. PRESIDENT:  
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,  
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 19, 2017

MR. PRESIDENT:  
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1711,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 19, 2017

MR. PRESIDENT:  
The House has passed:

ONE HUNDRED SECOND DAY, APRIL 20, 2017

2017 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200, and the same is herewith transmitted.

Referred to Committee on Ways & Means.

NONA SNELL, Deputy Chief Clerk

April 19, 2017

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1038,
- SUBSTITUTE HOUSE BILL NO. 1055,
- SUBSTITUTE HOUSE BILL NO. 1079,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163,
- SECOND SUBSTITUTE HOUSE BILL NO. 1170,
- SUBSTITUTE HOUSE BILL NO. 1183,
- SUBSTITUTE HOUSE BILL NO. 1184,
- SUBSTITUTE HOUSE BILL NO. 1200,
- SUBSTITUTE HOUSE BILL NO. 1273,
- SUBSTITUTE HOUSE BILL NO. 1275,
- SUBSTITUTE HOUSE BILL NO. 1279,
- SUBSTITUTE HOUSE BILL NO. 1314,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1358,
- SECOND SUBSTITUTE HOUSE BILL NO. 1402,
- SUBSTITUTE HOUSE BILL NO. 1464,
- SUBSTITUTE HOUSE BILL NO. 1467,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,
- ENGROSSED HOUSE BILL NO. 1595,
- SUBSTITUTE HOUSE BILL NO. 1605,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1612,
- SUBSTITUTE HOUSE BILL NO. 1641,
- SUBSTITUTE HOUSE BILL NO. 1867,
- ENGROSSED HOUSE BILL NO. 2005,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 19, 2017

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5131. The Speaker has appointed the following members as Conferees: Representatives Sawyer, Springer, Schmick

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

EHB 1858 by Representatives Sawyer, Appleton and Kloba AN ACT Relating to increasing marijuana license fees and adding a temporary additional fee on marijuana licenses issued by the Washington state liquor and cannabis board; amending RCW 69.50.325 and 69.50.372; creating a new section; providing an effective date; and providing an expiration date.

SHB 2202 by House Committee on Appropriations (originally sponsored by Representatives Manweller and Ormsby)

AN ACT Relating to the eligibility of emergency medical technicians for membership in the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.030; and adding new sections to chapter 41.26 RCW.

Held at the desk.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 19, 2017

To the Honorable President and Members, The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 19, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5051 Relating to nondefault or early termination provisions in state land leases for agricultural or grazing purposes.

Senate Bill No. 5085 Relating to enactment of the uniform voidable transactions act.

Senate Bill No. 5122 Relating to fire commissioner compensation.

Senate Bill No. 5125 Relating to defining independent contractor relationships in the context of real estate licensing.

Senate Bill No. 5129 Relating to charter school students participating in interschool athletics and extracurricular activities.

Senate Bill No. 5144 Relating to the Washington state credit union act.

Substitute Senate Bill No. 5235 Relating to withdrawing territory from a cemetery district.

Senate Bill No. 5261 Relating to irrigation district authority.

Senate Bill No. 5270 Relating to expiration dates affecting the department of natural resources' contract harvesting program.

Substitute Senate Bill No. 5356



Relating to the humane treatment of dogs.

Substitute Senate Bill No. 5372

Relating to state audit findings of noncompliance with state law.

Senate Bill No. 5543

Relating to a reexamination of the classification of land in flood control districts.

Senate Bill No. 5649

Relating to modifying the eligibility requirements for certain counties to form a regional transportation planning organization.

Substitute Senate Bill No. 5675

Relating to the minimum operating requirements and the review of plans necessary to be included in the small business retirement marketplace.

Engrossed Substitute Senate Bill No. 5751

Relating to personnel requirements for municipal ambulance services.

Engrossed Senate Bill No. 5761

Relating to exempting certain confidential fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act.

Substitute Senate Bill No. 5764

Relating to higher education records.

Substitute Senate Bill No. 5837

Relating to expanding high occupancy vehicle lane access to blood-collecting or distributing establishment vehicles.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

#### MOTION

At 10:00 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:39 p.m. by President Habib.

The Sergeant at Arms Color Guard consisting of Pages Miss Rachel Boose and Mr. Irfan Ahmed, presented the Colors. Page Mr. Liam Emerick led the Senate in the Pledge of Allegiance. An invocation was offered by Jennifer Chamberlin of The Humanist Society, Bremerton.

#### MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

#### MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. Bob Ellis, the President's former teacher at the International School, who was seated at the rostrum.

#### MOTION

Senator Frockt moved adoption of the following resolution:

#### SENATE RESOLUTION 8636

By Senators Frockt, Saldaña, Kuderer, Liias, Hasegawa, Keiser, McCoy, Wellman, and Conway

WHEREAS, Every year, Crisis Clinic provides critical crisis intervention, information, and referrals to community services for thousands of youths and adults in Seattle, King County, and across the State of Washington; and

WHEREAS, Crisis Clinic provides the vital first contact point for Washingtonians struggling with emotional distress or in urgent need of assistance in accessing community services; and

WHEREAS, Under the guidance of Kathleen Southwick, its executive director for the past 19 years, Crisis Clinic has steadily grown and expanded its reach to help more and more Washingtonians through times of personal crisis; and

WHEREAS, Kathleen Southwick led Crisis Clinic's program expansion, which included the development of King County 2-1-1 and its many specialty services, the Washington Recovery Help Line, and the In-patient Authorization service; and

WHEREAS, Kathleen Southwick was a founding member of the Washington Information Network 211, which brought 2-1-1 to Washington State; and

WHEREAS, Kathleen Southwick has served on the Seattle-King County Public Health Department's Vulnerable Populations Committee, the Committee to End Homelessness Interagency Council, and the U.S. 211 Public Policy Committee; and

WHEREAS, Kathleen Southwick has been instrumental in developing innovative health and social service programs in King County to help people in need across our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate pause to honor Kathleen Southwick for her 19 years of service to the people of our state, and recognize her considerable efforts helping Washingtonians navigate life-challenging crises as Crisis Clinic's executive director; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Crisis Clinic and to Governor Jay Inslee.

Senator Frockt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

The motion by Senator Frockt carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Kathleen Southwick who was seated in the gallery.

#### MOTION

Senator Ranker moved adoption of the following resolution:

SENATE RESOLUTION  
8657

By Senators Ranker and Conway

WHEREAS, Under the leadership of Head Coach Travis Connell, the Western Washington University Womens Soccer team achieved athletic greatness by winning the 2016 NCAA Division II National Championship, defeating three-time defending champion Grand Valley State by a score of 3-2 in the championship game; and

WHEREAS, This accomplishment marked the 10th team national championship in Western Washington University's distinguished history; and

WHEREAS, Throughout the course of the season, Western's Womens Soccer team accomplished an undefeated record 24-0-1, including a 24-game winning streak, and setting a record for the most wins in a season ever by a collegiate soccer team from the State of Washington; and

WHEREAS, In addition to becoming national champions, Western's Womens Soccer team won the Great Northwest Athletic Conference regular season title for the fifth consecutive season and earned the No. 1 national ranking for the first time in program history; and

WHEREAS, Earning a national championship in team sports requires a unified team effort, and as an indication of such, Western's Womens Soccer team tied the GNAC conference record with 17 shutouts and 19 players on the team scored at least one goal over the course of the season; and

WHEREAS, The Western Womens Soccer team exemplified what it means to be student-athletes by achieving both academic and athletic success, as highlighted by five players being named to the GNAC conference All-Academic Team; and

WHEREAS, The accomplishments and sportsmanship of Western's Womens Soccer team on the national stage generates pride and positively impacts the university, alumni, and communities throughout the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the Western Washington University Womens Soccer team for an outstanding 2016 season that culminated in a well-deserved NCAA Division II National Championship, under the guidance of Head Coach Travis Connell and his staff; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Western Washington University President, Sabah Randhawa; and to Head Coach Travis Connell, his staff, and the players of the national championship team.

Senators Ranker, Baumgartner, Takko, Bailey and Darneille spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

The motion by Senator Ranker carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Western Washington University Womens Soccer team, 2016 NCAA Division II National Champions, who were seated in the gallery.

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SUBSTITUTE HOUSE BILL NO. 1038,
- SUBSTITUTE HOUSE BILL NO. 1055,
- SUBSTITUTE HOUSE BILL NO. 1079,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1115,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163,
- SECOND SUBSTITUTE HOUSE BILL NO. 1170,
- SUBSTITUTE HOUSE BILL NO. 1183,
- SUBSTITUTE HOUSE BILL NO. 1184,
- SUBSTITUTE HOUSE BILL NO. 1200,
- SUBSTITUTE HOUSE BILL NO. 1273,
- SUBSTITUTE HOUSE BILL NO. 1275,
- SUBSTITUTE HOUSE BILL NO. 1279,
- SUBSTITUTE HOUSE BILL NO. 1314,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1358,
- SECOND SUBSTITUTE HOUSE BILL NO. 1402,
- SUBSTITUTE HOUSE BILL NO. 1464,
- SUBSTITUTE HOUSE BILL NO. 1467,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,
- ENGROSSED HOUSE BILL NO. 1595,
- SUBSTITUTE HOUSE BILL NO. 1605,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1612,
- SUBSTITUTE HOUSE BILL NO. 1641,
- SUBSTITUTE HOUSE BILL NO. 1867,
- ENGROSSED HOUSE BILL NO. 2005,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,
- SUBSTITUTE SENATE BILL NO. 5081,
- SUBSTITUTE SENATE BILL NO. 5289,
- SUBSTITUTE SENATE BILL NO. 5815.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Zeiger moved that MONA H. BAILEY, Gubernatorial Appointment No. 9229, be confirmed as a member of the State Board of Education.

Senator Zeiger spoke in favor of the motion.

APPOINTMENT OF MONA H. BAILEY

The President declared the question before the Senate to be the confirmation of MONA H. BAILEY, Gubernatorial Appointment No. 9229, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of MONA H. BAILEY, Gubernatorial Appointment No. 9229, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

MONA H. BAILEY, Gubernatorial Appointment No. 9229, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

#### REMARKS BY THE PRESIDENT

President Habib: "The Senate will come to order. The President has recently learned of an emerging situation in Seattle, where we believe, the reports are there have been two police officers who have been shot. We don't know any of the details or whether these have been fatal shootings, but we know that it is extremely serious and the reports are still incoming. So, I would just ask that the Senate take a moment in the midst of our deliberations here for a moment of prayer or contemplation or sharing of well wishes for these individuals, their families and all who serve in law enforcement or first responders who put their lives in danger. Please join me now."

#### MOTION

Senator Carlyle moved that YONA MAKOWSKI, Gubernatorial Appointment No. 9238, be confirmed as a member of the Investment Board.

Senators Carlyle, Hunt, Conway and Wellman spoke in favor of passage of the motion.

#### APPOINTMENT OF YONA MAKOWSKI

The President declared the question before the Senate to be the confirmation of YONA MAKOWSKI, Gubernatorial Appointment No. 9238, as a member of the Investment Board.

The Secretary called the roll on the confirmation of YONA MAKOWSKI, Gubernatorial Appointment No. 9238, as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Becker, Brown, Ericksen, Honeyford, Padden, Rossi, Schoesler and Short

YONA MAKOWSKI, Gubernatorial Appointment No. 9238, having received the constitutional majority was declared confirmed as a member of the Investment Board.

#### MOTION

Senator Wilson moved that SUSANA REYES, Gubernatorial Appointment No. 9094, be confirmed as a member of the Washington Student Achievement Council.

Senator Wilson spoke in favor of the motion.

#### APPOINTMENT OF SUSANA REYES

The President declared the question before the Senate to be the confirmation of SUSANA REYES, Gubernatorial Appointment No. 9094, as a member of the Washington Student Achievement Council.

The Secretary called the roll on the confirmation of SUSANA REYES, Gubernatorial Appointment No. 9094, as a member of the Washington Student Achievement Council and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUSANA REYES, Gubernatorial Appointment No. 9094, having received the constitutional majority was declared confirmed as a member of the Washington Student Achievement Council.

#### PERSONAL PRIVILEGE

Senator Pedersen: "I just wanted to let folks know with respect to the shooting that you mentioned in my district a bit ago, there is a tweet from the Seattle Police Foundation. They've just learned that the two SPD officers injured are both alert and okay. They are apparently at Harborview. Thank you."

EDITOR'S NOTE: During the early afternoon of Thursday, April 20, 2017 Seattle Police Department Officers responded to reports of an armed robbery of a 7-11 convenience store, 627 First Avenue, Seattle. Three officers were shot while attempting to apprehend one of the suspects at 920 Western Avenue. Officer Elizabeth Kennedy, whose Kevlar vest certainly prevented a life-threatening gunshot wound to the chest, was treated and released the same day. Officer Chris Myers suffered a hand wound and was also treated and released from Harborview Medical Center. Officer Hudson Kang suffered a gunshot to the chin which hit two of his vertebrae, then clipped his right lung, fractured a shoulder blade and bounced down, fracturing three ribs on his right side. Initially listed in critical condition, Officer Kang was upgraded to serious but stable. He remained hospitalized for several days and continued to make a good recovery.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Zeiger moved that NANCY J. SINKOVITZ, Gubernatorial Appointment No. 9105, be confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Senator Zeiger spoke in favor of the motion.

#### APPOINTMENT OF NANCY J. SINKOVITZ

The President declared the question before the Senate to be the confirmation of NANCY J. SINKOVITZ, Gubernatorial Appointment No. 9105, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

The Secretary called the roll on the confirmation of NANCY J. SINKOVITZ, Gubernatorial Appointment No. 9105, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

NANCY J. SINKOVITZ, Gubernatorial Appointment No. 9105, having received the constitutional majority was declared confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

MOTION

Senator Honeyford moved that JEFFREY A. CHARBONNEAU, Gubernatorial Appointment No. 9172, be confirmed as a member of the Washington Student Achievement Council.

Senator Honeyford spoke in favor of the motion.

APPOINTMENT OF JEFFREY A. CHARBONNEAU

The President declared the question before the Senate to be the confirmation of JEFFREY A. CHARBONNEAU, Gubernatorial Appointment No. 9172, as a member of the Washington Student Achievement Council.

The Secretary called the roll on the confirmation of JEFFREY A. CHARBONNEAU, Gubernatorial Appointment No. 9172, as a member of the Washington Student Achievement Council and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

JEFFREY A. CHARBONNEAU, Gubernatorial Appointment No. 9172, having received the constitutional majority was declared confirmed as a member of the Washington Student Achievement Council.

MOTION

Senator Zeiger moved that ALLIE M. JOINER, Gubernatorial Appointment No. 9139, be confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Senator Zeiger spoke in favor of the motion.

APPOINTMENT OF ALLIE M. JOINER

The President declared the question before the Senate to be the confirmation of ALLIE M. JOINER, Gubernatorial Appointment No. 9139, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

The Secretary called the roll on the confirmation of ALLIE M. JOINER, Gubernatorial Appointment No. 9139, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ALLIE M. JOINER, Gubernatorial Appointment No. 9139, having received the constitutional majority was declared confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

MOTION

Senator Zeiger moved that MARIBEL VILCHEZ, Gubernatorial Appointment No. 9144, be confirmed as a member of the Professional Educator Standards Board.

Senator Zeiger spoke in favor of the motion.

APPOINTMENT OF MARIBEL VILCHEZ

The President declared the question before the Senate to be the confirmation of MARIBEL VILCHEZ, Gubernatorial Appointment No. 9144, as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of MARIBEL VILCHEZ, Gubernatorial Appointment No. 9144, as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

MARIBEL VILCHEZ, Gubernatorial Appointment No. 9144, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2017

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886 and asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1886 and ask the House to concur thereon.

Senators Zeiger and Rolfes spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Zeiger that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1886 and ask the House to concur thereon.

The motion by Senator Zeiger carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1886 and asked the House to concur thereon by voice vote.

MOTION

At 2:40 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:41 p.m. by President Habib.

MOTION

On motion of Senator Fain, under suspension of the rules Substitute House Bill No. 2202 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2202, by House Committee on Appropriations (originally sponsored by Representatives Manweller and Ormsby)

Addressing the eligibility of emergency medical technicians for membership in the law enforcement officers' and firefighters' retirement system plan 2.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Substitute House Bill No. 2202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Van De Wege and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2202 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Honeyford

Absent: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 2202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:49 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

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EVENING SESSION

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The Senate was called to order at 4:53 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 20, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 20, 2017, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5036

Relating to clarifying the authority and procedures for unit priced contracting by public utility districts.

Substitute Senate Bill No. 5083

Relating to notice of relief from the duty to register.

Senate Bill No. 5227

Relating to requiring drivers to stop for approaching other on-track equipment at railroad grade crossings.

Substitute Senate Bill No. 5262

Relating to limitations for certain vessels exempt from the pilotage act.

Senate Bill No. 5306

Relating to secondary commercial fish receivers.

Engrossed Substitute Senate Bill No. 5449

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Relating to digital citizenship, media literacy, and internet safety in schools.

HOUSE BILL NO. 1965, and the same are herewith transmitted.

Substitute Senate Bill No. 5481  
Relating to breast cancer.

BERNARD DEAN, Chief Clerk

April 20, 2017

Second Substitute Senate Bill No. 5546  
Relating to proactively addressing wildfire risk by creating a forest health treatment assessment.

MR. PRESIDENT:  
The Speaker has signed:

Substitute Senate Bill No. 5573  
Relating to increasing membership of the state interoperability executive committee and foster radio system interoperability.

SUBSTITUTE SENATE BILL NO. 5035,  
SENATE BILL NO. 5049,  
SUBSTITUTE SENATE BILL NO. 5081,  
SUBSTITUTE SENATE BILL NO. 5100,  
SENATE BILL NO. 5119,

Senate Bill No. 5640  
Relating to technical college high school diploma programs.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,  
SENATE BILL NO. 5274,

Senate Bill No. 5734  
Relating to bringing Washington state government contracting provisions into compliance with federal law as it relates to small works bonding requirements.

SECOND SUBSTITUTE SENATE BILL NO. 5285,  
SUBSTITUTE SENATE BILL NO. 5289,  
SENATE BILL NO. 5336,

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5338,  
SENATE BILL NO. 5391,

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

SUBSTITUTE SENATE BILL NO. 5402,  
SUBSTITUTE SENATE BILL NO. 5404,  
SENATE BILL NO. 5436,  
SENATE BILL NO. 5437,  
SENATE BILL NO. 5454,

MESSAGES FROM THE HOUSE

April 20, 2017

MR. PRESIDENT:  
The House has passed:  
SENATE CONCURRENT RESOLUTION NO. 8401,  
and the same is herewith transmitted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5552,  
SENATE BILL NO. 5581,

NONA SNELL, Deputy Chief Clerk

April 20, 2017

MR. PRESIDENT:  
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SENATE BILL NO. 5454,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5470,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5552,  
SENATE BILL NO. 5581,

SUBSTITUTE HOUSE BILL NO. 1043,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465,

SUBSTITUTE HOUSE BILL NO. 1477,

ENGROSSED HOUSE BILL NO. 1620,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,

and the same are herewith transmitted.

SENATE BILL NO. 5618,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5628,  
SENATE BILL NO. 5632,  
SENATE BILL NO. 5635,

BERNARD DEAN, Chief Clerk

April 20, 2017

MR. PRESIDENT:  
The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,

HOUSE BILL NO. 1337,

SUBSTITUTE HOUSE BILL NO. 1353,

SUBSTITUTE HOUSE BILL NO. 1445,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1819,

SUBSTITUTE HOUSE BILL NO. 1863,

SUBSTITUTE HOUSE BILL NO. 1902,

SENATE BILL NO. 5644,  
ENGROSSED SENATE BILL NO. 5647,  
SENATE BILL NO. 5661,  
ENGROSSED SENATE BILL NO. 5665,  
SENATE BILL NO. 5691,

SUBSTITUTE SENATE BILL NO. 5705,

SUBSTITUTE SENATE BILL NO. 5713,

SENATE BILL NO. 5715,

SENATE BILL NO. 5778,

SUBSTITUTE SENATE BILL NO. 5779,

SUBSTITUTE SENATE BILL NO. 5790,

SUBSTITUTE SENATE BILL NO. 5806,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5808,

SUBSTITUTE SENATE BILL NO. 5815,

ENGROSSED SENATE BILL NO. 5834,

SENATE BILL NO. 5849,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2017

MR. PRESIDENT:  
The House receded from its amendment(s) to SENATE BILL NO. 5268. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5268 AMH JINK H2717.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"Sec. 16.** RCW 9.41.070 and 2017 c ... (SHB 1100) s 1 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

- (a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;
- (b) The applicant's concealed pistol license is in a revoked status;
- (c) He or she is under twenty-one years of age;
- (d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;
- (e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;
- (f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or
- (g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying

for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol. The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;
- (d) Two dollars and sixteen cents to the firearms range account in the general fund; and
- (e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.--- (section 2, chapter ... (SHB 1100), Laws of 2017).

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

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- (c) Two dollars and sixteen cents to the firearms range account in the general fund; and
- (d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.--- (section 2, chapter . . . (SHB 1100), Laws of 2017).
- (7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.
- (8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.
- (9)(a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:
  - (i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and
  - (ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.
- (b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.
- (10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.
- (11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.
- (12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.
- (13) A person may apply for a concealed pistol license:
  - (a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;
  - (b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or
  - (c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

NEW SECTION. **Sec. 17.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided from the firearms range account by June 30, 2017, in the omnibus appropriations act, this act is null and void." Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Senate Bill No. 5268.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Senate Bill No. 5268.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5268 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5268, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5268, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5268, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE



April 19, 2017

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5589 and again asks the Senate to concur thereon.

BERNARD DEAN, Chief Clerk

## MOTION

Senator Baumgartner moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5589.

## MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5589 was deferred and the bill held its place on the day's calendar.

## MESSAGE FROM THE HOUSE

April 20, 2017

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5388. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5388-S.E AMH KIRB H2710.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 9A.52 RCW to read as follows:

(1) Subject to subsections (2) and (3) of this section and upon the receipt of a declaration signed under penalty of perjury, in the form prescribed in section 2 of this act, declaring the truth of all of the required elements set forth in subsection (4) of this section, a peace officer shall have the authority to:

(a) Remove the person or persons from the premises, with or without arresting the person or persons; and

(b) Order the person or persons to remain off the premises or be subject to arrest for criminal trespass.

(2) Only a peace officer having probable cause to believe that a person is guilty of criminal trespass under RCW 9A.52.070 for knowingly entering or remaining unlawfully in a building considered residential real property, as defined in RCW 61.24.005, has the authority and discretion to make an arrest or exclude anyone under penalty of criminal trespass.

(3) While a peace officer can take into account a declaration from the property owner signed under penalty of perjury containing all of the required elements and in the form prescribed in section 2 of this act, the peace officer must provide the occupant or occupants with a reasonable opportunity to secure and present any credible evidence provided by the person or persons on the premises, which the peace officer must consider, showing that the person or persons are tenants, legal occupants, or the guests or invitees of tenants or legal occupants.

(4) The declaration must include the following elements:

(a) That the declarant is the owner of the premises or the authorized agent of the owner of the premises;

(b) That an unauthorized person or persons have entered and are remaining unlawfully on the premises;

(c) That the person or persons were not authorized to enter or remain;

(d) That the person or persons are not a tenant or tenants and have not been a tenant or tenants, or a homeowner or homeowners who have been on title, within the last twelve months on the property;

(e) That the declarant has demanded that the unauthorized person or persons vacate the premises but they have not done so;

(f) That the premises were not abandoned at the time the unauthorized person or persons entered;

(g) That the premises were not open to members of the public at the time the unauthorized person or persons entered;

(h) That the declarant understands that a person or persons removed from the premises pursuant to this section may bring a cause of action under section 3 of this act against the declarant for any false statements made in the declaration, and that as a result of such action the declarant may be held liable for actual damages, costs, and reasonable attorneys' fees;

(i) That the declarant understands and acknowledges the prohibitions in RCW 59.18.230 and 59.18.290 against taking or detaining an occupant's personal property or removing or excluding an occupant from a dwelling unit or rental premises without an authorizing court order; and

(j) That the declarant agrees to indemnify and hold harmless law enforcement for its actions or omissions made in good faith pursuant to the declaration.

(5) Neither the peace officer nor his or her law enforcement agency shall be held liable for actions or omissions made in good faith under this section.

(6) This section may not be construed to in any way limit rights under RCW 61.24.060 or to allow a peace officer to remove or exclude an occupant who is entitled to occupy a dwelling unit under a rental agreement or the occupant's guests or invitees.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.52 RCW to read as follows:

The owner of premises, or his or her authorized agent, may initiate the investigation and request the removal of an unauthorized person or persons from the premises by providing to law enforcement a declaration containing all of the following required elements and in substantially the following form:

## REQUEST TO REMOVE TRESPASSER(S) FORM

The undersigned owner, or authorized agent of the owner, of the premises located at ..... hereby represents and declares under the penalty of perjury that (initial each box):

(1)  The declarant is the owner of the premises or the authorized agent of the owner of the premises;

(2)  An unauthorized person or persons have entered and are remaining unlawfully on the premises;

(3)  The person or persons were not authorized to enter or remain;

(4)  The person or persons are not a tenant or tenants and have not been a tenant or tenants, or a homeowner or homeowners who have been on title, within the last twelve months on the property;

(5) The declarant has demanded that the unauthorized person or persons vacate the premises but they have not done so;

(6)  The premises were not abandoned at the time the unauthorized person or persons entered;

(7)  The premises were not open to members of the public at the time the unauthorized person or persons entered;

(8)  The declarant understands that a person or persons removed from the premises pursuant to section 1 of this act may bring a cause of action under section 3 of this act against the declarant for any false statements made in this declaration, and that as a result of such action the declarant may be held liable for actual damages, costs, and reasonable attorneys' fees;

(9)  The declarant understands and acknowledges the prohibitions in RCW 59.18.230 and 59.18.290 against taking or detaining an occupant's personal property or removing or

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excluding an occupant from a dwelling unit or rental premises without an authorizing court order; (10) [ ] The declarant agrees to indemnify and hold harmless law enforcement for its actions or omissions made in good faith pursuant to this declaration; and (11) [ ] Additional Optional Explanatory Comments:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5131 and has passed the bill as recommended by the Conference Committee.

BERNARD DEAN, Chief Clerk

A declarant of premises who falsely swears on a declaration provided under this section may be guilty of false swearing under RCW 9A.72.040 or of making a false or misleading statement to a public servant under RCW 9A.76.175, both of which are gross misdemeanors.

REPORT OF THE CONFERENCE COMMITTEE  
Engrossed Substitute Senate Bill No. 5131  
April 20, 2017

NEW SECTION. **Sec. 18.** A new section is added to chapter 4.24 RCW to read as follows:

MR. PRESIDENT:  
MR. SPEAKER:

All persons removed from premises pursuant to section 1 of this act on the basis of false statements made by a declarant pursuant to section 2 of this act shall have a cause of action to recover from the declarant for actual damages, together with costs and reasonable attorneys' fees." Correct the title.

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5131, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

NONA SNELL, Deputy Chief Clerk  
MOTION

Strike everything after the enacting clause and insert the following:

Senator Zeiger moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5388. Senators Zeiger and Pedersen spoke in favor of the motion.

**Sec. 1.** RCW 69.50.325 and 2016 c 170 s 1 are each amended to read as follows:

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5388.

(1) There shall be a marijuana producer's license regulated by the state liquor and cannabis board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers ((and to produce marijuana)); (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250((, regulated by the state liquor and cannabis board and subject to annual renewal)); and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under section 11 of this act. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5388 by voice vote.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor and cannabis board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5388, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5388, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5388, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2017

MR. PRESIDENT:

fee for issuance and renewal of a marijuana processor's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the state liquor and cannabis board pursuant to this section.

(ii) The state liquor and cannabis board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the state liquor and cannabis board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The state liquor and cannabis board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The state liquor and cannabis board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after the effective date of this section. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of the effective date of this section.

(v) The state liquor and cannabis board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy

permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

**Sec. 2.** RCW 69.50.331 and 2015 2nd sp.s. c 4 s 301 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, or for the renewal of a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, the state liquor and cannabis board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

~~(a) ((The state liquor and cannabis board must develop a competitive, merit based application process that includes, at a minimum, the opportunity for an applicant to demonstrate experience and qualifications in the marijuana industry. The state liquor and cannabis board must give preference between competing applications in the licensing process to applicants that have the following experience and qualifications, in the following order of priority:~~

~~(i) First priority is given to applicants who:~~

~~(A) Applied to the state liquor and cannabis board for a marijuana retailer license prior to July 1, 2014;~~

~~(B) Operated or were employed by a collective garden before January 1, 2013;~~

~~(C) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and~~

~~(D) Have had a history of paying all applicable state taxes and fees;~~

~~(ii) Second priority must be given to applicants who:~~

~~(A) Operated or were employed by a collective garden before January 1, 2013;~~

~~(B) Have maintained a state business license and a municipal business license, as applicable in the relevant jurisdiction; and~~

~~(C) Have had a history of paying all applicable state taxes and fees; and~~

~~(iii) Third priority must be given to all other applicants who do not have the experience and qualifications identified in (a)(i) and (ii) of this subsection.~~

~~(b))~~ The state liquor and cannabis board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor and cannabis board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor and cannabis board and a criminal history record information check. The state liquor and cannabis board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor and cannabis board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the state liquor and cannabis board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section.

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Authority to approve an uncontested or unopposed license may be granted by the state liquor and cannabis board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

~~((e))~~(b) No license of any kind may be issued to:

- (i) A person under the age of twenty-one years;
- (ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;
- (iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or
- (iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The state liquor and cannabis board may, in its discretion, subject to the provisions of RCW 69.50.334, suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products thereunder must be suspended or terminated, as the case may be.

(b) The state liquor and cannabis board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the state liquor and cannabis board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The state liquor and cannabis board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under rules and regulations the state liquor and cannabis board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the state liquor and cannabis board or a subpoena issued by the state liquor and cannabis board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the state liquor and cannabis board. Where the license has been suspended only, the state liquor and cannabis board must return the license to the licensee at the expiration or termination of the period of suspension. The state liquor and cannabis board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, marijuana concentrates, useable

marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the state liquor and cannabis board to implement and enforce this chapter. All conditions and restrictions imposed by the state liquor and cannabis board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of twenty-one years.

(7)(a) Before the state liquor and cannabis board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, ~~((e))~~ the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the state liquor and cannabis board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The state liquor and cannabis board may extend the time period for submitting written objections upon request from the authority notified by the state liquor and cannabis board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the state liquor and cannabis board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the state liquor and cannabis board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, state liquor and cannabis board representatives must present and defend the state liquor and cannabis board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the state liquor and cannabis board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8)(a) Except as provided in (b) through (d) of this subsection, the state liquor and cannabis board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such

distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The state liquor and cannabis board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

(i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees;

(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and

(iii) Bears no advertising or signage indicating that it is a marijuana research facility.

(e) The state liquor and cannabis board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

~~(9) ((Subject to section 1601 of this act,))~~ A city, town, or county may adopt an ordinance prohibiting a marijuana producer or marijuana processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the state liquor and cannabis board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

**Sec. 3.** RCW 69.50.372 and 2016 sp.s. c 9 s 1 are each amended to read as follows:

(1) A marijuana research license is established that permits a licensee to produce, process, and possess marijuana for the following limited research purposes:

(a) To test chemical potency and composition levels;

(b) To conduct clinical investigations of marijuana-derived drug products;

(c) To conduct research on the efficacy and safety of administering marijuana as part of medical treatment; and

(d) To conduct genomic or agricultural research.

(2) As part of the application process for a marijuana research license, an applicant must submit to the liquor and cannabis board's designated scientific reviewer a description of the research that is intended to be conducted. The liquor and cannabis board must select a scientific reviewer to review an applicant's research project and determine that it meets the requirements of subsection (1) of this section, as well as assess the following:

(a) Project quality, study design, value, or impact;

(b) Whether applicants have the appropriate personnel, expertise, facilities/infrastructure, funding, and human/animal/other federal approvals in place to successfully conduct the project; and

(c) Whether the amount of marijuana to be grown by the applicant is consistent with the project's scope and goals.

If the scientific reviewer determines that the research project does not meet the requirements of subsection (1) of this section, the application must be denied.

(3) A marijuana research licensee may only sell marijuana grown or within its operation to other marijuana research licensees. The liquor and cannabis board may revoke a marijuana research license for violations of this subsection.

(4) A marijuana research licensee may contract with the University of Washington or Washington State University to perform research in conjunction with the university. All research projects, not including those projects conducted pursuant to a contract entered into under RCW 28B.20.502(3), must be approved by the scientific reviewer and meet the requirements of subsection (1) of this section.

(5) In establishing a marijuana research license, the liquor and cannabis board may adopt rules on the following:

(a) Application requirements;

(b) Marijuana research license renewal requirements, including whether additional research projects may be added or considered;

(c) Conditions for license revocation;

(d) Security measures to ensure marijuana is not diverted to purposes other than research;

(e) Amount of plants, useable marijuana, marijuana concentrates, or marijuana-infused products a licensee may have on its premises;

(f) Licensee reporting requirements;

(g) Conditions under which marijuana grown by licensed marijuana producers and other product types from licensed marijuana processors may be donated to marijuana research licensees; and

(h) Additional requirements deemed necessary by the liquor and cannabis board.

(6) The production, processing, possession, delivery, donation, and sale of marijuana, including immature plants or clones and seeds, in accordance with this section, RCW 69.50.366(3), and the rules adopted to implement and enforce ~~((#))~~this section and RCW 69.50.366(3), by a validly licensed marijuana researcher, shall not be a criminal or civil offense under Washington state law. Every marijuana research license must be issued in the name of the applicant, must specify the location at which the marijuana researcher intends to operate, which must be within the state of Washington, and the holder thereof may not allow any other person to use the license.

(7) The application fee for a marijuana research license is two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana research license is one thousand dollars. The applicant must pay the cost of the review process directly to the scientific reviewer as designated by the liquor and cannabis board.

(8) The scientific reviewer shall review any reports made by marijuana research licensees under liquor and cannabis board rule and provide the liquor and cannabis board with its determination

on whether the research project continues to meet research qualifications under this section.

(9) For the purposes of this section, "scientific reviewer" means an organization that convenes or contracts with persons who have the training and experience in research practice and research methodology to determine whether a project meets the criteria for a marijuana research license under this section and to review any reports submitted by marijuana research licensees under liquor and cannabis board rule. "Scientific reviewers" include, but are not limited to, educational institutions, research institutions, peer review bodies, or such other organizations that are focused on science or research in its day-to-day activities.

**Sec. 19.** RCW 66.08.100 and 2012 c 117 s 269 are each amended to read as follows:

No court of the state of Washington other than the superior court of Thurston county shall have jurisdiction over any action or proceeding against the board or any member thereof for anything done or omitted to be done in or arising out of the performance of his or her or their duties under this title. Neither the board nor any member or members thereof shall be personally liable in any action at law for damages sustained by any person because of any acts performed or done or omitted to be done by the board or any employee of the board in the performance of his or her duties and in the administration of this title or chapter 69.50 or 69.51A RCW.

**Sec. 20.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

- (1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or
- (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "Commission" means the pharmacy quality assurance commission.

(e) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules.

(f)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

- (i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or
- (ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

- (i) a controlled substance;
- (ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(g) "Deliver" or "delivery((s))" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(h) "Department" means the department of health.

(i) "Designated provider" has the meaning provided in RCW 69.51A.010.

(j) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(k) "Dispenser" means a practitioner who dispenses.

(l) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(m) "Distributor" means a person who distributes.

(n) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(o) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(p) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(q) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(r) "Immediate precursor" means a substance:

- (1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;
- (2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and
- (3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

~~((#))~~(s) "Isomer" means an optical isomer, but in subsection ~~((#))~~(ce)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

~~((#))~~(t) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is

uniform within recognized tolerances for the factors that appear in the labeling.

~~((#))~~(u) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

~~((#))~~(v) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

- (1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
- (2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

~~((#))~~(w) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

~~((#))~~(x) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

~~((#))~~(y) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

~~((#))~~(z) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

~~((#))~~(aa) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

~~((#))~~(bb) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

~~((#))~~(cc) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

~~((#))~~(dd) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection ~~((#))~~(w) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products"

does not include either useable marijuana or marijuana concentrates.

~~((#))~~(ee) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

~~((#))~~(ff) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

~~((#))~~(gg) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

~~((#))~~(hh) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((#))~~(ii) "Plant" has the meaning provided in RCW 69.51A.010.

~~((#))~~(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

~~((#))~~(kk) "Practitioner" means:

- (1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute,

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dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

~~((kk))~~(ll) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

~~((hh))~~(mm) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

~~((mm))~~(nn) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

~~((mm))~~(oo) "Recognition card" has the meaning provided in RCW 69.51A.010.

~~((oo))~~(pp) "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

~~((pp))~~(qq) "Secretary" means the secretary of health or the secretary's designee.

~~((qq))~~(rr) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

~~((rr))~~(ss) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

~~((ss))~~(tt) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~((tt))~~(uu) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

**Sec. 21.** RCW 69.50.366 and 2015 c 207 s 8 are each amended to read as follows:

The following acts, when performed by a validly licensed marijuana producer or employee of a validly licensed marijuana producer in compliance with rules adopted by the state liquor ~~(control)~~and cannabis board to implement and enforce this chapter (~~(3, Laws of 2013)~~), do not constitute criminal or civil offenses under Washington state law:

(1) Production or possession of quantities of marijuana that do not exceed the maximum amounts established by the state liquor ~~(control)~~and cannabis board under RCW 69.50.345(3);

(2) Delivery, distribution, and sale of marijuana to a marijuana processor or another marijuana producer validly licensed under this chapter (~~(3, Laws of 2013)~~); ~~(and)~~

(3) Delivery, distribution, and sale of immature plants or clones and marijuana seeds to a licensed marijuana researcher, and to receive or purchase immature plants or clones and seeds from a licensed marijuana researcher; and

(4) Delivery, distribution, and sale of marijuana or useable marijuana to a federally recognized Indian tribe as permitted under an agreement between the state and the tribe entered into under RCW 43.06.490.

**Sec. 22.** RCW 69.50.382 and 2015 2nd sp.s. c 4 s 501 are each amended to read as follows:

(1) A licensed marijuana producer, marijuana processor, marijuana researcher, or marijuana retailer, or their employees, in accordance with the requirements of this chapter and the administrative rules adopted thereunder, may use the services of a common carrier subject to regulation under chapters 81.28 and 81.29 RCW and licensed in compliance with the regulations established under RCW 69.50.385, to physically transport or deliver, as authorized under this chapter, marijuana, useable marijuana, marijuana concentrates, immature plants or clones, marijuana seeds, and marijuana-infused products between licensed marijuana businesses located within the state.

(2) An employee of a common carrier engaged in marijuana-related transportation or delivery services authorized under subsection (1) of this section is prohibited from carrying or using a firearm during the course of providing such services, unless:

(a) Pursuant to RCW 69.50.385, the state liquor and cannabis board explicitly authorizes the carrying or use of firearms by such employee while engaged in the transportation or delivery services;

(b) The employee has an armed private security guard license issued pursuant to RCW 18.170.040; and

(c) The employee is in full compliance with the regulations established by the state liquor and cannabis board under RCW 69.50.385.

(3) A common carrier licensed under RCW 69.50.385 may, for the purpose of transporting and delivering marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products, utilize Washington state ferry routes for such transportation and delivery.

(4) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized under, and in accordance with, this section and RCW 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

**Sec. 23.** RCW 69.51A.250 and 2016 c 170 s 2 are each amended to read as follows:

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated provider of a qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf. All plants grown in the cooperative must be ~~(purchased or cloned)~~ from an immature plant or clone purchased from a licensed marijuana producer as defined in RCW 69.50.101. Cooperatives



may also purchase marijuana seeds from a licensed marijuana producer.

(2) Qualifying patients and designated providers who wish to form a cooperative must register the location with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's recognition card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

(3) No cooperative may be located in any of the following areas:

(a) Within one mile of a marijuana retailer;

(b) Within the smaller of either:

(i) One thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade that admission to which is not restricted to persons aged twenty-one years or older; or

(ii) The area restricted by ordinance, if the cooperative is located in a city, county, or town that has passed an ordinance pursuant to RCW 69.50.331(8); or

(c) Where prohibited by a city, town, or county zoning provision.

(4) The state liquor and cannabis board must deny the registration of any cooperative if the location does not comply with the requirements set forth in subsection (3) of this section.

(5) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until sixty days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(6) Qualifying patients or designated providers who participate in a cooperative under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their recognition cards, up to a maximum of sixty plants. At the location, the qualifying patients or designated providers may possess the amount of useable marijuana that can be produced with the number of plants permitted under this subsection, but no more than seventy-two ounces;

(b) May only participate in one cooperative;

(c) May only grow plants in the cooperative and if he or she grows plants in the cooperative may not grow plants elsewhere;

(d) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide nonmonetary resources and labor in order to participate; and

(e) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(7) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's recognition card must be kept at the location at all times.

(8) The state liquor and cannabis board may adopt rules to implement this section including:

(a) Any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative;

(b) A seed to sale traceability model that is similar to the seed to sale traceability model used by licensees that will allow the state liquor and cannabis board to track all marijuana grown in a cooperative.

(9) The state liquor and cannabis board or law enforcement may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

NEW SECTION. Sec. 24. A new section is added to chapter 15.120 RCW to read as follows:

The department and the state liquor and cannabis board must collaboratively study the feasibility and practicality of implementing a legislatively authorized regulatory framework allowing industrial hemp produced in accordance with the requirements of this chapter to be sold or transferred to marijuana processors, licensed under chapter 69.50 RCW, for processing into industrial hemp or marijuana products to be sold at retail for human consumption.

NEW SECTION. Sec. 25. A new section is added to chapter 15.120 RCW to read as follows:

The department is granted the rule-making authority necessary to implement and enforce the provisions of this chapter. This includes the authority to impose monetary penalties, license suspension or forfeiture, or other sanctions for violations of statutory and regulatory requirements. The rules adopted by the department must be consistent with section 7606 of the federal agricultural act of 2014 (128 Stat. 649, 912; 7 U.S.C. Sec. 5940).

NEW SECTION. Sec. 26. A new section is added to chapter 69.51A RCW to read as follows:

Qualifying patients and designated providers, who hold a recognition card and have been entered into the medical marijuana authorization database, may purchase immature plants or clones from a licensed marijuana producer as defined in RCW 69.50.101. Qualifying patients and designated providers may also purchase marijuana seeds from a licensed marijuana producer.

NEW SECTION. Sec. 27. The legislature finds that protecting the state's children, youth, and young adults under the legal age to purchase and consume marijuana, by establishing limited restrictions on the advertising of marijuana and marijuana products, is necessary to assist the state's efforts to discourage and prevent underage consumption and the potential risks associated with underage consumption. The legislature finds that these restrictions assist the state in maintaining a strong and effective regulatory and enforcement system as specified by the federal government. The legislature finds this act leaves ample opportunities for licensed marijuana businesses to market their products to those who are of legal age to purchase them, without infringing on the free speech rights of business owners. Finally, the legislature finds that the state has a substantial and compelling interest in enacting this act aimed at protecting Washington's children, youth, and young adults.

Sec. 28. RCW 69.50.357 and 2016 c 171 s 1 are each amended to read as follows:

(1) Retail outlets may not sell products or services other than marijuana concentrates, useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

(2) Licensed marijuana retailers may not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. However, qualifying patients between eighteen and twenty-one years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement and may purchase products for their personal

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medical use. Qualifying patients who are under the age of eighteen with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement, but may not purchase products for their personal medical use.

(3)(a) Licensed marijuana retailers must ensure that all employees are trained on the rules adopted to implement this chapter, identification of persons under the age of twenty-one, and other requirements adopted by the state liquor and cannabis board to ensure that persons under the age of twenty-one are not permitted to enter or remain on the premises of a retail outlet.

(b) Licensed marijuana retailers with a medical marijuana endorsement must ensure that all employees are trained on the subjects required by (a) of this subsection as well as identification of authorizations and recognition cards. Employees must also be trained to permit qualifying patients who hold recognition cards and are between the ages of eighteen and twenty-one to enter the premises and purchase marijuana for their personal medical use and to permit qualifying patients who are under the age of eighteen with a recognition card to enter the premises if accompanied by their designated providers.

~~(4) ((Licensed marijuana retailers may not display any signage outside of the licensed premises, other than two signs identifying the retail outlet by the licensee's business or trade name. Each sign must be no larger than one thousand six hundred square inches, be permanently affixed to a building or other structure, and be posted not less than one thousand feet from any elementary school, secondary school, or playground.~~

~~(5))~~ Except for the purposes of disposal as authorized by the state liquor and cannabis board, no licensed marijuana retailer or employee of a retail outlet may open or consume, or allow to be opened or consumed, any marijuana concentrates, useable marijuana, or marijuana-infused product on the outlet premises.

~~((6))~~(5) The state liquor and cannabis board must fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana account created under RCW 69.50.530.

**Sec. 29.** RCW 69.50.369 and 2015 2nd sp.s. c 4 s 204 are each amended to read as follows:

(1) No licensed marijuana producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, ~~((a))~~any sign or other advertisement ~~((e))~~for a marijuana~~((s))~~business or marijuana product, including useable marijuana, marijuana concentrates, or ~~((a))~~marijuana-infused product, in any form or through any medium whatsoever~~((s))~~within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older~~((s))~~

~~(b) On or in a public transit vehicle or public transit shelter; or~~

~~(c) On or in a publicly owned or operated property).~~

(2) Except for the use of billboards as authorized under this section, licensed marijuana retailers may not display any signage outside of the licensed premises, other than two signs identifying the retail outlet by the licensee's business or trade name, stating the location of the business, and identifying the nature of the business. Each sign must be no larger than one thousand six hundred square inches and be permanently affixed to a building or other structure. The location and content of the retail marijuana signs authorized under this subsection are subject to all other requirements and restrictions established in this section for indoor signs, outdoor signs, and other marijuana-related advertising methods.

(3) A marijuana licensee may not utilize transit advertisements for the purpose of advertising its business or product line. "Transit advertisements" means advertising on or within private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

(4) A marijuana licensee may not engage in advertising or other marketing practice that specifically targets persons residing outside of the state of Washington.

(5) All signs, billboards, or other print advertising for marijuana businesses or marijuana products must contain text stating that marijuana products may be purchased or possessed only by persons twenty-one years of age or older.

(6) A marijuana licensee may not:

(a) Take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of marijuana and marijuana products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of marijuana or marijuana products;

(b) Use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to youth, where such objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of marijuana products; or

(c) Use or employ a commercial mascot outside of, and in proximity to, a licensed marijuana business. A "commercial mascot" means live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of marijuana products or the presence of a marijuana business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a marijuana-related commercial message or image, where the intent is to draw attention to a marijuana business or its products.

(7) A marijuana licensee that engages in outdoor advertising is subject to the advertising requirements and restrictions set forth in this subsection (7) and elsewhere in this chapter.

(a) All outdoor advertising signs, including billboards, are limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business. Such signs may not contain any depictions of marijuana plants, marijuana products, or images that might be appealing to children. The state liquor and cannabis board is granted rule-making authority to regulate the text and images that are permissible on outdoor advertising. Such rule making must be consistent with other administrative rules generally applicable to the advertising of marijuana businesses and products.

(b) Outdoor advertising is prohibited:

(i) On signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located in an adult only facility; and

(ii) Billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited, except as provided in (c) of this subsection.

(c) Licensed retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the licensed retail outlet. Billboard advertising is subject to the same requirements and restrictions as set forth in (a) of this subsection.

(d) Advertising signs within the premises of a retail marijuana business outlet that are visible to the public from outside the

premises must meet the signage regulations and requirements applicable to outdoor signs as set forth in this section.

(e) The restrictions and regulations applicable to outdoor advertising under this section are not applicable to:

(i) An advertisement inside a licensed retail establishment that sells marijuana products that is not placed on the inside surface of a window facing outward; or

(ii) An outdoor advertisement at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but in no event more than fourteen days before the event, and that does not advertise any marijuana product other than by using a brand name to identify the event.

(8) Merchandising within a retail outlet is not advertising for the purposes of this section.

~~((3))~~(9) This section does not apply to a noncommercial message.

~~((4))~~(10)(a) The state liquor and cannabis board must:

(i) Adopt rules implementing this section and specifically including provisions regulating the billboards and outdoor signs authorized under this section; and

(ii) Fine a licensee one thousand dollars for each violation of ~~((subsection (1) of))~~ this section until the state liquor and cannabis board adopts rules prescribing penalties for violations of this section. The rules must establish escalating penalties including fines and up to suspension or revocation of a marijuana license for subsequent violations.

(b) Fines collected under this subsection must be deposited into the dedicated marijuana account created under RCW 69.50.530.

(11) A city, town, or county may adopt rules of outdoor advertising by licensed marijuana retailers that are more restrictive than the advertising restrictions imposed under this chapter. Enforcement of restrictions to advertising by a city, town, or county is the responsibility of the city, town, or county.

**Sec. 30.** RCW 69.50.4013 and 2015 2nd sp.s. c 4 s 503 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3)(a) The possession, by a person twenty-one years of age or older, of useable marijuana, marijuana concentrates, or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following marijuana products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable marijuana;

(ii) Eight ounces of marijuana-infused product in solid form;

(iii) Thirty-six ounces of marijuana-infused product in liquid form; or

(iv) Three and one-half grams of marijuana concentrates.

(b) The act of delivering marijuana or a marijuana product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The marijuana or marijuana product must be in the original packaging as purchased from the marijuana retailer.

(5) No person under twenty-one years of age may possess, manufacture, sell, or distribute marijuana, marijuana-infused products, or marijuana concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

~~((5))~~(6) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

**NEW SECTION. Sec. 31.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A licensed marijuana business may enter into a licensing agreement, or consulting contract, with any individual, partnership, employee cooperative, association, nonprofit corporation, or corporation, for:

(a) Any goods or services that are registered as a trademark under federal law or under chapter 19.77 RCW;

(b) Any unregistered trademark, trade name, or trade dress; or

(c) Any trade secret, technology, or proprietary information used to manufacture a cannabis product or used to provide a service related to a marijuana business.

(2) All agreements or contracts entered into by a licensed marijuana business, as authorized under this section, must be disclosed to the state liquor and cannabis board.

**Sec. 32.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s 1, and 2016 c 178 s 1 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when

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disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW; ~~((and))~~

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section; ~~((and))~~

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates

to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure; ~~(and)~~

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; and

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under section 16 of this act, which may be submitted to or obtained by the state liquor and cannabis board.

NEW SECTION. Sec. 33. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the state liquor and cannabis board.

(2) "Licensee facilities" means any premises regulated by the board for producing, processing, or retailing marijuana or marijuana products.

(3) "Marijuana" has the meaning provided in RCW 69.50.101.

(4) "Marijuana processor" has the meaning provided in RCW 69.50.101.

(5) "Marijuana producer" has the meaning provided in RCW 69.50.101.

(6) "Marijuana products" has the meaning provided in RCW 69.50.101.

(7) "Marijuana retailer" has the meaning provided in RCW 69.50.101.

(8) "Person" means any natural person, firm, partnership, association, private or public corporation, governmental entity, or other business entity.

NEW SECTION. Sec. 34. (1) The department may adopt rules establishing:

(a) Standards for marijuana and marijuana products produced and processed in a manner consistent with, to the extent practicable, 7 C.F.R. Part 205;

(b) A self-sustaining program for certifying marijuana producers and marijuana processors as meeting the standards established under (a) of this subsection; and

(c) Other rules as necessary for administration of this chapter.

(2) To the extent practicable, the program must be consistent with the program established by the director under chapter 15.86 RCW.

(3) The rules must include a fee schedule that will provide for the recovery of the full cost of the program including, but not limited to, application processing, inspections, sampling and testing, notifications, public awareness programs, and enforcement.

NEW SECTION. Sec. 35. (1) No marijuana or marijuana product may be labeled, sold, or represented as produced or processed under the standards established under this chapter unless produced or processed by a person certified by the department under the program established under this chapter.

(2) No person may represent, sell, or offer for sale any marijuana or marijuana products as produced or processed under standards adopted under this chapter if the person knows, or has reason to know, that the marijuana or marijuana product has not been produced or processed in conformance with the standards established under this chapter.

(3) No person may represent, sell, or offer for sale any marijuana or marijuana products as "organic products" as that term has meaning under chapter 15.86 RCW.

NEW SECTION. Sec. 36. (1) The department may inspect licensee facilities to verify compliance with this chapter and rules adopted under it.

(2) The department may deny, suspend, or revoke a certification provided for in this chapter if the department determines that an applicant or certified person has violated this chapter or rules adopted under it.

(3) The department may impose on and collect from any person who has violated this chapter or rules adopted under it a civil fine not exceeding the total of:

(a) The state's estimated costs of investigating and taking appropriate administrative and enforcement actions for the violation; and

(b) One thousand dollars.

(4) The board may take enforcement actions against a marijuana producer, marijuana processor, or marijuana retailer license issued by the board, including suspension or revocation of the license, when a licensee continues to violate this chapter after revocation of its certification or, if uncertified, receiving written notice from the department of certification requirements.

(5) The provisions of this chapter are cumulative and nonexclusive and do not affect any other remedy at law.

NEW SECTION. Sec. 37. Information about marijuana producers, marijuana processors, and marijuana retailers otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department.

NEW SECTION. Sec. 38. All fees collected under this chapter must be deposited in an account within the agricultural local fund. The revenue from the fees must be used solely for carrying out the provisions of this chapter, and no appropriation is required for disbursement from the fund.

NEW SECTION. Sec. 39. (1) The state liquor and cannabis board must conduct a study of regulatory options for the legalization of marijuana plant possession and cultivation by recreational marijuana users. In conducting the study, the state liquor and cannabis board must consider the federal guidelines provided by the Cole memorandum, issued by the United States department of justice on August 29, 2013, which allows individual states to implement marijuana legalization policies, provided such states enact strong and effective regulatory and enforcement systems that address public safety, public health, and law enforcement concerns as outlined in the memorandum.

(2) Not later than December 1, 2017, the state liquor and cannabis board must provide the appropriate committees of the legislature written findings and recommendations regarding the adoption and implementation of a regulatory and enforcement system for the legalization of marijuana plant possession and cultivation by recreational marijuana users, in light of the guidelines set forth in the federal Cole memorandum.

(3) The study, findings, and recommendations required under this section must be done through the use of the existing resources of the state liquor and cannabis board.

NEW SECTION. Sec. 40. This act applies prospectively only and not retroactively. It applies only to causes of action that arise (if change is substantive) or that are commenced (if change is procedural) on or after the effective date of this section.

NEW SECTION. Sec. 41. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 42. Sections 18 through 23 of this act constitute a new chapter in Title 15 RCW.

And the bill do pass as recommended by the conference committee.

Signed by Senators Baumgartner, Keiser and Rivers; Representatives Sawyer, Schmick and Springer.

MOTION

Senator Rivers moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5131 be adopted.

Senators Rivers and Keiser spoke in favor of passage of the motion.

Senator Padden spoke on passage of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5131 be adopted.

The motion by Senator Rivers carried and the Report of the Conference Committee was adopted by voice vote.

Senators Rivers, Keiser, Carlyle and Angel spoke on the final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5131, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5131, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Short, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Ericksen, Honeyford, Sheldon and Warnick

ENGROSSED SUBSTITUTE SENATE BILL NO. 5131, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

POINT OF ORDER

Senator Hasegawa: "I just want to, I feel the need to express a feeling that I would really appreciate if we could get some paperwork passed out prior to us having to make decisions on the floor and voting on bills. I would have liked to receive a copy of the conference reports so I know what was actually conferred on and agreed to. I feel like, I know that we are rushing through to get to the deadline, but as a point of personal privilege I don't know if its, I guess it is in the joint rules that we have not adopted

as you mentioned earlier, but I just don't think it is appropriate to be voting on things that I don't exactly see in front of me and would appreciate the opportunity to see the paperwork before we are actually voting on it. Just a point of personal privilege. Thank you Mr. President."

REMARKS BY SENATOR FAIN

Senator Fain: "Thank you, I think that Senator Hasegawa's point is exactly correct and I think that the lack of joint rules there was a lack of clarity of when those would come out. We do have another conference committee report that has been emailed out to all members relative to the transportation budget. It is also sitting over there, it will be found on your desks tomorrow morning prior to when we will be voting on that, but it you would like it ahead of time, it is available. I think Senator Hasegawa is absolutely right in his comment and I believe that there are equal concerns on both sides of the aisle that that kind of material be provided in a timely fashion. And so, I will make sure that that happens."

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Fain and Senator Hasegawa. I will say that even without joint rules there is a custom, as members know, of the President calling for the last line when items are read in and that is how we proceed to save time and be efficient. But that is also done with an understanding that members have access to that information and so I would just ask that all sides show the necessary respect so that senators can deliberate on the issues they are considering. I think that is very important. So even without joint rules, our own senate rules do govern, as do Reed's and other procedural manuals."

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Zeiger moved that ARIELE P. BELO, Gubernatorial Appointment No. 9188, be confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Senator Zeiger spoke in favor of the motion.

APPOINTMENT OF ARIELE P. BELO

The President declared the question before the Senate to be the confirmation of ARIELE BELO, Gubernatorial Appointment No. 9188, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

The Secretary called the roll on the confirmation of ARIELE BELO, Gubernatorial Appointment No. 9188, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ARIELE BELO, Gubernatorial Appointment No. 9188, having received the constitutional majority was declared confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

#### MOTION

Senator Brown moved that ALLYSON M. PAGE, Gubernatorial Appointment No. 9113, be confirmed as a member of the Columbia Basin College Board of Trustees.

Senator Brown spoke in favor of the motion.

#### APPOINTMENT OF ALLYSON PAGE

The President declared the question before the Senate to be the confirmation of ALLYSON PAGE, Gubernatorial Appointment No. 9113, as a member of the Columbia Basin College Board of Trustees.

The Secretary called the roll on the confirmation of ALLYSON PAGE, Gubernatorial Appointment No. 9113, as a member of the Columbia Basin College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ALLYSON PAGE, Gubernatorial Appointment No. 9113, having received the constitutional majority was declared confirmed as a member of the Columbia Basin College Board of Trustees.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Lias gave notice of his intent to move to reconsider the vote by which Engrossed Substitute Senate Bill No. 5131 passed the Senate earlier in the day.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Zeiger moved that MICHELLE FARRELL, Gubernatorial Appointment No. 9189, be confirmed as a member of the Washington State School for the Blind Board of Trustees.

Senator Zeiger spoke in favor of the motion.

#### APPOINTMENT OF MICHELLE FARRELL

The President declared the question before the Senate to be the confirmation of MICHELLE FARRELL, Gubernatorial Appointment No. 9189, as a member of the Washington State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of MICHELLE FARRELL, Gubernatorial Appointment No. 9189, as a member of the Washington State School for the Blind Board

of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

MICHELLE FARRELL, Gubernatorial Appointment No. 9189, having received the constitutional majority was declared confirmed as a member of the Washington State School for the Blind Board of Trustees.

#### MOTION

Senator Zeiger moved that CHARLOTTE A. PARSLEY, Gubernatorial Appointment No. 9196, be confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Senator Zeiger spoke in favor of the motion.

#### APPOINTMENT OF CHARLOTTE A. PARSLEY

The President declared the question before the Senate to be the confirmation of CHARLOTTE A. PARSLEY, Gubernatorial Appointment No. 9196, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

The Secretary called the roll on the confirmation of CHARLOTTE A. PARSLEY, Gubernatorial Appointment No. 9196, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

CHARLOTTE A. PARSLEY, Gubernatorial Appointment No. 9196, having received the constitutional majority was declared confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

The Senate resumed consideration of Substitute Senate Bill No. 5589 which had been deferred earlier in the day.

#### MESSAGE FROM THE HOUSE

April 19, 2017

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5589 and asks the Senate to concur therefrom.

ONE HUNDRED SECOND DAY, APRIL 20, 2017

2017 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

"Sec. 43. RCW 66.24.140 and 2015 c 194 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:

(a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;

(b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;

(c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee; and

(d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum.

(2) Any distillery licensed under this section may:

(a) Sell spirits of its own production for consumption off the premises. A distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; and

(c) Provide samples subject to the following conditions:

(i) For the purposes of this subsection, the maximum amount of alcohol per person per day is two ounces;

(ii) Provide free or for a charge one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. ((The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit.)) Spirits

samples may be adulterated with nonalcoholic mixers, mixers with alcohol of the distiller's own production, water, and/or ice;

(iii) Sell adulterated samples of spirits of their own production, water, and/or ice to persons on the premises at the distillery; and

(iv) Every person who participates in any manner in the service of these samples must obtain a class 12 alcohol server permit."

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Baumgartner moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5589.

The President declared the question before the Senate to be the motion by Senator Baumgartner that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5589.

The motion by Senator Baumgartner carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5589 by voice vote.

Senators Baumgartner and Keiser spoke in favor of the final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5589, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5589, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Chase, Cleveland, Conway, Erickson, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Becker, Carlyle, Darneille, Hasegawa, Liias, Padden, Pearson, Van De Wege and Wellman

SUBSTITUTE SENATE BILL NO. 5589, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:39 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

EVENING SESSION

The Senate was called to order at 6:50 p.m. by President Habib.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,
- HOUSE BILL NO. 1337,
- SUBSTITUTE HOUSE BILL NO. 1353,
- SUBSTITUTE HOUSE BILL NO. 1445,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1819,
- SUBSTITUTE HOUSE BILL NO. 1863,
- SUBSTITUTE HOUSE BILL NO. 1902,
- HOUSE BILL NO. 1965.

MESSAGES FROM THE HOUSE

April 20, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1309, and the same is herewith transmitted.



NONA SNELL, Deputy Chief Clerk

April 20, 2017

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5130,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2017

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109 and again asks the Senate to recede therefrom.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1109.

The President declared the question before the Senate to be motion by Senator Padden that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1109.

The motion by Senator Padden carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1109.

MOTION

On motion of Senator Padden, the rules were suspended and Engrossed Substitute House Bill No. 1109 was returned to second reading for the purposes of amendment.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 276 by Senators Pedersen and Padden be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I - WASHINGTON SEXUAL ASSAULT KIT INITIATIVE PROJECT**

**NEW SECTION. Sec. 1.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish and administer the Washington sexual assault kit initiative project.

(2) The project is created for the purpose of providing funding through a competitive grant program to support multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits.

(3) In administering the project, the Washington association of sheriffs and police chiefs has the following powers and duties:

(a) Design and implement the grant project with the elements included in this section;

(b) Screen and select eligible applicants to receive grants;

(c) Award grants and disburse funds to at least two eligible applicants, at least one located in western Washington and at least one located in eastern Washington;

(d) Adopt necessary policies and procedures to implement and administer the program;

(e) Monitor use of grant funds and compliance with the grant requirements;

(f) Create and implement reporting requirements for grant recipients;

(g) Facilitate the hosting of a sexual assault kit summit in the state of Washington through a grant recipient or directly through the Washington association of sheriffs and police chiefs, subject to the availability of funds, which may include a combination of public and private dollars allocated for the particular purpose; and

(h) Report to the appropriate committees of the legislature, the joint legislative task force on sexual assault forensic examination best practices, and the governor by December 1, 2017, and each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

(4) Grant recipients must:

(a) Perform an inventory of all unsubmitted sexual assault kits in the jurisdiction's possession regardless of where they are stored and submit those sexual assault kits for forensic analysis through the Washington state patrol or another laboratory with the permission of the Washington state patrol;

(b) Establish a multidisciplinary cold case or sexual assault investigation team or teams for follow-up investigations and prosecutions resulting from evidence from the testing of previously unsubmitted sexual assault kits. Cold case or sexual assault investigative teams must: Include prosecutors, law enforcement, and victim advocates for the duration of the project; use victim-centered, trauma-informed protocols, including for victim notification; and use protocols and policies established by the Washington association of sheriffs and police chiefs. The grant funds may support personnel costs, including hiring and overtime, to allow for adequate follow-up investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to colocate assigned prosecutors, law enforcement, and victim advocates for the duration of the grant program;

(c) Require participants in the multidisciplinary cold case or sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions;

(d) Identify and address individual level, organizational level, and systemic factors that lead to unsubmitted sexual assault kits in the jurisdiction and development of a comprehensive strategy to address the issues, including effecting changes in practice, protocol, and organizational culture, and implementing evidence-based, victim-centered, trauma-informed practices and protocols;

(e) Appoint an informed representative to attend meetings of and provide information and assistance to the joint legislative task force on sexual assault forensic examination best practices;

(f) Identify and maintain consistent, experienced, and committed leadership of their sexual assault kit initiative; and

(g) Track and report the following data to the Washington association of sheriffs and police chiefs, in addition to any data required by the Washington association of sheriffs and police chiefs: The number of kits inventoried; the dates collected and submitted for testing; the number of kits tested; the number of kits with information eligible for entry into the combined DNA index system; the number of combined DNA index system hits; the

number of identified suspects; including serial perpetrators; the number of investigations conducted and cases reviewed; the number of charges filed; and the number of convictions.

(5) Subject to the availability of amounts appropriated for this specific purpose, the project may also allocate funds for grant recipients to:

(a) Create and employ training in relation to sexual assault evidence, victimization and trauma response, and other related topics to improve the quality and outcomes of sexual assault investigations and prosecutions;

(b) Enhance victim services and support for past and current victims of sexual assault; or

(c) Develop evidence collection, retention, victim notification, and other protocols needed to optimize data sharing, case investigation, prosecution, and victim support.

(6) For the purposes of this section:

(a) "Eligible applicants" include: Law enforcement agencies, units of local government, or combination of units of local government, prosecutor's offices, or a governmental nonlaw enforcement agency acting as fiscal agent for one of the previously listed types of eligible applicants. A combination of jurisdictions, including contiguous jurisdictions of multiple towns, cities, or counties, may create a task force or other entity for the purposes of applying for and receiving a grant, provided that the relevant prosecutors and law enforcement agencies are acting in partnership in complying with the grant requirements.

(b) "Project" means the Washington sexual assault kit initiative project created in this section.

(c) "Unsubmitted sexual assault kit" are sexual assault kits that have not been submitted to a forensic laboratory for testing with the combined DNA index system-eligible DNA methodologies as of the effective date of the mandatory testing law in RCW 70.125.090. Unsubmitted sexual assault kits includes partially tested sexual assault kits, which are sexual assault kits that have only been subjected to serological testing, or that have previously been tested only with noncombined DNA index system-eligible DNA methodologies. The project does not include untested sexual assault kits that have been submitted to forensic labs for testing with combined DNA index system-eligible DNA methodologies but are delayed for testing as a result of a backlog of work in the laboratory.

**Sec. 2.** 2015 c 247 s 2 (uncodified) is amended to read as follows:

(1)(a) ~~((A))~~ The joint legislative task force on sexual assault forensic examination best practices is established ~~((to review))~~ for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016; ~~((and))~~

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by ~~((September 30th))~~ December 1st of ((each subsequent)) the following year.

(9) This section expires June 30, 2018.

**PART II - TRAINING**

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of

trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during abuse investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; and address documentation of investigative interviews.

(3) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault and the neurobiology of trauma. The commission shall consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with sexual assault victims in the criminal justice system.

(4) The commission shall develop the training and begin offering it by July 1, 2018. Officers assigned to regularly investigate sexual assault involving adult victims shall complete the training within one year of being assigned or by July 1, 2020, whichever is later.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the commission shall incorporate victim-centered, trauma-informed approaches to policing in the basic law enforcement training curriculum. In modifying the curriculum, the commission shall seek advice from the Washington coalition of sexual assault programs and other experts on sexual assault and the neurobiology of trauma.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop training on a victim-centered, trauma-informed approach to interacting with victims and responding to sexual assault calls. The curriculum must: Be designed for commissioned patrol officers not regularly assigned to investigate sexual assault cases; be designed for deployment and use within individual law enforcement agencies; include features allowing for it to be used in different environments, which may include multimedia or video components; allow for law enforcement agencies to host it in small segments at different times over several days or weeks, including roll calls. The training must include components on available resources for victims including, but not limited to, material on and references to community-based victim advocates.

(2) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault and the neurobiology of trauma.

(3) Beginning in 2018, all law enforcement agencies shall annually host the training for commissioned peace officers. All law enforcement agencies shall, to the extent feasible, consult with and feature local community-based victim advocates during the training.

### PART III - FUNDING

NEW SECTION. **Sec. 6.** (1) The sexual assault prevention and response account is created in the state treasury. All

legislative appropriations and transfers; gifts, grants, and other donations; and all other revenues directed to the account must be deposited into the sexual assault prevention and response account. Moneys in the account may only be spent after appropriation.

(2) The legislature must prioritize appropriations from the account for: The Washington sexual assault kit initiative project created in section 1 of this act; the office of crime victims advocacy for the purpose of providing support and services, including educational and vocational training, to victims of sexual assault and trafficking; victim-centered, trauma-informed training for prosecutors, law enforcement, and victim advocates, including, but not limited to, the training in sections 3 through 5 of this act; the Washington state patrol for the purpose of funding the statewide sexual assault kit tracking system and funding the forensic analysis of sexual assault kits.

**Sec. 7.** RCW 43.330.470 and 2016 c 173 s 9 are each amended to read as follows:

(1) The Washington sexual assault kit program is created within the department for the purpose of accepting private funds ~~(conducting)~~ to fund forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for analysis as of July 24, 2015, and to fund other related programs aimed at improving the public's response to sexual assault. The director may accept gifts, grants, donations, or moneys from any source for deposit in the Washington sexual assault kit account created under subsection (2) of this section.

(2) The Washington sexual assault kit account is created in the custody of the state treasurer. Funds deposited in the Washington sexual assault kit account may be used for the Washington sexual assault kit program established under this section. The Washington sexual assault kit account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Except when otherwise specified, public funds deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(a) Eighty-five percent of the funds for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015; and

(b) Fifteen percent of the funds for the office of crime victims advocacy in the department for the purpose of funding grants for sexual assault nurse examiner services and training.

(4) Except as otherwise provided in (b) of this subsection, private funds donated to and deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(i) Thirty percent for the Washington association of sheriffs and police chiefs for the purpose of funding the Washington sexual assault kit initiative project created in section 1 of this act;

(ii) Thirty percent for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015, unless the Washington state patrol bureau of forensic laboratory services deems that the funds are not necessary for this purpose, in which case the funds shall be divided equally for the purposes outlined in (a)(i), (iii), and (iv) of this subsection;

(iii) Thirty percent for the criminal justice training commission for the training in sections 3 through 5 of this act;

(iv) Ten percent for the office of crime victims advocacy in the department for the purpose of providing services to victims of sexual assault and training for professionals interacting with and providing services to victims of sexual assault.

(b) With the consent of the department, a grantor of funds may enter into an agreement with the department for a different allocation of funds specified in (a) of this subsection, provided that the funds are distributed for the purpose of the program created in this section. Within thirty days of entering into an agreement under this subsection (4)(b), the department shall notify the sexual assault forensic examination best practices task force and the appropriate committees of the legislature.

(5) This section expires June 30, 2022.

**Sec. 8.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing

services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement

account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 43.330.470; amending 2015 c 247 s 2 (unmodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 36.28A RCW; adding new sections to chapter 43.101 RCW; and creating new sections."

Senator Pedersen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 276 by Senators Pedersen and Padden to Engrossed Substitute House Bill No. 1109.

The motion by Senator Pedersen carried and striking floor amendment no. 276 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1109 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 19, 2017

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SENATE BILL NO. 5762 and asks the Senate to concur thereon.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Ericksen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5762.

Senator Ericksen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ericksen that the Senate concur in the House amendment(s) to Senate Bill No. 5762.

The motion by Senator Ericksen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5762 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5762, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5762, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ONE HUNDRED SECOND DAY, APRIL 20, 2017

2017 REGULAR SESSION

SENATE BILL NO. 5762, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

April 20, 2017

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SENATE BILL NO. 5008. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5008.E AMH CLIB H2735.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 10.** A new section is added to chapter 46.20 RCW to read as follows:

(1) Beginning July 1, 2018, except for enhanced drivers' licenses and identicards issued under RCW 46.20.202, the department must mark a driver's license or identicard issued under this chapter in accordance with the requirements of 6 C.F.R. Sec. 37.71 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(2) The department must adopt rules necessary to implement this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 46.20 RCW to read as follows:

(1) A driver's license or identicard issued with the design features required in section 1 of this act may not be used as evidence of or as a basis to infer an individual's citizenship or immigration status for any purpose.

(2) The presence of the design features required in section 1 of this act on a person's driver's license or identicard may not be used as a basis for the criminal investigation, arrest, or detention of that person in circumstances where a person with a driver's license or identicard without these design features would not be criminally investigated, arrested, or detained.

**Sec. 12.** RCW 46.20.202 and 2016 c 32 s 2 are each amended to read as follows:

(1) The department may enter into a memorandum of understanding with any federal agency for the purposes of facilitating the crossing of the border between the state of Washington and the Canadian province of British Columbia.

(2) The department may enter into an agreement with the Canadian province of British Columbia for the purposes of implementing a border-crossing initiative.

(3)(a) The department may issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of: United States citizenship, identity, and state residency. The department shall continue to offer a standard driver's license and identicard. If the department chooses to issue an enhanced driver's license, the department must allow each applicant to choose between a standard driver's license or identicard, or an enhanced driver's license or identicard.

(b) The department shall implement a one-to-many biometric matching system for the enhanced driver's license or identicard. An applicant for an enhanced driver's license or identicard shall submit a biometric identifier as designated by the department. The biometric identifier must be used solely for the purpose of verifying the identity of the holders and for any purpose set out in RCW 46.20.037. Applicants are required to sign a declaration

acknowledging their understanding of the one-to-many biometric match.

(c) The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington state residents, including reasonable safeguards to protect against unauthorized disclosure of data about Washington state residents. If the enhanced driver's license or identicard includes a radio frequency identification chip, or similar technology, the department shall ensure that the technology is encrypted or otherwise secure from unauthorized data access.

(d) The requirements of this subsection are in addition to the requirements otherwise imposed on applicants for a driver's license or identicard. The department shall adopt such rules as necessary to meet the requirements of this subsection. From time to time the department shall review technological innovations related to the security of identity cards and amend the rules related to enhanced driver's licenses and identicards as the director deems consistent with this section and appropriate to protect the privacy of Washington state residents.

(e) Notwithstanding RCW 46.20.118, the department may make images associated with enhanced drivers' licenses or identicards from the negative file available to United States customs and border agents for the purposes of verifying identity.

~~(4)((a) Between July 15, 2015, and June 30, 2016, the fee for an enhanced driver's license or enhanced identicard is eighteen dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is three dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.~~

~~(b))~~ Beginning ~~((July 1, 2016))~~ on the effective date of this section, the fee for an enhanced driver's license or enhanced identicard is ~~((fifty-four))~~ twenty-four dollars, which is in addition to the fees for any regular driver's license or identicard. If the enhanced driver's license or enhanced identicard is issued, renewed, or extended for a period other than six years, the fee for each class is ~~((nine))~~ four dollars for each year that the enhanced driver's license or enhanced identicard is issued, renewed, or extended.

(5) The enhanced driver's license and enhanced identicard fee under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

**NEW SECTION. Sec. 13.** RCW 43.41.390 (Implementation of federal REAL ID Act of 2005) and 2007 c 85 s 1 are each repealed."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5008.

Senators King and Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5008.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5008 by voice vote.

Senator Ericksen spoke against final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5008, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5008, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, Padden, Rossi, Sheldon, Short and Wilson

ENGROSSED SENATE BILL NO. 5008, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2017

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5033 with the following amendment(s): 5033-S.E AMH ENGR H2586.E

Strike everything after the enacting clause and insert the following:

"Sec. 14. RCW 43.155.010 and 1996 c 168 s 1 are each amended to read as follows:

The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs.

The legislature further finds that Washington's local governments have unmet financial needs for solid waste disposal, including

recycling, and encourages the board to make an equitable geographic distribution of the funds.

It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, grants, financing guarantees, and technical assistance available to local governments for these projects.

Sec. 15. RCW 43.155.020 and 2009 c 565 s 33 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section ~~((shall))~~ apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

Sec. 16. RCW 43.155.030 and 1999 c 153 s 58 are each amended to read as follows:

(1) The public works board is hereby created.

(2) The board shall be composed of seventeen members as provided in this subsection:

(a) Thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. ((The board)) These members shall include: ((a) Three)) (i) Two members, ((two)) one of whom shall be an elected official((s)) and one shall be a public works manager or a finance director, appointed from a list of at least six persons nominated by ((the)) a state association of ((Washington)) cities

or its successor; ~~((b) three)~~ (ii) two members, ~~((two)) one~~ of whom shall be an elected official~~((s))~~ and one shall be a public works manager or a finance director, appointed from a list of at least six persons nominated by ~~((the Washington))~~ a state association of counties or its successor; ~~((e) three)~~ (iii) one member~~((s))~~ appointed from a list of at least ~~((six))~~ three persons nominated ~~((jointly))~~ by ~~((the Washington))~~ a state association of public utility districts ~~((association and))~~ or its successor; (iv) one member appointed from a list of at least three persons nominated by a state association of water-sewer districts((s)) or ((their)) its successor((s)); and ((d) four) (v) seven members appointed from the general public with expertise in relevant fields. In appointing the ~~((four))~~ seven general public members, the governor shall ~~((endeavor to))~~ balance the geographical composition of the board and ~~((to))~~ include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(b) Four members from the legislature appointed for terms of four years. The speaker of the house of representatives shall appoint one member from each of the two major caucuses of the house of representatives and the president of the senate shall appoint one member from each of the two major caucuses of the senate. Additionally, the speaker of the house of representatives may designate one member from each of the two major caucuses of the house of representatives and the president of the senate may appoint one member from each of the two major caucuses of the senate as alternate members to take the place of the appointed member on the board for meetings at which the member will be absent. The alternate member shall have all powers to vote and participate in board deliberations as the other board members.

(3) Staff support to the board shall be provided by the department.

(4) Nonlegislative members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Legislative members of the board shall be reimbursed for travel in accordance with RCW 44.04.120.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

**Sec. 17.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to read as follows:

The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Develop a program that provides grants and additional assistance to leverage federal programs, and other opportunities to target deeper financial assistance to communities with economic distress or projects that would result in rate increases to residential utility rates that exceed a determined percentage of median household income;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

~~((5))~~ (6) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

**Sec. 18.** RCW 43.155.050 and 2015 3rd sp.s. c 4 s 959 and 2015 3rd sp.s. c 3 s 7032 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than ~~((fifteen))~~ twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter~~((; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans))~~. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. ~~((During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the education legacy trust account such amounts as specified by the legislature.))~~ During the 2015-2017 fiscal biennium, the legislature may appropriate moneys from the account for activities related to the growth management act and the voluntary stewardship program. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature. ~~((In the 2017-2019 fiscal biennium the legislature intends to allocate seventy-three million dollars of future loan repayments paid into the public works assistance account to support basic education.))~~

**Sec. 19.** RCW 43.155.060 and 1988 c 93 s 2 are each amended to read as follows:

(1) In order to aid the financing of public works projects, the board may:

~~((1))~~ (a) Make ~~((low interest or interest free))~~ loans or grants to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. ~~((The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter.))~~ Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

~~((2))~~ (b) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on



loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

~~((3))~~ (c) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

~~((4))~~ (d) Provide a method for the allocation of loans, grants, and financing guarantees and the provision of technical assistance under this chapter.

(2)(a) When establishing interest rates for loan programs authorized in this chapter for projects which are supported by a rate base of at least fifty thousand equivalent residential units, the board must base interest rates on the average daily market interest rate for tax-exempt municipal bonds as published in the bond buyer's index for the period from sixty to thirty days before the start of the application cycle.

(b) For projects with a repayment period between five and twenty years, the rate must be fifty percent of the market rate.

(c) For projects with a repayment period under five years, the rate must be twenty-five percent of the market rate.

(d) For any year in which the average daily market interest rate for tax-exempt municipal bonds for the period from sixty to thirty days before the start of an application cycle is nine percent or greater, the board may cap interest rates at four percent for projects with a repayment period between five and twenty years and at two percent for projects with a repayment period under five years.

(e) The board may also provide reduced interest rates, extended repayment periods, or grants for projects that meet financial hardship criteria as measured by the affordability index or similar standard measure of financial hardship. The board may provide reduced interest rates, extended repayment periods, or grants for projects that are supported by a rate base of less than fifty thousand equivalent residential units.

(3) All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under RCW 43.155.065 for which the recipient jurisdiction shall comply with this requirement to the extent feasible and practicable. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter. **Sec. 20.** RCW 43.155.065 and 2001 c 131 s 3 are each amended to read as follows:

The board may make low-interest or interest-free loans or grants to local governments for emergency public works projects. Emergency public works projects shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public water system that is in violation of health and safety standards and is being operated by a local government on a temporary basis. The loans or grants may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following sources: (1) Federal disaster or emergency funds, including funds from the federal emergency management agency; (2) state disaster or emergency funds; (3) insurance settlements; or (4) litigation.

**Sec. 21.** RCW 43.155.068 and 2001 c 131 s 4 are each amended to read as follows:

(1) The board may make ~~((low interest or interest free))~~ loans or grants to local governments for preconstruction activities on public works projects before the legislature approves the construction phase of the project. Preconstruction activities include design, engineering, bid-document preparation, environmental studies, right-of-way acquisition, value planning, and other preliminary phases of public works projects as

determined by the board. The purpose of the loans and grants authorized in this section is to accelerate the completion of public works projects by allowing preconstruction activities to be performed before the approval of the construction phase of the project by the legislature.

(2) Projects receiving loans or grants for preconstruction activities under this section must be evaluated using the priority process and factors in RCW 43.155.070~~((2))~~. The receipt of a loan or grant for preconstruction activities does not ensure the receipt of a construction loan or grant for the project under this chapter. Construction loans or grants for projects receiving a loan or grant for preconstruction activities under this section are subject to legislative approval under RCW 43.155.070 ~~((4) and (5))~~ (7). The board shall adopt a single application process for local governments seeking both a loan or grant for preconstruction activities under this section and a construction loan for the project.

**Sec. 22.** RCW 43.155.070 and 2015 3rd sp.s. c 3 s 7033 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

~~(4) ((The board must develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board must attempt to assure a geographical balance in assigning priorities to projects. The board must consider at least the following factors in assigning a priority to a project:~~

~~(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;~~

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~~(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;~~

~~(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;~~

~~(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;~~

~~(e) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance;~~

~~(f) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;~~

~~(g) The cost of the project compared to the size of the local government and amount of loan money available;~~

~~(h) The number of communities served by or funding the project;~~

~~(i) Whether the project is located in an area of high unemployment, compared to the average state unemployment;~~

~~(j) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;~~

~~(k) Except as otherwise conditioned by RCW 43.155.120, and effective one calendar year following the development of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;~~

~~(l) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and~~

~~(m) Other criteria that the board considers advisable.~~

~~(5) For the 2015-2017 fiscal biennium, in place of the criteria, ranking, and submission processes for construction loan lists provided in subsections (4) and (7) of this section:))~~

~~(a) The board must develop a process ((for numerically ranking)) to prioritize applications ((for construction)) and funding of loans and grants for public works projects submitted by local governments. The board must consider, at a minimum and in any order, the following factors in ((assigning a numerical ranking to a)) prioritizing projects:~~

~~(i) Whether the project is critical in nature and would affect the health and safety of many people;~~

~~(ii) The extent to which the project leverages ((nonstate)) other funds;~~

~~(iii) The extent to which the project is ready to proceed to construction;~~

~~(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;~~

~~(v) Whether the project promotes the sustainable use of resources and environmental quality, as applicable;~~

~~(vi) Whether the project consolidates or regionalizes systems;~~

~~(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;~~

~~(viii) Whether the system is being well-managed in the present and for long-term sustainability;~~

~~(ix) Achieving equitable distribution of funds by geography and population;~~

~~(x) The extent to which the project meets the following state policy objectives:~~

~~(A) Efficient use of state resources;~~

~~(B) Preservation and enhancement of health and safety;~~

~~(C) Abatement of pollution and protection of the environment;~~

~~(D) Creation of new, family-wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;~~

~~(E) Fostering economic development consistent with chapter 36.70A RCW;~~

~~(F) Efficiency in delivery of goods and services((, public transit,)) and transportation; and~~

~~(G) ((Avoidance of additional costs to state and local governments that adversely impact local residents and small businesses; and~~

~~(H)) Reduction of the overall cost of public infrastructure; ((and))~~

~~(xi) Whether the applicant sought or is seeking funding for the project from other sources; and~~

~~(xii) Other criteria that the board considers necessary to achieve the purposes of this chapter.~~

~~(b) Before ((November)) September 1, ((2016)) 2018, and each year thereafter, the board must develop and submit a report regarding the construction loans and grants to the office of financial management and appropriate fiscal committees of the senate and house of representatives ((a ranked list of qualified public works projects which have been evaluated by the board and are recommended for funding by the legislature)). The report must include:~~

~~(i) The total number of applications and amount of funding requested for public works projects;~~

~~(ii) A list and description of projects approved in the preceding fiscal year with project scores against the board's prioritization criteria;~~

~~(iii) The total amount of loan and grants disbursements made from the public works assistance account in the preceding fiscal year;~~

~~(iv) The total amount of loan repayments in the preceding fiscal year for outstanding loans from the public works assistance account;~~

~~(v) The total amount of loan repayments due for outstanding loans for each fiscal year over the following ten-year period; and~~

~~(vi) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year.~~

~~(c) The maximum amount of funding that the board may ((recommend)) provide for any jurisdiction is ten million dollars per biennium. ((For each project on the ranked list, as well as for eligible projects not recommended for funding, the board must document the numerical ranking that was assigned.~~

~~((6)) (5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.~~

~~((7)) (6) Before ((November)) September 1st of each ((even-numbered)) year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans and grants made under RCW 43.155.065((,)) and 43.155.068((, and subsection (10) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list must include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list must also include measures of fiscal capacity for each jurisdiction recommended for~~

~~financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities).~~

~~((8)) (7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds to the board for ((a specific list of)) the purpose of funding public works projects under this chapter. ((The legislature may remove projects from the list recommended by the board. The legislature may not change the order of the priorities recommended for funding by the board.~~

~~(9) Subsection (8) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (10) of this section.~~

~~(10) Loans made for the purpose of capital facilities plans are exempted from subsection (8) of this section.~~

~~((11)) (8) To qualify for loans, grants, or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.~~

~~((12)) (9) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.~~

~~((13) During the 2015-2017 fiscal biennium,) (10) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan or grant.~~

~~((14)(a) For public works assistance account application rounds conducted during the 2015-2017 fiscal biennium,) (11) The board must implement policies and procedures designed to maximize local government ((use)) consideration of ((federal)) other funds to finance local infrastructure ((including, but not limited to, drinking water and clean water state revolving funds operated by the state departments of health and ecology. Projects that are eligible for the drinking water and clean water state revolving funds may receive public works board preconstruction loans. Projects that are eligible for the drinking water and clean water state revolving funds are not eligible for public works board construction loans. For purposes of this subsection "eligible for drinking water and clean water state revolving funds" means:~~

~~(i) Projects that have applied to the state revolving funds and are awaiting a funding decision;~~

~~(ii) Projects that have been rejected for funding solely due to not meeting readiness requirements; and~~

~~(iii) Projects that have not applied, but would likely be eligible if the project applied and met the project readiness requirements.~~

~~(b) For all construction loan projects proposed to the legislature for funding during the 2015-2017 fiscal biennium, the board must base interest rates on the average daily market interest rate for tax-exempt municipal bonds as published in the bond buyer's index for the period from sixty to thirty days before the start of the application cycle. For projects with a repayment period between five and twenty years, the rate must be sixty percent of the market rate. For projects with a repayment period under five years, the rate must be thirty percent of the market rate. The board must also provide reduced interest rates, extended repayment periods, or forgivable principal loans for projects that meet~~

~~financial hardship criteria as measured by the affordability index or similar standard measure of financial hardship)).~~

**Sec. 23.** RCW 43.155.075 and 2001 c 227 s 10 are each amended to read as follows:

In providing loans and grants for public works projects, the board shall require recipients to incorporate the environmental benefits of the project into their applications, and the board shall utilize the statement of environmental benefits in its prioritization and selection process, when applicable. For projects funded under this chapter, the board may require a local government to have sustainable asset management best practices in place; provide a long-term financial plan to demonstrate a sound maintenance program; have a long-term financial plan for loan repayments in place; and undergo value planning at the predesign project stage, where the greatest productivity gains and cost savings can be found. The board shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the loan and grant program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The board shall consult with affected interest groups in implementing this section.

NEW SECTION. **Sec. 24.** (1) An interagency, multijurisdictional system improvement team must identify, implement, and report on system improvements that achieve the designated outcomes, including:

(a) Projects that maximize value, minimize overall costs and disturbance to the community, and ensure long-term durability and resilience;

(b) Projects that are designed to meet the unique needs of each community, rather than the needs of particular funding programs;

(c) Project designs that maximize long-term value by fully considering and responding to anticipated long-term environmental, technological, economic and population changes;

(d) The flexibility to innovate, including utilizing natural systems, addressing multiple regulatory drivers, and forming regional partnerships;

(e) The ability to plan and collaborate across programs and jurisdictions so that different investments are packaged to be complementary, timely, and responsive to economic and community opportunities;

(f) The needed capacity for communities, appropriate to their unique financial, planning, and management capacities, so they can design, finance, and build projects that best meet their long-term needs and minimize costs;

(g) Optimal use and leveraging of federal and private infrastructure dollars; and

(h) Mechanisms to ensure periodic, system-wide review and ongoing achievement of the designated outcomes.

(2) The system improvement team must consist of representatives of state infrastructure programs that provide funding for drinking water, wastewater, and storm water programs, including but not limited to representatives from the department of ecology, department of health, and the department of commerce. The system improvement team may invite representatives of other infrastructure programs, such as transportation and energy, as needed in order to achieve efficiency, minimize costs, and maximize value across infrastructure programs. The system improvement team shall also consist of representatives of users of those programs, representatives of infrastructure project builders, and other parties the system improvement team determines would contribute to achieving the desired outcomes, including but not limited to representatives from a state association of cities, a state association of counties, a state association of public utility districts, a state association of water and sewer districts, a state association of general contractors, and a state organization

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representing building trades. A representative from the department of ecology, department of health, and department of commerce shall facilitate the work of the system improvement team.

(3) The system improvement team must focus on achieving the designated outcomes within existing program structures and authorities. The system improvement team shall use lean practices to achieve the designated outcomes.

(4) The system improvement team shall provide briefings as requested to the public works board on the current state of infrastructure programs to build an understanding of the infrastructure investment program landscape and the interplay of its component parts.

(5) If the system improvement team encounters statutory or regulatory barriers to system improvements, the system improvement team must inform the public works board and consult on possible solutions. When achieving the designated outcomes would be best served through changes in program structures or authorities, the system improvement team must report those findings to the public works board.

(6) This section expires June 30, 2021.

**NEW SECTION. Sec. 25.** The public works board, in consultation with stakeholders, including the system improvement team and financing experts, must evaluate and report on other financing approaches that could be established to provide access to financing for local governments who have trouble accessing the existing private credit market at reasonable rates for infrastructure. The public works board must submit the report to the appropriate fiscal committees of the senate and house of representatives and the office of financial management by December 1, 2018.

**Sec. 26.** RCW 82.45.060 and 2013 2nd sp.s. c 9 s 6 are each amended to read as follows:

There is imposed an excise tax upon each sale of real property at the rate of one and twenty-eight one-hundredths percent of the selling price. Beginning July 1, 2013, and ending June 30, ~~((2019))~~ 2021, an amount equal to two percent of the proceeds of this tax must be deposited in the public works assistance account created in RCW 43.155.050, and an amount equal to four and one-tenth percent must be deposited in the education legacy trust account created in RCW 83.100.230. Thereafter, an amount equal to six and one-tenth percent of the proceeds of this tax to the state treasurer must be deposited in the public works assistance account created in RCW 43.155.050. Except as otherwise provided in this section, an amount equal to one and six-tenths percent of the proceeds of this tax to the state treasurer must be deposited in the city-county assistance account created in RCW 43.08.290.

**Sec. 27.** RCW 82.16.020 and 2015 3rd sp.s. c 6 s 703 are each amended to read as follows:

(1) There is levied and collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax is equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

- (a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;
- (b) Light and power business: Three and sixty-two one-hundredths percent;
- (c) Gas distribution business: Three and six-tenths percent;
- (d) Urban transportation business: Six-tenths of one percent;
- (e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent;

(h) Log transportation business: One and twenty-eight one-hundredths percent. The reduced rate established in this subsection (1)(h) is not subject to the ten-year expiration provision in RCW 82.32.805(1)(a).

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses must be deposited in the education legacy trust account created in RCW 83.100.230 from July 1, 2013, through June 30, ~~((2019))~~ 2021, and thereafter in the public works assistance account created in RCW 43.155.050.

**Sec. 28.** RCW 82.18.040 and 2013 2nd sp.s. c 9 s 8 are each amended to read as follows:

(1) Taxes collected under this chapter must be held in trust until paid to the state. Except as otherwise provided in this subsection (1), taxes received by the state must be deposited in the public works assistance account created in RCW 43.155.050. For the period beginning July 1, 2011, and ending June 30, 2015, taxes received by the state under this chapter must be deposited in the general fund for general purpose expenditures. For fiscal years 2016, 2017, and 2018, one-half of the taxes received by the state under this chapter must be deposited in the general fund for general purpose expenditures and the remainder deposited in the education legacy trust account created in RCW 83.100.230. For fiscal years 2019, 2020, and 2021, taxes received by the state under this chapter must be deposited in the education legacy trust account created in RCW 83.100.230. Any person collecting the tax who appropriates or converts the tax collected is guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

(2) The tax is due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

(3) The tax is due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted must be applied first to payment of the solid waste collection tax and this tax has priority over all other claims to the amount remitted."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Braun moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5033 and ask the House to recede therefrom.

Senators Braun and Frockt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate refuse to concur in the

House amendment(s) to Engrossed Substitute Senate Bill No. 5033 and ask the House to recede therefrom.

The motion by Senator Braun carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5033 and asked the House to recede therefrom by voice vote.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Wilson moved that FREDERICK MENDOZA, Gubernatorial Appointment No. 9209, be confirmed as a member of the Highline College Board of Trustees.

Senators Wilson and Keiser spoke in favor of passage of the motion.

#### APPOINTMENT OF FREDERICK MENDOZA

The President declared the question before the Senate to be the confirmation of FREDERICK MENDOZA, Gubernatorial Appointment No. 9209, as a member of the Highline College Board of Trustees.

The Secretary called the roll on the confirmation of FREDERICK MENDOZA, Gubernatorial Appointment No. 9209, as a member of the Highline College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

FREDERICK MENDOZA, Gubernatorial Appointment No. 9209, having received the constitutional majority was declared confirmed as a member of the Highline College Board of Trustees.

#### MOTION

Senator Takko moved that ROBERT J. GREGORY, Gubernatorial Appointment No. 9108, be confirmed as a member of the Lower Columbia College Board of Trustees.

Senator Takko spoke in favor of the motion.

#### APPOINTMENT OF ROBERT GREGORY

The President declared the question before the Senate to be the confirmation of ROBERT GREGORY, Gubernatorial Appointment No. 9108, as a member of the Lower Columbia College Board of Trustees.

The Secretary called the roll on the confirmation of ROBERT GREGORY, Gubernatorial Appointment No. 9108, as a member of the Lower Columbia College Board of Trustees and the

appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ROBERT GREGORY, Gubernatorial Appointment No. 9108, having received the constitutional majority was declared confirmed as a member of the Lower Columbia College Board of Trustees.

#### MOTION

On motion of Senator Lias, notice of reconsideration by Senator Lias of the vote by with Engrossed Substitute Senate Bill No. 5131 passed the Senate was withdrawn.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1543, by House Committee on Judiciary (originally sponsored by Representatives Doglio, Jinkins, Goodman, Senn, Robinson, Stonier, Kagi, Cody, Macri, Bergquist, Slatter, McBride, Peterson, Hudgins, Stanford, Frame and Appleton)

Concerning parental rights and responsibilities of sexual assault perpetrators and survivors.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 29.** A new section is added to chapter 26.26 RCW to read as follows:

(1) This section applies in cases when a person alleged or presumed to be a legal parent to a child is alleged to have committed a sexual assault that resulted in the victim of the assault becoming pregnant and subsequently giving birth to the child.

(2) For the purposes of this section, "sexual assault" means nonconsensual sexual penetration that results in pregnancy.

(3) For the purposes of this section, the fact that the person seeking parental rights or presumed to be a legal parent committed a sexual assault that resulted in the victim of the assault becoming pregnant and subsequently giving birth to the child may be proved by either:

(a) Evidence that the person seeking parental rights or presumed to be a legal parent was convicted of or pleaded guilty to a sexual assault under RCW 9A.44.040, 9A.44.050, 9A.44.060, or a comparable crime of sexual assault in any jurisdiction, against the child's parent, and that the child was born within three hundred twenty days after the sexual assault; or

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(b) Clear, cogent, and convincing evidence that the person seeking parental rights or presumed to be a legal parent committed sexual assault, as defined in this section, against the child's parent, and that the child was born within three hundred twenty days after the sexual assault.

(4) An allegation that the child was born as the result of a sexual assault may be raised under this chapter:

(a) In a petition to adjudicate parentage; or

(b) In response to a petition to adjudicate parentage.

The pleading making the allegation must be filed no later than four years after the birth of the child.

(5) If there is an allegation that the child was born as a result of a sexual assault against the child's parent by the person seeking parentage or presumed to be the parent of the child, the court must conduct a fact-finding hearing on the allegation.

(a) The court may not enter any temporary orders providing residential time or decision making to the alleged perpetrator prior to the fact-finding hearing on the sexual assault allegation unless both of the following criteria are satisfied: (i) The alleged perpetrator is a presumed parent of the child; and (ii) the court specifically finds that it would be in the best interests of the child if such temporary orders are entered.

(b) Prior to the fact-finding hearing, the court may order genetic testing to determine whether the alleged perpetrator is biologically related to the child. If genetic testing reveals that the alleged perpetrator is not biologically related to the child, the fact-finding hearing must be stricken.

(c) Fourteen days prior to the fact-finding hearing, the party alleging that the child was born as a result of a sexual assault shall submit affidavits setting forth facts supporting the allegation and shall give notice, together with a copy of the affidavit, to other parties to the proceedings, who may file opposing affidavits. Opposing affidavits must be submitted and served to other parties to the proceeding five days prior to the fact-finding hearing.

(d) The court shall determine on the record whether affidavits and documents submitted for the fact-finding hearing should be sealed.

(6) If, after the fact-finding hearing or after a bench trial, the court finds that the person seeking parental rights or presumed to be a legal parent committed sexual assault, pursuant to the standards set forth in subsection (3)(a) or (b) of this section, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault the court must:

(a) Enter an order holding that the person seeking parental rights or presumed to be a legal parent is not a parent of the child, if such an order is requested by the child's legal parent or guardian; or

(b) Enter an order consistent with the relief requested by the child's legal parent or guardian, provided that the court determines that the relief requested is in the best interests of the child.

(7) Absent the express written consent of the child's legal parent or guardian, a person who is found to have committed a sexual assault, as defined in this section, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault has:

(a) No right to an allocation of parental rights, including residential time or decision-making responsibilities for the child;

(b) No right to inheritance from the child; and

(c) No right to notification of, or standing to object to, the adoption of the child.

(8) If the court enters an order under subsection (6) of this section that is inconsistent with the information on the child's birth certificate, the court shall also order the birth certificate be amended in a manner that is consistent with the child's best interests and the wishes of the child's legal parent or guardian.

(9) If the court finds that the person seeking parentage or presumed to be the parent committed a sexual assault, as defined in this section, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault, and the legal parent or guardian requests it, the court must order the person seeking parentage or presumed to be the parent to pay child support or birth-related costs or both.

(10) The legal parent or guardian may decline an order for child support or birth-related costs. If the legal parent or guardian declines an order for child support, and is either currently receiving public assistance or later applies for it for the child born as a result of the sexual assault, support enforcement agencies as defined in this chapter shall not file administrative or court proceedings to establish or collect child support, including medical support, from the person seeking parentage or presumed to be the parent who has been found to have committed a sexual assault, as defined in this section, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(11) If the court enters an order under subsection (10) of this section providing that no child support obligation may be established or collected from the person seeking parentage or presumed to be the parent who has been found to have committed a sexual assault, the court shall forward a copy of the order to the Washington state support registry.

(12) The court may order an award of attorneys' fees under this section on the same basis as attorneys' fees are awarded under RCW 26.09.140.

(13) Any party may move to close the fact-finding hearing and any related proceedings under this section to the public. If no party files such a motion, the court shall determine on its own initiative whether the fact-finding hearing and any related proceedings under this section should be closed to the public. Upon finding good cause for closing the proceeding, and if consistent with Article I, section 10 of the state Constitution, the court may: (a) Restrict admission to only those persons whom the court finds to have a direct interest in the case or in the work of the court, including witnesses deemed necessary to the disposition of the case; and (b) restrict persons who are admitted from disclosing any information obtained at the hearing that would identify the parties involved or the child.

**Sec. 30.** RCW 26.09.191 and 2011 c 89 s 6 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010~~((4))~~ (3) or an assault or sexual assault (~~which~~) that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010~~((4))~~ (3) or an assault or sexual assault (~~which~~) that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010((++)) (3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through

(ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court,

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and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that the child was not conceived and subsequently born as a result of a sexual assault committed by the parent requesting residential time and that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent

adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that



could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence pursuant to section 1 of this act to have committed sexual assault, as defined in section 1 of this act, against the child's parent, and that the child was born within three hundred twenty days of the sexual assault.

(iv) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and ~~((iii))~~ (iv) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and ~~((iii))~~ (iv) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

(6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

(7) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

**Sec. 31.** RCW 26.33.170 and 1999 c 173 s 1 are each amended to read as follows:

(1) An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines by clear, cogent and convincing evidence that the proposed adoption is in the best interests of the adoptee.

(2) An alleged father's, birth parent's, or parent's consent to adoption ~~((may))~~ shall be dispensed with if the court finds that the proposed adoption is in the best interests of the adoptee and:

(a) The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, where the adoptee was the victim of the rape or incest; or

(b) The alleged father, birth parent, or parent has been found guilty of rape under chapter 9A.44 RCW or incest under RCW 9A.64.020, or has been found by clear and convincing evidence to have committed a sexual assault, where the other parent of the adoptee was the victim of the rape ~~((or))~~, incest, or sexual assault and the adoptee was conceived as a result of the rape ~~((or))~~, incest, or sexual assault, unless the parent who is the victim indicates by affidavit or sworn testimony that consent to adoption by the person who committed the rape, incest, or sexual assault should occur.

(3) Nothing in this section shall be construed to eliminate the notice provisions of this chapter.

**NEW SECTION. Sec. 32.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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On page 1, line 2 of the title, after "survivors;" strike the remainder of the title and insert "amending RCW 26.09.191 and 26.33.170; and adding a new section to chapter 26.26 RCW."

## MOTION

Senator Pedersen moved that the following floor amendment no. 212 by Senators Pedersen and Padden be adopted:

On page 1, line 31, after "filed" strike all material through "child." on line 32 and insert "in a petition or in a response to a petition in proceedings filed no later than four years after the birth of the child, except that (i) the pleading making the allegation that the child was born as a result of a sexual assault may be filed at any time in proceedings pursuant to RCW 26.26.525; or (ii) for a period of two years after the effective date of this section, a court may waive the time bar in cases in which a presumed, acknowledged, or adjudicated parent was found in a criminal or separate civil proceeding to have committed a sexual assault against the parent alleging that the child was born as a result of the sexual assault."

Senators Pedersen and Padden spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 212 by Senators Pedersen and Padden on page 1, line 31 to Substitute House Bill No. 1543.

The motion by Senator Pedersen carried and floor amendment no. 212 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Substitute House Bill No. 1543.

The motion by Senator Padden carried and the committee striking amendment as amended was adopted by voice vote.

## MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1543 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1543 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1543 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1543, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1614, by House Committee on Transportation (originally sponsored by Representatives Goodman, Klippert, Orwall, Hayes, Pellicciotti, Holy, Griffey, Pettigrew, Muri and Haler)

Concerning impaired driving.

The measure was read the second time.

## MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 33. RCW 9.96.060 and 2014 c 176 s 1 and 2014 c 109 s 1 are each reenacted and amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records

under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;

(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**Sec. 34.** RCW 10.31.100 and 2016 c 203 s 9 and 2016 c 113 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (12) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order

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issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) A police officer shall, at the request of a parent or guardian, arrest the sixteen or seventeen year old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW 10.99.020 in the preceding four hours. Nothing in this subsection removes a police officer's existing authority provided in this section to make an arrest.

(4) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(5) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(6)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to

believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(7) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(8) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(9) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(10) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(11) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(12) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(13) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(14) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(15) Except as specifically provided in subsections (2), (4), (5), and (8) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(16) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (10) of this section if the police officer acts in good faith and without malice.

(17)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

(18) A juvenile detention facility shall book into detention any person under age eighteen brought to that detention facility pursuant to an arrest for assaulting a family or household member as defined in RCW 10.99.020.

**Sec. 35.** RCW 46.20.385 and 2016 c 203 s 13 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon

submission of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional (~~twenty dollar~~) fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 36.** RCW 46.20.720 and 2016 c 203 s 14 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

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(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the

department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the ~~((four))~~ one hundred eighty consecutive ~~((months))~~ days prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional (~~twenty dollar~~) fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 37.** RCW 46.61.5055 and 2016 sp.s. c 29 s 530 and 2016 c 203 s 17 are each reenacted and amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds

that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory (~~minimum~~) term of (~~sixty days~~) imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order ((at least an additional)) a minimum of four days in jail ((or, if available in that county or city, a six month)) and either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390(~~and~~)). The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered

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pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ~~((ninety days))~~ imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order ~~((at least an additional))~~ a minimum of six days in jail ~~((or, if available in that county or city,))~~ and either six months of electronic home monitoring or a ~~((six month))~~ one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390 ~~((, and)).~~ The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the

mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court



specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not

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revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

**(10) Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

**(11) Conditions of probation.** (a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

**(12) Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

**(13) Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

**(14) Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a

violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 38.** RCW 46.61.506 and 2016 c 203 s 8 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose.

The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work or piercings, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its ~~((alcoholic))~~ alcohol or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an osteopathic physician assistant licensed under chapter 18.57A RCW; an advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((48.73))~~ 18.71 RCW; ~~((until July 1, 2016, a health care assistant certified under chapter 18.135 RCW;))~~ or a medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, a person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or a forensic phlebotomist. When the blood test is performed outside the state of Washington, the withdrawal of blood for the purpose of

determining its alcohol or drug content may be performed by any person who is authorized by the out-of-state jurisdiction to perform venous blood draws. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) When a venous blood sample is performed by a forensic phlebotomist, it must be done under the following conditions:

(a) If taken at the scene, it must be performed in an ambulance or aid service vehicle licensed by the department of health under chapter 18.73 RCW.

(b) The collection of blood samples must not interfere with the provision of essential medical care.

(c) The blood sample must be collected using sterile equipment and the skin area of puncture must be thoroughly cleansed and disinfected.

(d) The person whose blood is collected must be seated, reclined, or lying down when the blood is collected.

(7) The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

~~((7))~~ (8) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

**Sec. 39.** RCW 46.61.508 and 2015 2nd sp.s. c 3 s 23 are each amended to read as follows:

No physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or forensic phlebotomist, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant, a waiver of the search warrant requirement, exigent circumstances, or any other authority of law ~~((or RCW 46.20.308, as now or hereafter amended))~~: PROVIDED, That nothing in this section shall relieve such licensed or certified health care provider, ~~((or))~~ hospital or duly licensed clinical laboratory, or forensic phlebotomist from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

**Sec. 40.** RCW 18.130.410 and 2015 2nd sp.s. c 3 s 21 are each amended to read as follows:

It is not professional misconduct for a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or

advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, to collect a blood sample without a person's consent when the physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood was directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or exigent circumstances: PROVIDED, That nothing in this section shall relieve a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood from professional discipline arising from the use of improper procedures or from failing to exercise the required standard of care.

**NEW SECTION. Sec. 41.** A new section is added to chapter 46.04 RCW to read as follows:

"Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who meets the training and proficiency standards of his or her employer and who is collecting a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

**Sec. 42.** RCW 46.61.517 and 2001 c 142 s 1 are each amended to read as follows:

The refusal of a person to submit to a test of the alcohol or drug concentration in the person's ~~((blood or))~~ breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial. The refusal of a person to submit to a test of the person's blood is admissible into evidence at a subsequent criminal trial

when a search warrant, or an exception to the search warrant, authorized the seizure.

**Sec. 43.** RCW 46.64.025 and 2016 c 203 s 4 are each amended to read as follows:

Whenever any person served with, or provided notice of, a traffic ~~((citation))~~ infraction or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation, or fails to comply with the terms of a notice of ~~((traffic citation))~~ infraction or a traffic-related criminal complaint, the court ~~((in which the defendant failed to appear))~~ with jurisdiction over the traffic infraction or traffic-related criminal complaint shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

**Sec. 44.** RCW 36.28A.370 and 2015 2nd sp.s. c 3 s 18 are each amended to read as follows:

(1) Any daily user fee, installation fee, deactivation fee, enrollment fee, or monitoring fee must be collected by the participating agency and used to defray the participating agency's costs of the 24/7 sobriety program.

(2) Any participation fee must be collected by the participating agency and deposited in the state 24/7 sobriety account to cover 24/7 sobriety program administration costs incurred by the Washington association of sheriffs and police chiefs.

(3) All applicable fees shall be paid by the participant contemporaneously or in advance of the time when the fee becomes due; however, cities and counties may subsidize or pay any applicable fees.

(4) A city or county may accept for deposit, donations, gifts, grants, local account fund transfers, and other assistance into its local 24/7 sobriety account to defray the participating agency's costs of the 24/7 sobriety program.

**Sec. 45.** RCW 36.28A.390 and 2016 c 203 s 19 are each amended to read as follows:

(1) A general authority Washington peace officer, as defined in RCW 10.93.020, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program may immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.

(2) A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs pretrial or posttrial shall, at a minimum:

(a) Receive a written warning notice for a first violation;

(b) Serve a minimum of one day imprisonment for a second violation due to a positive alcohol or drug test or for failing to appear or test;

(c) ~~((Serve a minimum of three imprisonment for a third violation))~~ Be suspended from the program for a third violation due to a positive alcohol or drug test or for failing to appear or test and the court shall order an immediate alcohol and drug assessment. If deemed appropriate by the assessment, the offender shall be ordered into treatment by the court. 24/7 sobriety testing will continue for the participant while they are in outpatient treatment or resume at the completion of inpatient treatment. Violations posttreatment shall be addressed by the court; and

(d) ~~((Serve a minimum of five days imprisonment for a fourth violation; and~~

~~))~~ (e) Serve a minimum of seven days imprisonment for a fifth or subsequent violation)) Be addressed by the court for second and subsequent violations for failure to pay.

(3) The court may remove a participant from the 24/7 sobriety program at any time for noncompliance with the terms of participation. If a participant is removed from the 24/7 sobriety program, the court shall send written notice to the department of licensing within five business days."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 46.20.385, 46.20.720, 46.61.506, 46.61.508, 18.130.140, 46.61.517, 46.64.025, 36.28A.370, and 36.28A.390; reenacting and amending RCW 9.96.060, 10.31.100, and 46.61.5055; and adding a new section to chapter 46.04 RCW."

The President declared the question before the Senate to be the motion by Senator Padden to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 1614.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 46.** RCW 9.96.060 and 2014 c 176 s 1 and 2014 c 109 s 1 are each reenacted and amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against

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another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;

(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased

person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**Sec. 47.** RCW 10.31.100 and 2016 c 203 s 9 and 2016 c 113 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (12) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the

person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) A police officer shall, at the request of a parent or guardian, arrest the sixteen or seventeen year old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW 10.99.020 in the preceding four hours. Nothing in this subsection removes a police officer's existing authority provided in this section to make an arrest.

(4) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(5) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to

believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(6)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(7) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(8) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(9) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(10) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(11) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(12) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(13) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(14) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(15) Except as specifically provided in subsections (2), (4), (5), and (8) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(16) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (10) of this section if the police officer acts in good faith and without malice.

(17)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a

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review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

(18) A juvenile detention facility shall book into detention any person under age eighteen brought to that detention facility pursuant to an arrest for assaulting a family or household member as defined in RCW 10.99.020.

**Sec. 48.** RCW 46.20.385 and 2016 c 203 s 13 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the

cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional (~~twenty dollar~~) fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 49.** RCW 46.20.720 and 2016 c 203 s 14 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:



(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the ~~((four))~~ one hundred eighty consecutive ~~((months))~~ days prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

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(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional (~~twenty dollar~~) fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 50.** RCW 46.61.5055 and 2016 sp.s. c 29 s 530 and 2016 c 203 s 17 are each reenacted and amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered

pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory (~~minimum~~) term of (~~sixty days~~) imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order ((at least an additional)) a minimum of four days in jail ((or, if available in that county or city, a six month)) and either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390((, and)). The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ~~((ninety days))~~ imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order ((at least an additional)) a minimum of six days in jail ((or, if available in that county or city,)) and either six months of electronic home monitoring or a ((six month)) one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390((, and)). The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on

electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to

submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of

a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

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(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 51.** RCW 46.61.506 and 2016 c 203 s 8 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work or piercings, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its ~~((alcoholic))~~ alcohol or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an osteopathic physician assistant licensed under chapter 18.57A RCW; an advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, a health care assistant certified under chapter 18.135~~

~~RCW;))~~ or a medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, a person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or a forensic phlebotomist. When the blood test is performed outside the state of Washington, the withdrawal of blood for the purpose of determining its alcohol or drug content may be performed by any person who is authorized by the out-of-state jurisdiction to perform venous blood draws. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) When a venous blood sample is performed by a forensic phlebotomist, it must be done under the following conditions:

(a) If taken at the scene, it must be performed in an ambulance or aid service vehicle licensed by the department of health under chapter 18.73 RCW.

(b) The collection of blood samples must not interfere with the provision of essential medical care.

(c) The blood sample must be collected using sterile equipment and the skin area of puncture must be thoroughly cleansed and disinfected.

(d) The person whose blood is collected must be seated, reclined, or lying down when the blood is collected.

(7) The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

~~((7))~~ (8) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

**Sec. 52.** RCW 46.61.508 and 2015 2nd sp.s. c 3 s 23 are each amended to read as follows:

No physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((48.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or forensic phlebotomist, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant, a waiver of the search warrant requirement, exigent circumstances, or any other authority of law~~((or RCW 46.20.308, as now or hereafter amended))~~; PROVIDED, That nothing in this section shall relieve such licensed or certified health care provider, ~~((or))~~ hospital or duly licensed clinical laboratory, or forensic phlebotomist from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

**Sec. 53.** RCW 18.130.410 and 2015 2nd sp.s. c 3 s 21 are each amended to read as follows:

It is not professional misconduct for a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((48.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, to collect a blood sample without a person's consent when the physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((48.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood was directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or exigent circumstances: PROVIDED, That nothing in this section shall relieve a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((48.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood from professional discipline arising from the use of improper procedures or from failing to exercise the required standard of care.

**NEW SECTION. Sec. 54.** A new section is added to chapter 46.04 RCW to read as follows:

"Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who meets the training and proficiency standards of his or her employer and who is collecting a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

**Sec. 55.** RCW 46.61.517 and 2001 c 142 s 1 are each amended to read as follows:

The refusal of a person to submit to a test of the alcohol or drug concentration in the person's ~~((blood or))~~ breath under RCW

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46.20.308 is admissible into evidence at a subsequent criminal trial. The refusal of a person to submit to a test of the person's blood is admissible into evidence at a subsequent criminal trial when a search warrant, or an exception to the search warrant, authorized the seizure.

**Sec. 56.** RCW 46.64.025 and 2016 c 203 s 4 are each amended to read as follows:

Whenever any person served with, or provided notice of, a traffic ~~((citation))~~ infraction or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation, or fails to comply with the terms of a notice of ~~((traffic citation))~~ infraction for a moving violation or a traffic-related criminal complaint, the court ~~((in which the defendant failed to appear))~~ with jurisdiction over the traffic infraction or traffic-related criminal complaint shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

**Sec. 57.** RCW 36.28A.370 and 2015 2nd sp.s. c 3 s 18 are each amended to read as follows:

(1) Any daily user fee, installation fee, deactivation fee, enrollment fee, or monitoring fee must be collected by the participating agency and used to defray the participating agency's costs of the 24/7 sobriety program.

(2) Any participation fee must be collected by the participating agency and deposited in the state 24/7 sobriety account to cover 24/7 sobriety program administration costs incurred by the Washington association of sheriffs and police chiefs.

(3) All applicable fees shall be paid by the participant contemporaneously or in advance of the time when the fee becomes due; however, cities and counties may subsidize or pay any applicable fees.

(4) A city or county may accept for deposit, donations, gifts, grants, local account fund transfers, and other assistance into its local 24/7 sobriety account to defray the participating agency's costs of the 24/7 sobriety program."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 46.20.385, 46.20.720, 46.61.506, 46.61.508, 18.130.140, 46.61.517, 46.64.025, and 36.28A.370; reenacting and amending RCW 9.96.060, 10.31.100, and 46.61.5055; and adding a new section to chapter 46.04 RCW."

The President declared the question before the Senate to be the motion by Senator Padden to not adopt the committee striking amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1614.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor striking amendment no. 248 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 58.** RCW 9.96.060 and 2014 c 176 s 1 and 2014 c 109 s 1 are each reenacted and amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the

sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;



(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section

and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

**Sec. 59.** RCW 10.31.100 and 2016 c 203 s 9 and 2016 c 113 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (12) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary

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physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) A police officer shall, at the request of a parent or guardian, arrest the sixteen or seventeen year old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW 10.99.020 in the preceding four hours. Nothing in this subsection removes a police officer's existing authority provided in this section to make an arrest.

(4) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(5) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(6)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(7) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(8) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(9) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(10) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has

knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(11) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(12) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(13) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(14) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(15) Except as specifically provided in subsections (2), (4), (5), and (8) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(16) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (10) of this section if the police officer acts in good faith and without malice.

(17)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

(18) A juvenile detention facility shall book into detention any person under age eighteen brought to that detention facility pursuant to an arrest for assaulting a family or household member as defined in RCW 10.99.020.

**Sec. 60.** RCW 46.20.385 and 2016 c 203 s 13 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an

application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional ((~~twenty dollar~~)) fee to the department, except that the

company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 61.** RCW 46.20.720 and 2016 c 203 s 14 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition

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interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the ~~((four))~~ one hundred eighty consecutive ~~((months))~~ days prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional ~~((twenty dollar))~~ fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 62.** RCW 46.61.5055 and 2016 sp.s. c 29 s 530 and 2016 c 203 s 17 are each reenacted and amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory (~~minimum~~) term of (~~sixty days~~) imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order (~~at least an additional~~) a minimum of four days in jail (~~or, if available in that county or city, a six month~~) and either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390(~~and~~). The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of (~~ninety days~~) imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order (~~at least an additional~~) a minimum of six days in jail (~~or, if available in that county or city,~~) and either six months of electronic home monitoring or a (~~six month~~) one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390(~~and~~). The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on

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electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the

assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or

46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without

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proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary

medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-



of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 63.** RCW 46.61.506 and 2016 c 203 s 8 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work or piercings, fixed or

removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its ~~((alcoholic))~~ alcohol or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an osteopathic physician assistant licensed under chapter 18.57A RCW; an advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, a health care assistant certified under chapter 18.135 RCW;))~~ or a medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, a person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or a forensic phlebotomist. When the blood test is performed outside the state of Washington, the withdrawal of blood for the purpose of determining its alcohol or drug content may be performed by any person who is authorized by the out-of-state jurisdiction to perform venous blood draws. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) When a venous blood sample is performed by a forensic phlebotomist, it must be done under the following conditions:

(a) If taken at the scene, it must be performed in an ambulance or aid service vehicle licensed by the department of health under chapter 18.73 RCW.

(b) The collection of blood samples must not interfere with the provision of essential medical care.

(c) The blood sample must be collected using sterile equipment and the skin area of puncture must be thoroughly cleansed and disinfected.

(d) The person whose blood is collected must be seated, reclined, or lying down when the blood is collected.

~~(7)~~ The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

~~((7))~~ ~~(8)~~ Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

**Sec. 64.** RCW 46.61.508 and 2015 2nd sp.s. c 3 s 23 are each amended to read as follows:

No physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or forensic phlebotomist, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant, a waiver of the search warrant requirement, exigent circumstances, or any other authority of law~~((or RCW 46.20.308, as now or hereafter amended))~~; PROVIDED, That nothing in this section shall relieve such licensed or certified health care provider, ~~((or))~~ hospital or duly licensed clinical laboratory, or forensic phlebotomist from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

**Sec. 65.** RCW 18.130.410 and 2015 2nd sp.s. c 3 s 21 are each amended to read as follows:

It is not professional misconduct for a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider, to collect a blood sample without a person's consent when the physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered

nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood was directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or exigent circumstances: PROVIDED, That nothing in this section shall relieve a physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; physician assistant licensed under chapter 18.71A RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; advanced emergency medical technician or paramedic ~~((licensed))~~ certified under chapter ~~((18.73))~~ 18.71 RCW; ~~((until July 1, 2016, health care assistant certified under chapter 18.135 RCW;))~~ or medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW, or person holding another credential under Title 18 RCW whose scope of practice includes performing venous blood draws, or hospital, or duly licensed clinical laboratory employing or utilizing services of such licensed or certified health care provider withdrawing blood from professional discipline arising from the use of improper procedures or from failing to exercise the required standard of care.

**NEW SECTION. Sec. 66.** A new section is added to chapter 46.04 RCW to read as follows:

"Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who meets the training and proficiency standards of his or her employer and who is collecting a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

**Sec. 67.** RCW 46.61.517 and 2001 c 142 s 1 are each amended to read as follows:

The refusal of a person to submit to a test of the alcohol or drug concentration in the person's ~~((blood or))~~ breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial. The refusal of a person to submit to a test of the person's blood is admissible into evidence at a subsequent criminal trial when a search warrant, or an exception to the search warrant, authorized the seizure.

**Sec. 68.** RCW 46.64.025 and 2016 c 203 s 4 are each amended to read as follows:

Whenever any person served with, or provided notice of, a traffic ~~((citation))~~ infraction or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation, or fails to comply with the terms of a notice of ~~((traffic citation))~~ infraction for a moving violation or a traffic-related criminal complaint, the court ~~((in which the defendant failed to appear))~~ with jurisdiction over the traffic infraction or traffic-related criminal complaint shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been

adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

**Sec. 69.** RCW 36.28A.370 and 2015 2nd sp.s. c 3 s 18 are each amended to read as follows:

(1) Any daily user fee, installation fee, deactivation fee, enrollment fee, or monitoring fee must be collected by the participating agency and used to defray the participating agency's costs of the 24/7 sobriety program.

(2) Any participation fee must be collected by the participating agency and deposited in the state 24/7 sobriety account to cover 24/7 sobriety program administration costs incurred by the Washington association of sheriffs and police chiefs.

(3) All applicable fees shall be paid by the participant contemporaneously or in advance of the time when the fee becomes due; however, cities and counties may subsidize or pay any applicable fees.

(4) A city or county may accept for deposit, donations, gifts, grants, local account fund transfers, and other assistance into its local 24/7 sobriety account to defray the participating agency's costs of the 24/7 sobriety program.

**Sec. 70.** RCW 46.61.5054 and 2015 c 265 s 32 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055 thereafter, a two hundred fifty dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and, subject to subsection ~~((4))~~ (5) of this section, one hundred seventy-five dollars of the fee must be distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) The remainder of the fee shall be forwarded to the state treasurer who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and fifty percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(3) Twenty-five dollars of the fee assessed under subsection (1) of this section must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to reduce statewide collisions caused by persons driving under the influence of alcohol or drugs. Grants awarded under this subsection may be for projects that encourage collaboration with other community, governmental, and private organizations, and that utilize innovative approaches based on

best practices or proven strategies supported by research or rigorous evaluation. Grants recipients may include, for example:

(a) DUI courts; ~~((and))~~

(b) Jurisdictions implementing the victim impact panel registries under RCW 46.61.5152 and 10.01.230; and

(c) Pilot programs in King and Spokane counties that are designed for persons with two or more prior offenses in seven years and include evidence-based assessment, enhanced intensive outpatient substance use disorder treatment, monitoring, and, when needed, priority entry into voluntary or involuntary detoxification services or residential substance use disorder treatment, if state funding is provided specifically for this purpose.

(4) Fifty dollars of the fee assessed under subsection (1) of this section must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to organizations within counties targeted for programs to reduce driving under the influence of alcohol or drugs. A minimum of three hundred thousand dollars of these grant funds shall support pilot programs in King and Spokane counties that are designed for persons with two or more prior offenses in seven years, as described in subsection (3)(c) of this section.

(5) If the court has suspended payment of part of the fee pursuant to subsection (1)(b) of this section, amounts collected shall be distributed proportionately.

~~((5))~~ (6) This section applies to any offense committed on or after July 1, 1993, and only to adult offenders."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 46.20.385, 46.20.720, 46.61.506, 46.61.508, 18.130.140, 46.61.517, 46.64.025, 36.28A.370, and 46.61.5054; reenacting and amending RCW 9.96.060, 10.31.100, and 46.61.5055; and adding a new section to chapter 46.04 RCW."

#### MOTION

Senator Van De Wege moved that the following floor amendment no. 260 by Senators Van De Wege and Padden to floor amendment no. 248 be adopted:

On page 1, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 71. The legislature finds that there is significant value in diligently combating the crime of driving under the influence and promoting the safety of all persons using our public roadways. The legislature also finds that phlebotomy, also known as venipuncture, is a health care procedure that involves removing blood from the body by making an incision in a vein with a needle. The legislature finds further that the use of forensic phlebotomy can be a useful tool when investigating whether a person may be impaired while operating a motor vehicle. The legislature also finds, however, that despite the value of forensic phlebotomy, both motorists and law enforcement officers must be protected from the potentially significant health risks inherent in allowing the practice of phlebotomy without adequate and appropriate training, as defined by the department of health."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 30, line 34 of the amendment, after "phlebotomist" insert "certified under chapter 18.360 RCW"

On page 31, line 4 of the amendment, after "phlebotomist" insert "certified under chapter 18.360 RCW"

On page 32, line 3 of the amendment, after "phlebotomist" insert "certified under chapter 18.360 RCW"

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On page 32, at the beginning of line 28 of the amendment, after "certified" strike "or" and insert "((~~or~~))<sub>2</sub>"

On page 32, line 28 of the amendment, after "assistant-phlebotomist" insert ", or forensic phlebotomist"

On page 33, line 3 of the amendment, after "assistant-certified" strike "or" and insert "((~~or~~))<sub>2</sub>"

On page 33, line 3 of the amendment, after "assistant-phlebotomist" insert ", or forensic phlebotomist"

On page 33, line 20 of the amendment, after "assistant-certified" strike "or" and insert "((~~or~~))<sub>2</sub>"

On page 33, line 20 of the amendment, after "assistant-phlebotomist" insert ", or forensic phlebotomist"

On page 33, beginning on line 28 of the amendment, strike all of section 9

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 36, after line 36 of the amendment, insert the following:

**"Sec. 14.** RCW 18.360.010 and 2016 c 124 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administer" means the retrieval of medication, and its application to a patient, as authorized in RCW 18.360.050.

(2) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

(3) "Department" means the department of health.

(4) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician assistant licensed under chapter 18.57A RCW, or an optometrist licensed under chapter 18.53 RCW.

(5) "Medical assistant-certified" means a person certified under RCW 18.360.040 who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(6) "Medical assistant-hemodialysis technician" means a person certified under RCW 18.360.040 who performs hemodialysis and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(7) "Medical assistant-phlebotomist" means a person certified under RCW 18.360.040 who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(8) "Medical assistant-registered" means a person registered under RCW 18.360.040 who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(9) "Secretary" means the secretary of the department of health.

(10) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility. The health care practitioner does not need to be present during procedures to withdraw blood, but must be immediately available.

(11) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

**Sec. 15.** RCW 18.360.020 and 2012 c 153 s 3 are each amended to read as follows:

(1) No person may practice as a medical assistant-certified, medical assistant-hemodialysis technician, ((~~or~~)) medical assistant-phlebotomist, or forensic phlebotomist unless he or she is certified under RCW 18.360.040.

(2) No person may practice as a medical assistant-registered unless he or she is registered under RCW 18.360.040.

**Sec. 16.** RCW 18.360.030 and 2012 c 153 s 4 are each amended to read as follows:

(1) The secretary shall adopt rules specifying the minimum qualifications for a medical assistant-certified, medical assistant-hemodialysis technician, ((~~and~~)) medical assistant-phlebotomist, and forensic phlebotomist.

(a) The qualifications for a medical assistant-hemodialysis technician must be equivalent to the qualifications for hemodialysis technicians regulated pursuant to chapter 18.135 RCW as of January 1, 2012.

(b) The qualifications for a forensic phlebotomist must include training consistent with the occupational safety and health administration guidelines and must include between twenty and thirty hours of work in a clinical setting with the completion of more than one hundred successful venipunctures. The secretary may not require more than forty hours of classroom training for initial training, which may include online preclass homework.

(2) The secretary shall adopt rules that establish the minimum requirements necessary for a health care practitioner, clinic, or group practice to endorse a medical assistant as qualified to perform the duties authorized by this chapter and be able to file an attestation of that endorsement with the department.

(3) The medical quality assurance commission, the board of osteopathic medicine and surgery, the podiatric medical board, the nursing care quality assurance commission, the board of naturopathy, and the optometry board shall each review and identify other specialty assistive personnel not included in this chapter and the tasks they perform. The department of health shall compile the information from each disciplining authority listed in this subsection and submit the compiled information to the legislature no later than December 15, 2012.

**Sec. 17.** RCW 18.360.040 and 2013 c 128 s 2 are each amended to read as follows:

(1)(a) The secretary shall issue a certification as a medical assistant-certified to any person who has satisfactorily completed a medical assistant training program approved by the secretary, passed an examination approved by the secretary, and met any additional qualifications established under RCW 18.360.030.

(b) The secretary shall issue an interim certification to any person who has met all of the qualifications in (a) of this subsection, except for the passage of the examination. A person holding an interim permit possesses the full scope of practice of a medical assistant-certified. The interim permit expires upon

passage of the examination or after one year, whichever occurs first, and may not be renewed.

(2) The secretary shall issue a certification as a medical assistant-hemodialysis technician to any person who meets the qualifications for a medical assistant-hemodialysis technician established under RCW 18.360.030.

(3) The secretary shall issue a certification as a medical assistant-phlebotomist to any person who meets the qualifications for a medical assistant-phlebotomist established under RCW 18.360.030.

(4) The secretary shall issue a certification as a forensic phlebotomist to any person who meets the qualifications for a forensic phlebotomist established under RCW 18.360.030.

(5)(a) The secretary shall issue a registration as a medical assistant-registered to any person who has a current endorsement from a health care practitioner, clinic, or group practice.

(b) In order to be endorsed under this subsection (~~((4))~~) (5), a person must:

(i) Be endorsed by a health care practitioner, clinic, or group practice that meets the qualifications established under RCW 18.360.030; and

(ii) Have a current attestation of his or her endorsement to perform specific medical tasks signed by a supervising health care practitioner filed with the department. A medical assistant-registered may only perform the medical tasks listed in his or her current attestation of endorsement.

(c) A registration based on an endorsement by a health care practitioner, clinic, or group practice is not transferable to another health care practitioner, clinic, or group practice.

(d) An applicant for registration as a medical assistant-registered who applies to the department within seven days of employment by the endorsing health care practitioner, clinic, or group practice may work as a medical assistant-registered for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

~~((5))~~ (6) A certification issued under subsections (1) through (3) of this section is transferable between different practice settings. A certification under subsection (4) of this section is transferable between law enforcement agencies.

**Sec. 18.** RCW 18.130.040 and 2016 c 41 s 18 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Chemical dependency professionals and chemical dependency professional trainees certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

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(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 19.** RCW 18.120.020 and 2016 c 41 s 17 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dental anesthesia assistants under chapter 18.350 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; massage therapists under chapter 18.108 RCW; East Asian

medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; reflexologists certified under chapter 18.108 RCW; medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and licensed behavior analysts, licensed assistant behavior analysts, and certified behavior technicians under chapter 18.380 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(9) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**NEW SECTION. Sec. 20.** Sections 18 and 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2017."

On page 37, at the beginning of line 4 of the title amendment, strike all material through "RCW" on line 5 and insert "46.61.5054, 18.360.010, 18.360.020, 18.360.030, 18.360.040,

and 18.130.040; reenacting and amending RCW 9.96.060, 10.31.100, 46.61.5055, and 18.120.020; creating a new section; providing an effective date; and declaring an emergency"

Senators Van De Wege and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 260 by Senators Van De Wege and Padden on page 1, line 2 to the floor striking amendment no. 248.

The motion by Senator Van De Wege carried and floor amendment no. 260 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 248 by Senator Padden as amended to Engrossed Second Substitute House Bill No. 1614.

The motion by Senator Padden carried and striking floor amendment no. 248 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute House Bill No. 1614 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senators Pedersen and Chase spoke on final passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1614 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1614 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1614, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1501, by House Committee on Judiciary (originally sponsored by Representatives Hansen, Hayes, Kagi, Smith, Tharinger, Clibborn and Muri)

Protecting law enforcement and the public from persons who illegally attempt to obtain firearms.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 21.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A dealer shall report to the Washington association of sheriffs and police chiefs information on each instance where the dealer denies an application for the purchase or transfer of a firearm, whether under RCW 9.41.090 or 9.41.113, or the requirements of federal law, as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law. The dealer shall report the denied application information to the Washington association of sheriffs and police chiefs within five days of the denial in a format as prescribed by the Washington association of sheriffs and police chiefs. The reported information must include the identifying information of the applicant, the date of the application and denial of the application, and other information or documents as prescribed by the Washington association of sheriffs and police chiefs. In any case where the purchase or transfer of a firearm is initially denied by the dealer as the result of a background check that indicates the applicant is ineligible to possess a firearm, but the purchase or transfer is subsequently approved, the dealer shall report the subsequent approval to the Washington association of sheriffs and police chiefs within one day of the approval.

(2) Upon denying an application for the purchase or transfer of a firearm as a result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law, the dealer shall:

(a) Provide the applicant with a copy of a notice form generated and distributed by the Washington state patrol under section 3(5) of this act, informing denied applicants of their right to appeal the denial; and

(b) Retain the original records of the attempted purchase or transfer of a firearm for a period not less than six years.

**NEW SECTION. Sec. 22.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for a dealer, as defined in RCW 9.41.010, to report the information as required pursuant to section 1 of this act pertaining to persons who have applied for the purchase or transfer of a firearm and were denied as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law.

(2) Upon receipt of information from a dealer pursuant to section 1 of this act that a person originally denied the purchase or transfer of a firearm as the result of a background check that indicates the applicant is ineligible to possess a firearm has subsequently been approved for the purchase or transfer, the Washington association of sheriffs and police chiefs must purge any record of the person's denial in its possession and inform the Washington state patrol and any local law enforcement agency participating in the grant program created in section 6 of this act of the subsequent approval of the purchase or transfer.

(3) Information and records prepared, owned, used, or retained by the Washington state patrol or the Washington association of sheriffs and police chiefs pursuant to this act are exempt from public inspection and copying under chapter 42.56 RCW.

(4) The Washington association of sheriffs and police chiefs must destroy the information and data reported by a dealer pursuant to this act upon its satisfaction that the information and data is no longer necessary to carry out its duties pursuant to this act.

**NEW SECTION. Sec. 23.** A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon receipt of the information from the Washington association of sheriffs and police chiefs pursuant to section 2 of this act, the Washington state patrol must incorporate the information into its electronic database accessible to law enforcement agencies and officers, including federally recognized Indian tribes, that have a connection to the Washington state patrol electronic database.

(2) Upon receipt of documentation that a person has appealed a background check denial, the Washington state patrol shall immediately remove the record of the person initially reported pursuant to section 2 of this act from its electronic database accessible to law enforcement agencies and officers. The Washington state patrol must keep a separate record of the person's information for a period of one year or until such time as the appeal has been resolved. Every twelve months, the Washington state patrol shall notify the person that the person must provide documentation that his or her appeal is still pending or the record of the person's background check denial will be put back in its electronic database accessible to law enforcement agencies and officers. At any time, upon receipt of documentation that a person's appeal has been granted, the Washington state patrol shall remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(3) Upon receipt of satisfactory proof that a person who was reported to the Washington state patrol pursuant to section 2 of this act is no longer ineligible to possess a firearm under state or federal law, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(4) Upon receipt of notification from the Washington association of sheriffs and police chiefs that a person originally denied the purchase or transfer of a firearm as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law has subsequently been approved for the purchase or transfer, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers within five business days.

(5) The Washington state patrol shall generate and distribute a notice form to all firearm dealers, to be provided by the dealers to applicants denied the purchase or transfer of a firearm as a result of a background check that indicates the applicant is ineligible to possess a firearm. The notice form must contain the following statements:

State law requires that I transmit the following information to the Washington association of sheriffs and police chiefs as a result of your firearm purchase or transfer denial within two days of the denial:

- (a) Identifying information of the applicant;
- (b) The date of the application and denial of the

application;

(c) Other information as prescribed by the Washington association of sheriffs and police chiefs.

If you believe this denial is in error, and you do not exercise your right to appeal, you may be subject to criminal investigation by the Washington state patrol and/or a local law enforcement agency.

The notice form shall also contain information directing the applicant to a web site describing the process of appealing a national instant criminal background check system denial through the federal bureau of investigation and refer the applicant to local law enforcement for information on a denial based on a state background check. The notice form shall also contain a phone number for a contact at the Washington state patrol to direct the person to resources regarding an individual's right to appeal a background check denial.

(6) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section.

**NEW SECTION. Sec. 24.** A new section is added to chapter 36.28A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall prepare an annual report on the number of denied firearms sales or transfers reported pursuant to this act. The report shall indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained. The Washington state patrol shall submit the report to the appropriate committees of the legislature on or before December 31st of each year.

**NEW SECTION. Sec. 25.** A new section is added to chapter 36.28A RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public web site.

(b) The notification requirements of this section apply to any court order issued under chapter 7.92 RCW and RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.590, 26.50.060, or 26.50.070, and any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that he or she has appealed a background check denial under section 3 of this act.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any



release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to this act, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 26.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish a grant program for local law enforcement agencies to conduct criminal investigations regarding persons who illegally attempted to purchase or transfer a firearm within their jurisdiction.

(2) Each grant applicant must be required to submit reports to the Washington association of sheriffs and police chiefs that indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to this act are exempt from public inspection and copying under chapter 42.56 RCW.

**Sec. 27.** RCW 42.56.240 and 2016 c 173 s 8 and 2016 c 163 s 2 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying

information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; ~~(and)~~

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in

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RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the

least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 514 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records; ~~(and)~~

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; and

(16) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to this act.

NEW SECTION. Sec. 28. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "firearms;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.240; adding a new section to chapter 9.41 RCW; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.43 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Padden to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1501.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be not adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 30.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A dealer shall report to the Washington association of sheriffs and police chiefs information on each instance where the dealer denies an application for the purchase or transfer of a firearm, whether under RCW 9.41.090 or 9.41.113, or the requirements of federal law, as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law. The dealer shall report the denied application information to the Washington association of sheriffs and police chiefs within seven days of the denial in a format as prescribed by the Washington association of sheriffs and police chiefs. The reported information must include the identifying information of the applicant, the date of the application and denial of the application, and other information or documents as prescribed by the Washington association of sheriffs and police chiefs. In any case where the purchase or transfer of a firearm is initially denied by the dealer as the result of a background check that indicates the applicant is ineligible to possess a firearm, but the purchase or transfer is subsequently approved, the dealer shall report the subsequent approval to the Washington association of sheriffs and police chiefs within one day of the approval.

(2) Upon denying an application for the purchase or transfer of a firearm as a result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law, the dealer shall:

(a) Provide the applicant with a copy of a notice form generated and distributed by the Washington state patrol under section 3(1) of this act, informing denied applicants of their right to appeal the denial; and

(b) Retain the original records of the attempted purchase or transfer of a firearm for a period not less than six years.

**NEW SECTION. Sec. 31.** A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for a dealer, as defined in RCW 9.41.010, to report the information as required pursuant to section 1 of this act pertaining to persons who have applied for the purchase or transfer of a firearm and were denied as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law. The Washington association of sheriffs and police chiefs may use the information and records for the purposes of section 5 of this act and may transmit the information and records to a local law enforcement agency participating in the grant program created pursuant to section 6 of this act.

(2) Upon receipt of information from a dealer pursuant to section 1 of this act that a person originally denied the purchase or transfer of a firearm as the result of a background check that indicates the applicant is ineligible to possess a firearm has subsequently been approved for the purchase or transfer, the Washington association of sheriffs and police chiefs must purge any record of the person's denial in its possession and inform the Washington state patrol and any local law enforcement agency participating in the grant program created in section 6 of this act of the subsequent approval of the purchase or transfer.

(3) Information and records prepared, owned, used, or retained by the Washington state patrol pursuant to this act are exempt from public inspection and copying under chapter 42.56 RCW.

(4) The Washington association of sheriffs and police chiefs must destroy the information and data reported by a dealer pursuant to this act upon its satisfaction that the information and data is no longer necessary to carry out its duties pursuant to this act.

**NEW SECTION. Sec. 32.** A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall generate and distribute a notice form to all firearm dealers, to be provided by the dealers to applicants denied the purchase or transfer of a firearm as a result of a background check that indicates the applicant is ineligible to possess a firearm. The notice form must contain the following statements:

State law requires that I transmit the following information to the Washington association of sheriffs and police chiefs as a result of your firearm purchase or transfer denial within two days of the denial:

(a) Identifying information of the applicant;

(b) The date of the application and denial of the application;

(c) Other information as prescribed by the Washington association of sheriffs and police chiefs.

If you believe this denial is in error, and you do not exercise your right to appeal, you may be subject to criminal investigation by the Washington state patrol and/or a local law enforcement agency.

The notice form shall also contain information directing the applicant to a web site describing the process of appealing a national instant criminal background check system denial through the federal bureau of investigation and refer the applicant to local law enforcement for information on a denial based on a state background check. The notice form shall also contain a phone number for a contact at the Washington state patrol to direct the person to resources regarding an individual's right to appeal a background check denial.

(2) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section.

**NEW SECTION. Sec. 33.** A new section is added to chapter 36.28A RCW to read as follows:

The Washington association of sheriffs and police chiefs shall prepare an annual report on the number of denied firearms sales or transfers reported pursuant to this act. The report shall indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained. The Washington association of sheriffs and police chiefs shall submit the report to the appropriate committees of the legislature on or before December 31st of each year.

**NEW SECTION. Sec. 34.** A new section is added to chapter 36.28A RCW to read as follows:

(1)(a) When funded, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to

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register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public web site.

(b) The notification requirements of this section apply to any court order issued under chapter 7.92 RCW and RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.590, 26.50.060, or 26.50.070, and any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that he or she has appealed a background check denial under section 3 of this act.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to this act, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 35.** A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program for local law enforcement agencies to conduct criminal investigations regarding persons who illegally attempted to purchase or transfer a firearm within their jurisdiction.

(2) Each grant applicant must be required to submit reports to the Washington association of sheriffs and police chiefs that indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to this act are exempt from public inspection and copying under chapter 42.56 RCW.

**Sec. 36.** RCW 42.56.240 and 2016 c 173 s 8 and 2016 c 163 s 2 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with

investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; ~~((and))~~

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 514 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records; ~~(and)~~

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; ~~and~~

(16) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to this act.

NEW SECTION. Sec. 37. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void.

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**NEW SECTION. Sec. 38.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "firearms;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.240; adding a new section to chapter 9.41 RCW; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.43 RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Padden to not adopt the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1501.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor striking amendment no. 277 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 39.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A dealer shall report to the Washington association of sheriffs and police chiefs information on each instance where the dealer denies an application for the purchase or transfer of a firearm, whether under RCW 9.41.090 or 9.41.113, or the requirements of federal law, as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law. The dealer shall report the denied application information to the Washington association of sheriffs and police chiefs within five days of the denial in a format as prescribed by the Washington association of sheriffs and police chiefs. The reported information must include the identifying information of the applicant, the date of the application and denial of the application, and other information or documents as prescribed by the Washington association of sheriffs and police chiefs. In any case where the purchase or transfer of a firearm is initially denied by the dealer as the result of a background check that indicates the applicant is ineligible to possess a firearm, but the purchase or transfer is subsequently approved, the dealer shall report the subsequent approval to the Washington association of sheriffs and police chiefs within one day of the approval.

(2) Upon denying an application for the purchase or transfer of a firearm as a result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law, the dealer shall:

(a) Provide the applicant with a copy of a notice form generated and distributed by the Washington state patrol under section 3(5) of this act, informing denied applicants of their right to appeal the denial; and

(b) Retain the original records of the attempted purchase or transfer of a firearm for a period not less than six years.

**NEW SECTION. Sec. 40.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for a dealer, as defined in RCW 9.41.010, to report the information as

required pursuant to section 1 of this act pertaining to persons who have applied for the purchase or transfer of a firearm and were denied as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law.

(2) Upon receipt of information from a dealer pursuant to section 1 of this act that a person originally denied the purchase or transfer of a firearm as the result of a background check that indicates the applicant is ineligible to possess a firearm has subsequently been approved for the purchase or transfer, the Washington association of sheriffs and police chiefs must purge any record of the person's denial in its possession and inform the Washington state patrol and any local law enforcement agency participating in the grant program created in section 6 of this act of the subsequent approval of the purchase or transfer.

(3) Information and records prepared, owned, used, or retained by the Washington state patrol or the Washington association of sheriffs and police chiefs pursuant to this act are exempt from public inspection and copying under chapter 42.56 RCW.

(4) The Washington association of sheriffs and police chiefs must destroy the information and data reported by a dealer pursuant to this act upon its satisfaction that the information and data is no longer necessary to carry out its duties pursuant to this act.

**NEW SECTION. Sec. 41.** A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon receipt of the information from the Washington association of sheriffs and police chiefs pursuant to section 2 of this act, the Washington state patrol must incorporate the information into its electronic database accessible to law enforcement agencies and officers, including federally recognized Indian tribes, that have a connection to the Washington state patrol electronic database.

(2) Upon receipt of documentation that a person has appealed a background check denial, the Washington state patrol shall immediately remove the record of the person initially reported pursuant to section 2 of this act from its electronic database accessible to law enforcement agencies and officers. The Washington state patrol must keep a separate record of the person's information for a period of one year or until such time as the appeal has been resolved. Every twelve months, the Washington state patrol shall notify the person that the person must provide documentation that his or her appeal is still pending or the record of the person's background check denial will be put back in its electronic database accessible to law enforcement agencies and officers. At any time, upon receipt of documentation that a person's appeal has been granted, the Washington state patrol shall remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(3) Upon receipt of satisfactory proof that a person who was reported to the Washington state patrol pursuant to section 2 of this act is no longer ineligible to possess a firearm under state or federal law, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(4) Upon receipt of notification from the Washington association of sheriffs and police chiefs that a person originally denied the purchase or transfer of a firearm as the result of a background check or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law has subsequently been

approved for the purchase or transfer, the Washington state patrol must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers within five business days.

(5) The Washington state patrol shall generate and distribute a notice form to all firearm dealers, to be provided by the dealers to applicants denied the purchase or transfer of a firearm as a result of a background check that indicates the applicant is ineligible to possess a firearm. The notice form must contain the following statements:

State law requires that I transmit the following information to the Washington association of sheriffs and police chiefs as a result of your firearm purchase or transfer denial within two days of the denial:

- (a) Identifying information of the applicant;
- (b) The date of the application and denial of the application;

(c) Other information as prescribed by the Washington association of sheriffs and police chiefs.

If you believe this denial is in error, and you do not exercise your right to appeal, you may be subject to criminal investigation by the Washington state patrol and/or a local law enforcement agency.

The notice form shall also contain information directing the applicant to a web site describing the process of appealing a national instant criminal background check system denial through the federal bureau of investigation and refer the applicant to local law enforcement for information on a denial based on a state background check. The notice form shall also contain a phone number for a contact at the Washington state patrol to direct the person to resources regarding an individual's right to appeal a background check denial.

(6) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section.

**NEW SECTION. Sec. 42.** A new section is added to chapter 36.28A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall prepare an annual report on the number of denied firearms sales or transfers reported pursuant to this act. The report shall indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained. The Washington state patrol shall submit the report to the appropriate committees of the legislature on or before December 31st of each year.

**NEW SECTION. Sec. 43.** A new section is added to chapter 36.28A RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public web site.

(b) The notification requirements of this section apply to any court order issued under chapter 7.92 RCW and RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.590, 26.50.060, or 26.50.070, and any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that he or she has appealed a background check denial under section 3 of this act.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to this act, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 44.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish a grant program for local law enforcement agencies to conduct criminal investigations regarding persons who illegally attempted to purchase or transfer a firearm within their jurisdiction.

(2) Each grant applicant must be required to submit reports to the Washington association of sheriffs and police chiefs that indicate the number of cases in which a person was denied a firearms sale or transfer, the number of cases where the denied sale or transfer was investigated for potential criminal prosecution, and the number of cases where an arrest was made, the case was referred for prosecution, and a conviction was obtained.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to this act are exempt from public inspection and copying under chapter 42.56 RCW.

**Sec. 45.** RCW 42.56.240 and 2016 c 173 s 8 and 2016 c 163 s 2 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure

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or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; ~~(and)~~

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the



requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records; ~~((and))~~

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; and

(16) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to this act.

**NEW SECTION. Sec. 46.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "firearms;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.240; adding a new section to chapter 9.41 RCW; adding new sections to chapter 36.28A RCW; and adding a new section to chapter 43.43 RCW."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 277 by Senator Padden to Substitute House Bill No. 1501.

The motion by Senator Padden carried and floor striking amendment no. 277 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1501 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1501 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1501 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1501, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

April 20, 2017

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5037,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 20, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

NOTICE OF RULE CHANGE

Pursuant to Senate Rule 35, Senator Fain gave notice of his intent to offer a motion to offer changes to senate rules.

NOTICE OF RULE CHANGE

Pursuant to Senate Rule 35, Senator Liias gave notice of his intent to offer a motion to offer changes to senate rules.

REMARKS BY THE PRESIDENT

President Habib: “Senator Fain, to facilitate this in the interest of transparency, is it possible for you to share the text of the rule change prior to the Senate’s adjournment?”

Senator Fain: “Yes.”

President Habib: “Senator Liias, I will ask you the same question.”

Senator Liias: “Mr. President, unfortunately the Code Revisor is still working on ours, I can describe the amendments but I don’t have the exact language because they are working their way through the Code Revisor’s Office. So, I hope that is sufficient. We can provide the actual language as soon as we have it available.”

President Habib: “With the consent of the Senate, if there is no objection, we are going to proceed as follows, which is that Senator Fain has laid forward the content of the rule change which is to suspend the two-thirds motion for advancing a tax measure to third reading. And with the consent of the Senate notice will have been given, one day legislative notice will have been given for Senator Liias to do likewise and it will be given on good faith that the language will be provided as soon as possible, and certainly on this calendar day. If there is no objection? There is an objection, Senator Sheldon.”

Senator Sheldon: “Thank you Mr. President. I would like to learn a little more about Senator Liias’ proposal.”

President Habib: “We are going to do that. Senator Liias, please describe the substance of the rule change you are proposing.”

Senator Liias: “Sure. Thank you Mr. President. Like I said this is still working its way through the Code Revisor’s Office. I have just a summary of the amendment, but I will say the three amendments are that:

First, during a special session, the Chair of the Senate Ways & Means Committee and Ranking Member may not collect per diem if they have declined to participate in negotiations involving the operating budget after receiving a written request from the House.

The second one is that during a special session the Senate Ways & Means Chair must be in Olympia available for budget negotiations at least once every three days if the operating budget is not passed.

And then finally, that the senate rules can not be changed in a special session without a two-thirds vote.”

Senator Fain: “Thank you Mr. President. As long as the amendments as described by Senator Liias are made available in a written form via email before the end of this legislative day, then we would agree that that suffices as notice.”

President Habib: “This calendar day?”

Senator Fain: “Yes.”

President Habib: “I am going to state this and then I am going to say without objection so ordered, so pay attention to the things I am about to say. Your rules require that notice of a rule change be given one legislative day prior to their being considered. The question is whether the descriptions of those rules are sufficient for that notice obligation prior to adjournment and assuming and stipulating that the rules will be, rule changes will be circulated, by email to members certainly within this calendar day and on the word of Senator Liias and Senator Fain as soon as possible. If that is your understanding, then I will say, without objection, so ordered.”

MOTION

At 7:56 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, April 21, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

ONE HUNDRED THIRD DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, April 21, 2017

The Senate was called to order at 10:05 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Timothy Karn and Miss Maile Weston, presented the Colors. Page Miss Larissa Woods led the Senate in the Pledge of Allegiance. The prayer was offered by Reverend Jonathan Johnson of Olympia City Church.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 20, 2017

SB 5888 Prime Sponsor, Senator Baumgartner: Lowering the ceiling of the business and occupation manufacturing tax rate to 0.2904 percent. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Darneille; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Keiser.

Referred to Committee on Rules for second reading.

April 20, 2017

SB 5924 Prime Sponsor, Senator Fain: Exchanging charitable, educational, penal, and reformatory institutions trust lands for community and technical college forest reserve lands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking

Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

April 20, 2017

2SHB 2143 Prime Sponsor, Committee on Appropriations: Expanding opportunities for higher education students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Conway; Darneille; Keiser; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Bailey; Becker and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford, Vice Chair, Capital Budget .

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SJM 8012 by Senators Lias, Pedersen, Fain, Rivers, Walsh, Ranker, Chase, Hasegawa, Darneille, Conway, Saldaña, Hunt, Billig, Nelson, Rolfes, McCoy, Palumbo, Cleveland, Wellman, Takko, Kuderer, Mullet, Frockt, Van De Wege, Hobbs, Keiser and Carlyle

Concerning the victims of the persecution in Chechnya.

Referred to Committee on State Government.

ESHB 2200 by House Committee on Technology & Economic Development (originally sponsored by Representatives Hansen, Taylor, Smith, Buys, Harmsworth, Graves, Maycumber, J. Walsh, Kraft, Haler, Condotta, Nealey, Bergquist, Steele, Van Werven, Stonier, Macri, Farrell, Cody, Slatter, Tarleton, Senn, Kagi, Pollet, Frame, Chapman, Dye, Hudgins, Stanford, Reeves, Dent, Hayes, Ryu, Peterson, Sells, Kloba, Santos, Johnson,

Fitzgibbon, Holy, Ormsby, Caldier, Sawyer, Wylie, Hargrove, Kilduff, Blake, Orcutt, Gregerson, Young, Appleton, Shea, Koster, Morris, Tharinger, Irwin, Muri, Schmick, Volz, Goodman, Clibborn, McCaslin, Pellicciotti, Doglio, Jinkins, Dolan, Kirby, Sullivan, Lytton, Kretz, Riccelli, Rodne, McBride, McCabe and Pettigrew)

AN ACT Relating to protecting the privacy and security of internet users; adding a new chapter to Title 19 RCW; and providing an effective date.

Held at the desk.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 2200 which had been designated to the Committee on Energy, Environment & Telecommunications and held at the desk.

REMARKS BY THE PRESIDENT

President Habib: “The Senate will remain in order and the President would like to make a couple of remarks this morning. First of all, the President would like to take this moment, there is never really a great moment to do this, because our work continues, but the President would like to take this moment to thank the rostrum staff who have for 102 days and at the very least one more day here, and for however long we continue our work this calendar year, have worked so hard to make everything work so seamlessly. It is never easy when there is a change in the presiding officer, and anyone of you who have done this as pro tempore or in any other capacity will know that it is challenging. Obviously my situation, having special needs, has posed new challenges and Secretary Goodman and his staff, and of course the attorneys who are up here with me have done an extraordinary job of making sure that we, as an institution, live up to our own values of accessibility for me. And every member of this Senate I want to thank all of you for doing such a wonderful job throughout this session of accommodating my new way of doing things with respect in requesting to speak, but more than anything else, I just would like to ask that you join me in thanking this hard-working rostrum staff for all their hard work.”

REMARKS BY THE PRESIDENT

President Habib: “Two other things. The President would like to give a brief explanation of a series of events right at the end of our work yesterday and just to give notice to the Senate of how things happened and some information of how maybe to deal with it in the future.

It was made known to me by Senator Fain that a proposed rule change was going to be introduced. And he asked what the notice requirements would be. The rules that you all have adopted are not completely clear. When it said that there is one legislative days notice that’s needed, either reading of that, whether you just ignore the word legislative and act as though it is a calendar day would lead to a dynamic where you could give notice at 11:59 and then move to amend the rules at 12:01. Similarly, reading it as a day in which, or a period which the Senate is in order, would lead to a dynamic where, for example Saturday and Sunday even though they are not days that we are typically in session, still count as legislative days. So, neither

reading is ideal. The President will be offering during the interim, will work with staff from both caucuses to propose some technical suggestions, not partisan, and not to benefit the majority or minority caucus, but technical suggestions for how the language could be clearer and leave less to discretion or caprice. But Senator Fain had asked that. Given the timeline we are on, I had asked him to give notice to the minority party of the content of the rule and so Senator Liias then requested, gave notice that a rule change would come and so I held him to the same standard that I just asked Senator Fain to meet. It would have been unfair to allow the minority to not give notice to the majority in the same fashion that I had asked the majority to give the minority notice. That is how the rules were applied yesterday, and I would ask both caucuses to work with me to make sure that some of these technical fixes can be made during the interim, irrespective of which party in the majority or minority.

And finally, several senators yesterday, from both parties, who indicated some discomfort with the speed in which rule changes were being proposed, responses were being requested, measures were being put before them, conferences reports, etc. So I want to remind every member of this Senate, that at any point you feel as though you are not comfortable taking the next vote, or taking a position, please stand up, be recognized, and just ask. You can make a motion that we go temporarily at ease, or you can indicate to your attorney who is up here that you need just a moment to figure out what is going on, and consult so you can get the information that you need or respond to a request that I make of you and you are on the spot. I don’t ever want anyone of either party or either caucus to feel like they are put on the spot and don’t know how to respond in the moment. You always have that ability and your attorneys are up here to immediately stop the flow of activity if it is preventing you from doing your job in a deliberative fashion on behalf of your constituents. Thank you for humoring me. I wanted to give you all that information because I know we will be considering a number of measures today, and I don’t want anyone to feel steamrolled or sandbagged as we do all of that.”

MOTION

At 10:18 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Fain announced a meeting of the Majority Coalition Caucus.

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AFTERNOON SESSION

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The Senate was called to order at 12:26 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 21, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 21, 2017, Governor Inslee approved the following Senate Bill entitled:

Senate Bill No. 5039  
 Relating to the uniform electronic legal material act.

Sincerely,  
 /s/  
 Drew Shirk, Executive Director of Legislative Affairs

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

April 21, 2017

MR. PRESIDENT:  
 The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:  
 SUBSTITUTE HOUSE BILL NO. 1501,  
 SUBSTITUTE HOUSE BILL NO. 1543,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1614,  
 and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 21, 2017

MR. PRESIDENT:  
 The House has passed:  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,  
 and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
 8662

By Senator Fain

WHEREAS, Ms. El Wanda Bryant shows an enthusiasm for life that is contagious, and is always on the lookout for the positive in every situation; and

WHEREAS, After completing high school, El Wanda attended Eastern Washington College of Education where, during her Sophomore year, she married Bill Bryant, her high school sweetheart; and

WHEREAS, El Wanda started out as a tour guide for the legislative building in 1989, was very quickly asked to volunteer, and committed to temporarily help out with the Senate Page Program; and

WHEREAS, Ms. Bryant dutifully served Washington State by leading the Senate Page Program for twenty-eight years; and

WHEREAS, Over ten thousand pages within the Senate Page Program have had the opportunity to learn from El Wanda throughout her years of dedicated service; and

WHEREAS, Every Sunday during those twenty-eight years, El Wanda freely gave her afternoons to the Pages for their orientation; and neither rain, nor sleet, nor snow could prevent her from helping each new page feel welcome at the Capitol Building; and

WHEREAS, El Wanda was an instrumental part of setting into motion an emergency plan, ensuring the Pages knew where to meet in the event of an emergency; and

WHEREAS, Following the earthquake in February of 2001, El Wanda calmly gathered the twelve Pages from the dark Senate floor, led them to the Page room on the fourth floor, and gathered the remaining Pages so that Security, carrying one flashlight, could lead the group out through the back stairwell to safety; and

WHEREAS, El Wanda's adaptability and organizational skills were pivotal in allowing the Page Program to work successfully within the temporary buildings during reconstruction; and

WHEREAS, El Wanda's dedication to the Page Program was critical in keeping the program thriving during the budget crisis of 2008-2010, and even with diminished funds El Wanda never allowed the Page experience to be diminished; and

WHEREAS, El Wanda guided the Page Program through many legislative and technological changes, and her flexibility has been key in maneuvering the Page Program into the vital role it still provides today to the Washington State Senate and its supporting staff; and

WHEREAS, El Wanda and her husband of 60 years have raised five successful children and six loving grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize El Wanda Bryant for her passionate commitment to advancing the civic education of students in the great state of Washington.

Senators Fain, Rolfes, Becker, Liias, Angel, Honeyford, Rossi, Nelson and Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced El Wanda Bryant who was seated at the rostrum.

With permission of the Senate, business was suspended to allow El Wanda Bryant to address the Senate.

REMARKS BY EL WANDA BRYANT

Mrs. El Wanda Bryant: "Thank you. Thank you. Yes, I would love to say thank you to each and every one of you. Usually people say, 'Oh no, session is going to start' and I would say, 'Yes, session is going to start' because I loved it. I loved every day I was here and I thought it was a privilege that I had the opportunity to be here with all of you and with the program. The kids are marvelous. We have great kids coming up in the future. We have nothing to worry about. These young teens know where they are going and they will be successful. I just wanted to especially thank everyone that is on this rostrum. They have always supported us so much. All the senators have given their concern and support to us any and every time we have asked. And our own security people, they have been so great with the Senate Pages because they would give them information, they

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2017 REGULAR SESSION

would give them direction, but also they made them feel safe. Those kids always felt safe with you. So, to all of you, thank you so much.”

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2017

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5046. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5046-S AMH SANT H2744.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 47. The legislature finds that, as a matter of human dignity, all persons should be informed of emergency notifications in a manner in which they can understand. It is the intent of the legislature that all persons who may be in harm's way in an emergency are informed of their peril, and informed of appropriate actions they should take to protect themselves and their families.

NEW SECTION. Sec. 48. A new section is added to chapter 38.52 RCW to read as follows:

Beginning December 1, 2019, a state agency that provides life safety information in an emergency or disaster must provide, to the relevant committees of the legislature, a copy of its current communication plan for notifying significant population segments of such information, including the agency's point of contact. The state agency must also submit an annual report to the relevant committees of the legislature identifying those instances of emergency or disaster in the preceding year in which life safety information was provided and what public messaging strategies and means were used to notify citizens with limited English proficiency.

**Sec. 49.** RCW 38.52.010 and 2015 c 61 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

(2) "Continuity of operations planning" means the internal effort of an organization to assure that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

~~((2))~~ (3) "Department" means the state military department.

~~((3))~~ (4) "Director" means the adjutant general.

~~((4))~~ (5) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for

emergency evacuation or relocation of residents in anticipation of nuclear attack.

~~((5))~~ (6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

~~((6))~~ (7) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ~~((5))~~ (6)(b) of this section.

~~((7))~~ (8) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((8))~~ (9) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((9))~~ (10) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((10))~~ (11) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((11))~~ (12) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((12))~~ (13) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

~~(14)~~ (14) "Local director" means the director of a local organization of emergency management or emergency services.

~~((143))~~ (15) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((144))~~ (16) "Political subdivision" means any county, city or town.

~~((145))~~ (17) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

~~((146))~~ (18) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

~~((147))~~ (19) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

**Sec. 50.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must specify the use of the incident command system for multiagency/multijurisdiction operations. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a

joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

(3)(a) Each local organization or joint local organization for emergency management that produces a local comprehensive emergency management plan must include a communication plan for notifying significant population segments of life safety information during an emergency. Local organizations and joint local organizations are encouraged to consult with affected community organizations in the development of the communication plans.

(i) In developing communication plans, local organizations and joint organizations should consider, as part of their determination of the extent of the obligation to provide emergency notification to significant population segments, the following factors: The number or proportion of the limited English proficiency persons eligible to be served or likely to be encountered; the frequency with which limited English proficiency individuals come in contact with the emergency notification; the nature and importance of the emergency notification, service, or program to people's lives; and the resources available to the political subdivision to provide emergency notifications.

(ii) "Significant population segment" means, for the purposes of this subsection (3), each limited English proficiency language group that constitutes five percent or one thousand residents, whichever is less, of the population of persons eligible to be served or likely to be affected within a city, town, or county. The office of financial management forecasting division's limited English proficiency population estimates are the demographic data set for determining eligible limited English proficiency language groups.

(b) Local organizations and joint local organizations must submit the plans produced under (a) of this subsection to the Washington military department emergency management division, and must implement those plans. An initial communication plan must be submitted with the local organization or joint local organization's next local emergency management plan update following the effective date of this section, and subsequent plans must be reviewed in accordance with the director's schedule.

(4) When conducting emergency or disaster after-action reviews, local organizations and joint local organizations must evaluate the effectiveness of communication of life safety information and must inform the emergency management division of the

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Washington military department of technological challenges which limited communications efforts, along with identifying recommendations and resources needed to address those challenges.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1711,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,  
HOUSE BILL NO. 1718,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,  
SUBSTITUTE HOUSE BILL NO. 2202,

NEW SECTION. Sec. 51. A new section is added to chapter 38.52 RCW to read as follows:

and the same are herewith transmitted.

(1) Beginning December 1, 2019, the Washington military department emergency management division must submit a report every five years to the relevant committees of the legislature containing the status of communication plans produced under RCW 38.52.070(3)(a).

NONA SNELL, Deputy Chief Clerk

(2) The emergency management division of the Washington military department must provide the legislature an annual report on instances of emergency or disaster in which communication of life safety information was technologically infeasible, as reported to the department pursuant to RCW 38.52.070(4). When potential technology solutions exist, the report must include recommendations and an estimate of resources required to remedy the infeasibility. The first annual report is due December 1, 2019.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

NEW SECTION. Sec. 52. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

SECOND READING

SENATE BILL NO. 5111, by Senators Braun, Ranker and Hunt

Correct the title.

Enacting an excise tax on capital gains to improve the fairness of Washington's tax system and provide funding for the education legacy trust account.

The measure was read the second time.

BERNARD DEAN, Chief Clerk

MOTION

MOTION

Senator Braun moved that the following floor striking amendment no. 278 by Senator Braun be adopted:

Senator Short moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5046 and ask the House to recede therefrom.

Strike everything after the enacting clause and insert the following:

Senator Short spoke in favor of the motion.

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

The President declared the question before the Senate to be the motion by Senator Short that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5046 and ask the House to recede therefrom.

(1) "Accessory dwelling unit" means a separate habitable living area that is subordinate to the principal single-family dwelling unit, which is either internal to, attached to, or located on the same property tax parcel as, the principal single-family dwelling unit.

The motion by Senator Short carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5046 and asked the House to recede therefrom by voice vote.

(2) "Adjusted capital gain" means federal net long-term capital gain:

MOTION

At 12:46 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

(a) Plus any loss from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such loss was included in calculating federal net long-term capital gain; and

Senator McCoy announced a meeting of the Democratic Caucus.

(b) Less any gain from a sale or exchange that is exempt from the tax imposed in this chapter, to the extent such gain was included in calculating federal net long-term capital gain.

The Senate was called to order at 1:59 p.m. by President Habib.

(3) "Capital asset" has the same meaning as provided by Title 26 U.S.C. Sec. 1221 of the internal revenue code and also includes any other property if the sale or exchange of the property results in a gain that is treated as a long-term capital gain under Title 26 U.S.C. Sec. 1231 or any other provision of the internal revenue code.

MESSAGE FROM THE HOUSE

April 21, 2017

MR. PRESIDENT:

(4) "Federal net long-term capital gain" means the net long-term capital gain reportable for federal income tax purposes.

The Speaker has signed:

(5) "Individual" means a natural person.

SUBSTITUTE HOUSE BILL NO. 1043,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465,  
SUBSTITUTE HOUSE BILL NO. 1477,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,  
ENGROSSED HOUSE BILL NO. 1620,

(6) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of the effective date of this section, or such subsequent date as the department may provide by rule consistent with the purpose of this chapter.

(7) "Long-term capital asset" means a capital asset that is held for more than one year.

(8)(a) "Resident" means an individual:



(i) Who is domiciled in this state during the taxable year, unless the individual (A) maintained no permanent place of abode in this state during the entire taxable year, (B) maintained a permanent place of abode outside of this state during the entire taxable year, and (C) spent in the aggregate not more than thirty days of the taxable year in this state; or

(ii) Who is not domiciled in this state during the taxable year but maintained a place of abode and was physically present in this state for more than one hundred eighty-three days during the taxable year.

(b) For purposes of this subsection, "day" includes any portion of a day, except that a continuous period of twenty-four hours or less may not constitute more than one day.

(c) An individual who is a resident under (a) of this subsection is a resident for that portion of a taxable year in which the individual was domiciled in this state or maintained a place of abode in this state.

(9) "Taxable year" means the taxpayer's taxable year as determined under the internal revenue code.

(10) "Taxpayer" means an individual subject to tax under this chapter.

(11) "Washington capital gains" means an individual's adjusted capital gains allocated to this state as provided in section 6 of this act, less:

(a) Twenty-five thousand dollars; or

(b) Fifty thousand dollars for individuals filing joint returns under this chapter.

**NEW SECTION. Sec. 2.** (1) Beginning January 1, 2018, a tax is imposed on all individuals for the privilege of selling or exchanging long-term capital assets, or receiving Washington capital gains. The tax equals seven percent multiplied by the individual's Washington capital gains.

(2) If an individual's Washington capital gains are less than zero for a taxable year, no tax is due under this section. No such losses may be carried back or carried forward to another taxable year.

(3)(a) The tax imposed in this section applies to (i) the sale or exchange of long-term capital assets owned by the taxpayer, whether the taxpayer was the legal or a beneficial owner of such assets at the time of the sale or exchange, or (ii) Washington capital gains otherwise realized by the taxpayer.

(b) For purposes of this chapter, an individual is a beneficial owner of long-term capital assets held by an entity that is a pass-through or disregarded entity for federal tax purposes, such as a partnership, limited liability company, S-corporation, or trust, to the extent of the individual's ownership interest in the entity as reported for federal income tax purposes.

**NEW SECTION. Sec. 3.** This chapter does not apply to the sale or exchange of:

(1) Any residential dwelling, which means property consisting solely of (a) a single-family residence, a residential condominium unit, or a residential cooperative unit, including any accessory dwelling unit associated with such residence or residential unit, (b) a multifamily residential building consisting of one or more common walls and fewer than four units, or (c) a floating home as defined in RCW 82.45.032;

(2) Assets held under a retirement savings account under Title 26 U.S.C. Sec. 401(k) of the internal revenue code, a tax-sheltered annuity or a custodial account described in Title 26 U.S.C. Sec. 403(b) of the internal revenue code, a deferred compensation plan under Title 26 U.S.C. Sec. 457(b) of the internal revenue code, an individual retirement account or an individual retirement annuity described in Title 26 U.S.C. Sec. 408 of the internal revenue code, a Roth individual retirement account described in Title 26 U.S.C. Sec. 408A of the internal revenue code, an employee defined

contribution program, an employee defined benefit plan, or a similar retirement savings vehicle;

(3) Assets pursuant to or under imminent threat of condemnation proceedings by the United States, the state or any of its political subdivisions, or a municipal corporation;

(4) Cattle, horses, or breeding livestock held for more than twelve months if for the taxable year of the sale or exchange, more than fifty percent of the taxpayer's gross income for the taxable year, including from the sale or exchange of capital assets, is from farming or ranching;

(5) Agricultural or timber land by an individual who has regular, continuous, and substantial involvement in the operation of the agricultural or timberland that meets the criteria for material participation in an activity under Title 26 U.S.C. Sec. 469(h) of the internal revenue code for the ten years prior to the date of the sale or exchange of the agricultural or timber land;

(6) Property used in a trade or business if the property qualifies for an income tax deduction under Title 26 U.S.C. Sec. 167 or 179 of the internal revenue code; and

(7) Timber, or the receipt of Washington capital gains as dividends and distributions from real estate investment trusts derived from gains from the sale or exchange of timber. "Timber" means forest trees, standing or down, on privately or publicly owned land, and includes Christmas trees and short-rotation hardwoods. The sale or exchange of timber includes the cutting or disposal of timber qualifying for capital gains treatment under Title 26 U.S.C. Sec. 631(a) or (b) of the internal revenue code.

**NEW SECTION. Sec. 4.** The tax imposed under this chapter is in addition to any other taxes imposed by the state or any of its political subdivisions, or a municipal corporation, with respect to the same sale or exchange, including the taxes imposed in or under the authority of chapter 82.04, 82.08, 82.12, 82.14, 82.45, or 82.46 RCW.

**NEW SECTION. Sec. 5.** In computing tax, there may be deducted from the measure of tax amounts that the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States.

**NEW SECTION. Sec. 6.** (1) For purposes of the tax imposed under this chapter, adjusted capital gains are allocated as follows:

(a) Adjusted capital gains from the sale or exchange of real property are allocated to this state if the real property is located in this state or a majority of the fair market value of the real property is located in this state.

(b) Adjusted capital gains from the sale or exchange of tangible personal property are allocated to this state if the property was located in this state at the time of the sale or exchange. Adjusted capital gains from the sale or exchange of tangible personal property are also allocated to this state even though the property was not located in this state at the time of the sale or exchange if:

(i) The property was located in the state at any time during the taxable year in which the sale or exchange occurred or the immediately preceding taxable year;

(ii) The taxpayer was a resident at the time the sale or exchange occurred; and

(iii) The taxpayer is not subject to the payment of an income or excise tax legally imposed on the adjusted capital gain by another taxing jurisdiction.

(c) Adjusted capital gains derived from intangible personal property are allocated to this state if the taxpayer was domiciled in this state at the time the sale or exchange occurred.

(2)(a) A credit is allowed against the tax imposed in section 2 of this act equal to the amount of any legally imposed income or excise tax paid by the taxpayer to another taxing jurisdiction on capital gains derived from capital assets within the other taxing

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jurisdiction to the extent such capital gains are included in the taxpayer's Washington capital gains. The amount of credit under this subsection may not exceed the total amount of tax due under this chapter, and there is no carryback or carryforward of any unused credits.

(b) As used in this section, "taxing jurisdiction" means a state of the United States other than the state of Washington, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

**NEW SECTION. Sec. 7.** (1) Except as otherwise provided in this section or RCW 82.32.080, taxpayers owing tax under this chapter must file, on forms prescribed by the department, a return with the department on or before the date the taxpayer's federal income tax return for the taxable year is required to be filed.

(2) In addition to the Washington return required to be filed under subsection (1) of this section, taxpayers owing tax under this chapter must file with the department on or before the date the federal return is required to be filed a copy of the federal income tax return along with all schedules and supporting documentation.

(3) Each taxpayer required to file a return under this section must, without assessment, notice, or demand, pay any tax due thereon to the department on or before the date fixed for the filing of the return, regardless of any filing extension. If any tax due under this chapter is not paid by the due date, interest and penalties as provided in chapter 82.32 RCW apply to the deficiency.

(4) The department may by rule require that certain individuals and other persons file, at times and on forms prescribed by the department, informational returns for any period.

(5) If a taxpayer has obtained an extension of time for filing the federal income tax return for the taxable year, the taxpayer is entitled to the same extension of time for filing the return required under this section if the taxpayer provides the department, before the due date provided in subsection (1) of this section, the extension confirmation number or other evidence satisfactory to the department confirming the federal extension. An extension under this subsection for the filing of a return under this chapter is not an extension of time to pay the tax due under this chapter.

(6)(a) If any return due under subsection (1) of this section, along with a copy of the federal income tax return, is not filed with the department by the due date or any extension granted by the department, the department must assess a penalty in the amount of five percent of the tax due for the taxable year covered by the return for each month or portion of a month that the return remains unfiled. The total penalty assessed under this subsection may not exceed twenty-five percent of the tax due for the taxable year covered by the delinquent return. The penalty under this subsection is in addition to any penalties assessed for the late payment of any tax due on the return.

(b) The department must waive or cancel the penalty imposed under this subsection if:

(i) The department is persuaded that the taxpayer's failure to file the return by the due date was due to circumstances beyond the taxpayer's control; or

(ii) The taxpayer has not been delinquent in filing any return due under this section during the preceding five calendar years.

**NEW SECTION. Sec. 8.** (1) If the federal income tax liabilities of both spouses are determined on a joint federal return for the taxable year, they must file a joint return under this chapter.

(2) Except as otherwise provided in this subsection, if the federal income tax liability of either spouse is determined on a separate federal return for the taxable year, they must file separate returns under this chapter. State registered domestic partners may file a joint return under this chapter even if they filed separate federal returns for the taxable year.

(3) In any case in which a joint return is filed under this section, the liability of each spouse or state registered domestic partner is joint and several, unless:

(a) The spouse is relieved of liability for federal tax purposes as provided under Title 26 U.S.C. Sec. 6015 of the internal revenue code; or

(b) The department determines that the domestic partner qualifies for relief as provided by rule of the department. Such rule, to the extent possible without being inconsistent with this chapter, must follow Title 26 U.S.C. Sec. 6015.

**NEW SECTION. Sec. 9.** To the extent not inconsistent with the provisions of this chapter, the following statutes apply to the administration of taxes imposed under this chapter: RCW 82.32.050, 82.32.055, 82.32.060, 82.32.070, 82.32.080, 82.32.085, 82.32.090, 82.32.100, 82.32.105, 82.32.110, 82.32.117, 82.32.120, 82.32.130, 82.32.135, 82.32.150, 82.32.160, 82.32.170, 82.32.180, 82.32.190, 82.32.200, 82.32.210, 82.32.212, 82.32.220, 82.32.230, 82.32.235, 82.32.237, 82.32.240, 82.32.245, 82.32.265, 82.32.300, 82.32.310, 82.32.320, 82.32.330, 82.32.340, 82.32.350, 82.32.360, 82.32.410, 82.32.805, 82.32.808, and section 14 of this act.

**NEW SECTION. Sec. 10.** (1) Any taxpayer who knowingly attempts to evade payment of the tax imposed under this chapter is guilty of a class C felony as provided in chapter 9A.20 RCW.

(2) Any taxpayer who knowingly fails to pay tax, make returns, keep records, or supply information, as required under this title, is guilty of a gross misdemeanor as provided in chapter 9A.20 RCW.

**NEW SECTION. Sec. 11.** All revenue from taxes collected under this chapter, including penalties and interest on such taxes, must be deposited in the education legacy trust account created in RCW 83.100.230.

**NEW SECTION. Sec. 12.** Notwithstanding any common law rule of strict construction of statutes imposing taxes, this chapter, being necessary for the welfare of the state and its inhabitants, must be liberally construed in support of application of the tax.

**NEW SECTION. Sec. 13.** A new section is added to chapter 82.04 RCW to read as follows:

A deduction is allowed against a person's gross income of the business to the extent necessary to avoid taxing the same amounts under this chapter and section 2 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 82.32 RCW to read as follows:

(1) The department may enter into reciprocal tax collection agreements with the taxing officials of any other state imposing a specified tax. Agreements authorized under this section must require each state to offset delinquent specified taxes owed by a taxpayer to one party to the agreement, including any associated penalties, interest, or other additions, against refunds of overpaid specified taxes owed to the taxpayer by the other party to the agreement. Such agreements may also include provisions governing the sharing of information relevant to the administration of specified taxes. However, the department may not share return or tax information with other states except as allowed under RCW 82.32.330. Likewise, the department may

not share federal tax information with other states without the express written consent of the internal revenue service.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Specified taxes" means generally applicable state and local sales tax and use taxes, broad-based state gross receipts taxes, state income taxes, and stand-alone state taxes on capital gains or interest and dividends. "Specified taxes" include, but are not limited to, the taxes imposed in or under the authority of chapters 82.04, 82.08, 82.12, 82.14, 82.16, and 82.--- RCW (the new chapter created in section 15 of this act), and similar taxes imposed by another state. For purposes of this subsection (2)(a), "gross receipts tax," "income tax," "sales tax," and "use tax" have the same meanings as provided in RCW 82.56.010.

(b) "State" has the same meaning as provided in RCW 82.56.010.

**NEW SECTION. Sec. 15.** Sections 1 through 12 of this act constitute a new chapter in Title 82 RCW.

**NEW SECTION. Sec. 16.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

**NEW SECTION. Sec. 17.** The tax collection, reporting, and payment obligations imposed by this act apply prospectively only."

On page 1, line 3 of the title, after "account;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; and prescribing penalties."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

Senator Liias demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 278 by Senator Braun to Senate Bill No. 5111.

#### ROLL CALL

The Secretary called the roll on the adoption of the floor striking amendment no. 278 by Senator Braun and the striking amendment was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Absent: Senator Hasegawa

#### MOTION

Senator Braun moved that the rules be suspended and Engrossed Senate Bill No. 5111 be advanced to third reading, the

second reading considered the third and the bill be placed on final passage.

Senator Liias objected to the motion by Senator Braun.

Senator Liias demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

#### MOTION

On motion of Senator Saldaña, Senator Hasegawa was excused.

#### PARLIAMENTARY INQUIRY

Senator Baumgartner: "Thank you Mr. President. My point of inquiry relates to have many votes it takes to move this bill to third reading. As we know the state constitution gives this chamber the ability to make its own rules, we have made a rule that has six times been expressed by the people of this state that it takes a supermajority to vote for a tax package. We have made a senate rule in line with that, however your predecessor, Brad Owen, had ruled that it was an unenforceable rule, I happen do disagree with that, but what we are doing today is trying to smoke a few things out and get some key questions answered. And the question we need answered now is how would you rule on this issue, so I will read the formal question if I may Mr. President?"

President Habib: "Please proceed."

Senator Baumgartner: "Senate rules 62, 64 and 67 require a two-thirds vote prior to considering bills on the final passage if the bills raise taxes. On March 2, 2015 Lt. Gov. Brad Owen, found very similar provisions to be unenforceable as a violation of Article II Sec 22 of the state constitution. My inquiry Mr. President is whether you would enforce the rule similarly, whether senate rules 62, 64 and 67 to the extent that they require a supermajority vote to advance a bill to final passage are enforceable?"

#### PARLIAMENTARY INQUIRY

Senator Liias: "Thank you Mr. President. I am rising for a couple points of parliamentary inquiry that I would like considered in conjunction with the inquiry that Senator Baumgartner has raised.

First, we've heard in news reports and statements from the other caucus that there is an intent to bring forth bills that have been introduced within ten days prior to sine die. And we would like clarification under our current rules and the constitution, since the language is a little bit different between our rules and the constitution, on whether those bill could be considered, what would be required for consideration, and what would be the definition of consideration?

Secondly, I think as we answer this question that Senator Baumgartner has raised, we would also like to understand in the context of the two-thirds what the reference to raising taxes means. There is a long line of rulings from the prior Lieutenant Governor on the distinction between taxes and fees, but we haven't heard from you on that subject. But I think that would be useful for members.

And then finally, the question as to whether Senate Bill No. 5111, which is not referenced in the senate budget, is necessary to implement the budget since we have already passed the house of origin cutoff, it would appear that this bill since it is not required to implement our senate budget, that that would be properly

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before us. So if you could give us guidance on those three issues that would be helpful as well.”

been passed by this chamber. Is there a position from the majority caucus, Senator Fain?”

REPLY BY THE PRESIDENT

President Habib: “Senator Liias has raised three points of parliamentary inquiry. Senator Liias, I am going to raise the first one, because I have a sense of how I am going to rule on that, but I am going to allow one speaker to make another point.

Senator Liias’ first point of parliamentary inquiry was to make reference to another measure that might come before the senate, or whether or not that measure would violate the constitution’s prohibition on that measure being introduced and considered if introduced in the final ten day of the regular session. And unless there is a speaker from the majority caucus on this I will tell you that my position is that refers to a measure that is not Senate Bill No. 5111 and so your point of parliamentary inquiry is untimely, it does not relate to this measure before us right now and I should gavel that.

Your second point of parliamentary inquiry, Senator Liias, is related to the request for the definition of raising taxes, is that right Senator Liias? Do you have a position on that? Are you just asking for a, does it relate to how you would vote on this motion?”

Senator Liias: “I think that the question is whether it takes a two-thirds vote to advance a bill that raises taxes. If you sustain that two-thirds vote, I think it would be helpful to understand what is within that window of raising taxes versus what is raising fees.”

President Habib: “So, Senator Liias, may I suggest that what you are asking is actually whether this bill would raise taxes for the purpose of those provisions in the senate rules applying? Is that right?”

Senator Liias: “That is correct and I see that on our order of consideration that there is Senate Bill No. 5113, I presume that the plan is to come to that next, so I would ask if those two bills would meet the definition, if you decide to sustain the two-thirds voting threshold, if those two bills would meet the requirements of the senate rule?”

President Habib: ‘Okay, I am not going to take up the question for the same reason as I mentioned earlier. I am not going to take up the question of whether or not another bill, that has not been read in a second time, or in any case has not before the senate right now, raises taxes for the purpose of the applicability of those provisions. But I would entertain the question, because it is related, whether this bill raises taxes for that purpose. I am going to presume, Senator Baumgartner, that the reason that you brought this point of inquiry is that you believe that it does, otherwise why would your original point of parliamentary inquiry not be timely, is that right?”

Senator Baumgartner: “That is true Mr. President. We do believe that a capital gains tax is a capital gains tax.”

President Habib: “Okay, so that question will be attached to the point of parliamentary inquiry brought by Senator Baumgartner. And the third question, point of parliamentary inquiry that Senator Liias raised, whether the bill before us is necessary to implement the budget for purposes of compliance with the concurrent resolution with the House of Representatives having to do with the cutoff resolution Senator Liias’ position as stated is that this measure is not referenced in the budget that has

Senator Fain: “Thank you Mr. President. On that specific issue. Measures necessary to implement the budget may be acted upon after the cutoff, but also measures related to revenue are also properly before the chamber at that time. That is our understanding of the rules.”

President Habib: “Senator Fain, your position is that measures that relate to revenue are per se timely under the concurrent resolution with the House of Representatives, whether referenced or not in the budget at this point?”

Senator Fain: “That is correct, Mr. President.”

President Habib: “So there are three points of parliamentary inquiry being presented to the President. First by Senator Baumgartner asking for a ruling on the constitutionality of the provisions in senate rules related to the threshold vote for advancing a bill to third reading.

Second, from Senator Liias, asking for a ruling on whether that point of inquiry is timely because by requesting a ruling on whether or not this underlying bill even raises taxes?

And third, whether or not the bill before us complies with the concurrent resolution, the cutoff resolution with the House of Representatives?”

Further consideration of Engrossed Senate Bill No. 5111 was deferred.

MOTION

At 2:16 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:22 p.m. by President Pro Tempore Sheldon.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Conway moved that JAMES H. CURTIS, Gubernatorial Appointment No. 9082, be confirmed as a member of the Tacoma Community College Board of Trustees.

Senator Conway spoke in favor of the motion.

APPOINTMENT OF JAMES H. CURTIS

The President Pro Tempore declared the question before the Senate to be the confirmation of JAMES H. CURTIS, Gubernatorial Appointment No. 9082, as a member of the Tacoma Community College Board of Trustees.

MOTION

On motion of Senator Saldaña, Senators Hasegawa and Hobbs were excused.

The Secretary called the roll on the confirmation of JAMES H. CURTIS, Gubernatorial Appointment No. 9082, as a member of the Tacoma Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Hasegawa and Hobbs

JAMES H. CURTIS, Gubernatorial Appointment No. 9082, having received the constitutional majority was declared confirmed as a member of the Tacoma Community College Board of Trustees.

#### MOTION

Senator Chase moved that TIA H. BENSON TOLLE, Gubernatorial Appointment No. 9096, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senators Chase and Liias spoke in favor of passage of the motion.

#### APPOINTMENT OF TIA H. BENSON TOLLE

The President Pro Tempore declared the question before the Senate to be the confirmation of TIA H. BENSON TOLLE, Gubernatorial Appointment No. 9096, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of TIA H. BENSON TOLLE, Gubernatorial Appointment No. 9096, as a member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Hasegawa and Hobbs

TIA H. BENSON TOLLE, Gubernatorial Appointment No. 9096, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

#### MOTION

Senator Wellman moved that RICHARD G. FUKUTAKI, Gubernatorial Appointment No. 9084, be confirmed as a member of the Bellevue College Board of Trustees.

Senator Wellman spoke in favor of the motion.

#### APPOINTMENT OF RICHARD G. FUKUTAKI

The President Pro Tempore declared the question before the Senate to be the confirmation of RICHARD G. FUKUTAKI,

Gubernatorial Appointment No. 9084, as a member of the Bellevue College Board of Trustees.

The Secretary called the roll on the confirmation of RICHARD G. FUKUTAKI, Gubernatorial Appointment No. 9084, as a member of the Bellevue College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

RICHARD G. FUKUTAKI, Gubernatorial Appointment No. 9084, having received the constitutional majority was declared confirmed as a member of the Bellevue College Board of Trustees.

#### MOTION

Senator Liias moved that QUENTIN POWERS, Gubernatorial Appointment No. 9121, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senator Liias spoke in favor of the motion.

#### APPOINTMENT OF QUENTIN POWERS

The President Pro Tempore declared the question before the Senate to be the confirmation of QUENTIN POWERS, Gubernatorial Appointment No. 9121, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of QUENTIN POWERS, Gubernatorial Appointment No. 9121, as a member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

QUENTIN POWERS, Gubernatorial Appointment No. 9121, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

#### MOTION

Senator Chase moved that PHILLIP L. BARRETT, Gubernatorial Appointment No. 9146, be confirmed as a member of the Shoreline Community College Board of Trustees.

Senator Chase spoke in favor of the motion.

#### APPOINTMENT OF PHILLIP L. BARRETT

ONE HUNDRED THIRD DAY, APRIL 21, 2017

2017 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the confirmation of PHILLIP L. BARRETT, Gubernatorial Appointment No. 9146, as a member of the Shoreline Community College Board of Trustees.

APPOINTMENT OF ANGELA G. ROARTY

The President Pro Tempore declared the question before the Senate to be the confirmation of ANGELA G. ROARTY, Gubernatorial Appointment No. 9153, as a member of the Pierce College Board of Trustees.

The Secretary called the roll on the confirmation of PHILLIP L. BARRETT, Gubernatorial Appointment No. 9146, as a member of the Shoreline Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The Secretary called the roll on the confirmation of ANGELA G. ROARTY, Gubernatorial Appointment No. 9153, as a member of the Pierce College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

Excused: Senator Hasegawa

PHILLIP L. BARRETT, Gubernatorial Appointment No. 9146, having received the constitutional majority was declared confirmed as a member of the Shoreline Community College Board of Trustees.

ANGELA G. ROARTY, Gubernatorial Appointment No. 9153, having received the constitutional majority was declared confirmed as a member of the Pierce College Board of Trustees.

MOTION

MOTION

Senator Wilson moved that FRIEDA K. TAKAMURA, Gubernatorial Appointment No. 9106, be confirmed as a member of the Renton Technical College Board of Trustees.

Senator Ericksen moved that JEFFREY F. CALLENDER, Gubernatorial Appointment No. 9199, be confirmed as a member of the Bellingham Technical College Board of Trustees.

Senator Wilson spoke in favor of the motion.

Senator Ericksen spoke in favor of the motion.

APPOINTMENT OF FRIEDA K. TAKAMURA

APPOINTMENT OF JEFFREY F. CALLENDER

The President Pro Tempore declared the question before the Senate to be the confirmation of FRIEDA K. TAKAMURA, Gubernatorial Appointment No. 9106, as a member of the Renton Technical College Board of Trustees.

The President Pro Tempore declared the question before the Senate to be the confirmation of JEFFREY F. CALLENDER, Gubernatorial Appointment No. 9199, as a member of the Bellingham Technical College Board of Trustees.

The Secretary called the roll on the confirmation of FRIEDA K. TAKAMURA, Gubernatorial Appointment No. 9106, as a member of the Renton Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

The Secretary called the roll on the confirmation of JEFFREY F. CALLENDER, Gubernatorial Appointment No. 9199, as a member of the Bellingham Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

Excused: Senator Hasegawa

FRIEDA K. TAKAMURA, Gubernatorial Appointment No. 9106, having received the constitutional majority was declared confirmed as a member of the Renton Technical College Board of Trustees.

JEFFREY F. CALLENDER, Gubernatorial Appointment No. 9199, having received the constitutional majority was declared confirmed as a member of the Bellingham Technical College Board of Trustees.

MOTION

MOTION

Senator O'Ban moved that ANGELA G. ROARTY, Gubernatorial Appointment No. 9153, be confirmed as a member of the Pierce College Board of Trustees.

Senator Chase moved that DIANA CLAY, Gubernatorial Appointment No. 9037, be confirmed as a member of the Board of Trustees, Community College District No. 23 (Edmonds Community College).

Senator O'Ban spoke in favor of the motion.

Senator Chase spoke in favor of the motion.

#### APPOINTMENT OF DIANA CLAY

The President Pro Tempore declared the question before the Senate to be the confirmation of DIANA CLAY, Gubernatorial Appointment No. 9037, as a member of the Board of Trustees, Community College District No. 23 (Edmonds Community College).

The Secretary called the roll on the confirmation of DIANA CLAY, Gubernatorial Appointment No. 9037, as a member of the Board of Trustees, Community College District No. 23 (Edmonds Community College) and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

DIANA CLAY, Gubernatorial Appointment No. 9037, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Community College District No. 23 (Edmonds Community College).

#### MOTION

Senator Frockt moved that D. MICHAEL KELLY, Gubernatorial Appointment No. 9065, be confirmed as a member of the Cascadia Community College Board of Trustees.

Senator Frockt spoke in favor of the motion.

#### APPOINTMENT OF D. MICHAEL KELLY

The President Pro Tempore declared the question before the Senate to be the confirmation of D. MICHAEL KELLY, Gubernatorial Appointment No. 9065, as a member of the Cascadia Community College Board of Trustees.

The Secretary called the roll on the confirmation of D. MICHAEL KELLY, Gubernatorial Appointment No. 9065, as a member of the Cascadia Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

D. MICHAEL KELLY, Gubernatorial Appointment No. 9065, having received the constitutional majority was declared confirmed as a member of the Cascadia Community College Board of Trustees.

#### MOTION

Senator Palumbo moved that NANCEE R. HOFMEISTER, Gubernatorial Appointment No. 9101, be confirmed as a member of the Cascadia College Board of Trustees.

Senator Palumbo spoke in favor of the motion.

#### APPOINTMENT OF NANCEE R. HOFMEISTER

The President Pro Tempore declared the question before the Senate to be the confirmation of NANCEE R. HOFMEISTER, Gubernatorial Appointment No. 9101, as a member of the Cascadia College Board of Trustees.

The Secretary called the roll on the confirmation of NANCEE R. HOFMEISTER, Gubernatorial Appointment No. 9101, as a member of the Cascadia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

NANCEE R. HOFMEISTER, Gubernatorial Appointment No. 9101, having received the constitutional majority was declared confirmed as a member of the Cascadia College Board of Trustees.

#### MOTION

Senator Wilson moved that ROY F. HEYNDERICKX, Gubernatorial Appointment No. 9166, be confirmed as a member of the Higher Education Facilities Authority.

Senator Wilson spoke in favor of the motion.

#### APPOINTMENT OF ROY F. HEYNDERICKX

The President Pro Tempore declared the question before the Senate to be the confirmation of ROY F. HEYNDERICKX, Gubernatorial Appointment No. 9166, as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of ROY F. HEYNDERICKX, Gubernatorial Appointment No. 9166, as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

ROY F. HEYNDERICKX, Gubernatorial Appointment No. 9166, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MOTION

Senator Chase moved that CARL J. ZAPORA, Gubernatorial Appointment No. 9207, be confirmed as a member of the Edmonds Community College Board of Trustees.

Senators Chase and Liias spoke in favor of the motion.

APPOINTMENT OF CARL J. ZAPORA

The President Pro Tempore declared the question before the Senate to be the confirmation of CARL J. ZAPORA, Gubernatorial Appointment No. 9207, as a member of the Edmonds Community College Board of Trustees.

The Secretary called the roll on the confirmation of CARL J. ZAPORA, Gubernatorial Appointment No. 9207, as a member of the Edmonds Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

CARL J. ZAPORA, Gubernatorial Appointment No. 9207, having received the constitutional majority was declared confirmed as a member of the Edmonds Community College Board of Trustees.

MOTION

Senator Zeiger moved that AMADEO T. TIAM, Gubernatorial Appointment No. 9212, be confirmed as a member of the Pierce College Board of Trustees.

Senator Zeiger spoke in favor of the motion.

APPOINTMENT OF AMADEO T. TIAM

The President Pro Tempore declared the question before the Senate to be the confirmation of AMADEO T. TIAM, Gubernatorial Appointment No. 9212, as a member of the Pierce College Board of Trustees.

The Secretary called the roll on the confirmation of AMADEO T. TIAM, Gubernatorial Appointment No. 9212, as a member of the Pierce College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

AMADEO T. TIAM, Gubernatorial Appointment No. 9212, having received the constitutional majority was declared confirmed as a member of the Pierce College Board of Trustees.

MOTION

Senator Warnick moved that SUSAN M. MAYER, Gubernatorial Appointment No. 9056, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senator Warnick spoke in favor of the motion.

APPOINTMENT OF SUSAN M. MAYER

The President Pro Tempore declared the question before the Senate to be the confirmation of SUSAN M. MAYER, Gubernatorial Appointment No. 9056, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of SUSAN M. MAYER, Gubernatorial Appointment No. 9056, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

SUSAN M. MAYER, Gubernatorial Appointment No. 9056, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

The President resumed the chair.

MOTION

Senator Chase moved that STANLEY M. SORCHER, Gubernatorial Appointment No. 9072, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senators Chase and Frockt spoke in favor of passage of the motion.

APPOINTMENT OF STANLEY M. SORCHER

The President declared the question before the Senate to be the confirmation of STANLEY M. SORCHER, Gubernatorial Appointment No. 9072, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of STANLEY M. SORCHER, Gubernatorial Appointment No. 9072, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,



Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

STANLEY M. SORCHER, Gubernatorial Appointment No. 9072, having received the constitutional majority was declared confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

The Senate resumed consideration of Engrossed Senate Bill No. 5111.

#### RULING BY THE PRESIDENT

President Habib: “In ruling upon the point of order raised by Senator Baumgartner as to the constitutionality of the senate rules’ supermajority requirement to advance a bill that raises taxes to third reading and final passage, the President finds and rules as follows:

Senate Rules 62, 64 and 67 require a two-thirds vote prior to considering a bill on final passage if the bill raises taxes, but Article II, section 22 of the state Constitution requires only a majority vote for passage of such ordinary legislation.

The President is the constitutional presiding officer of a constitutional body. The constitution imposes limits on this body that from time to time the President is called upon to uphold. The President does not make these decisions lightly. However, the question regarding the constitutionality of these Senate Rules is timely, ripe and has been properly presented, since the disposition of SB 5111 cannot be resolved without determining the number of votes needed to advance the bill to final passage.

Where the State Supreme Court has clearly ruled on a question of legislative process, the President is bound to faithfully follow that ruling. There is precedent in this body for doing just that. For example, Lieutenant Governor Owen consistently applied the decision in *Legislature v. Locke* when finding the inclusion of substantive law in a budget out of order.

As to the question before us, in 2013, the Washington State Supreme Court held a supermajority requirement for final passage unconstitutional. The Court found that the framers intended that ordinary legislation be passed by a majority, not supermajority vote. The court based its decision on the fact that the framers were particularly concerned with the potential for tyranny of a minority.

While the Senate rules concern the advancement of a bill from second to third reading rather than final passage, the effect is the same. It is a distinction without a difference. The Senate cannot avoid the reach of the constitution by couching its impermissible action in procedural terms. As Lieutenant Governor Owen ruled in 2015, the Court’s opinion is binding on this body.

To the extent that Senate Rules 62, 64, and 67 require a supermajority vote to advance a bill to final passage they are unenforceable. Accordingly, the President finds that a simple majority is required to advance SB 5111 to third reading and final passage.”

#### RULING BY THE PRESIDENT

President Habib: “In ruling upon the point of order raised by Senator Liias as to whether Senate Bill No. 5111 is properly before the body based on the cutoff resolution. The President

finds that the Senate Concurrent Resolution 8400 establishes cutoff dates for measures before the Senate. The resolution specifically exempts ‘matters that affect state revenue’ from those cutoff dates. Senate Bill No. 5111 enacts a capital gains tax. The President finds this affects state revenue and this is properly before the body. Having so decided, whether this bill is necessary to implement the budget is moot.”

#### RULING BY THE PRESIDENT

President Habib: “Given the President’s prior rule finding the supermajority requirement to advance a bill to final passage unenforceable, the question raised by Senator Liias as to the distinction between fees and taxes is moot.”

The President declared the question before the Senate to be the motion by Senator Braun that the rules be suspended and Engrossed Senate Bill No. 5111 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Liias demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The Secretary called the roll on the motion by Senator Braun that the rules be suspended and Engrossed Senate Bill No. 5111 be advanced to third reading, the second reading considered the third and the bill be placed on final passage and the motion carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O’Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Hasegawa

Senator Braun spoke on the final passage of the bill.

#### POINT OF ORDER

Senator Liias: “Thank you Mr. President. Our senate rules ask us to speak to the measure before the senate. The bill before us enacts and excise tax on capital gains and not an income tax. So I would ask that you would advise the gentleman to keep his remarks to the bill before us.”

#### RULING BY THE PRESIDENT

President Habib: “I am going to ask, this is a rhetorical question or point, I am going to ask Senator Braun that we are going to refrain from using excise and income taxes at this point I think capital gains tax can mean whatever members want it to mean, that is what in my previous ruling, I found that this bill does create a capital gains tax rather than get into the minutia of this I’d ask that for the sake of moving along this evening, we can refer to the tax, capital gains tax, whatever it might be, the point has been made that this is considered an income tax by Senator Braun.

#### POINT OF ORDER

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Senator Schoesler: “Mr. President, in your remarks you quoted this as being a capital gains tax, if the President can speak to this as a capital gains tax, why can a member not use the same language that the President uses in his remarks?”

## RULING BY THE PRESIDENT

President Habib: “Senator Schoesler, I am not going to tell members here as a ruling of the President not to use these words. I am drawing upon a desire for amity and goodwill to ask both sides not to use terms the other side, definitional terms, the other side doesn’t agree with. So I am also asking the Democrats not to use the term excise tax, I am asking the Senate, as members of the Senate, to do this as a sign, and a gesture of goodwill because we are going to move forward on the actual discussion. I am not making a ruling, so as a matter of your rights as senators you can continue to do that in opposition to by request but I would ask that we try and get out of here remembering that we are colleagues first. That we are serving our people first and both sides should avoid language intentionally intended to complicate as opposed to debate the issue before us.”

Senator Baumgartner: “I would just like to comment on that.”

President Habib: “Senator Baumgartner, are you raising a point? Of?”

Senator Baumgartner: “I am objecting to your advice.”

President Habib: “Well, it is only that. If you would like to raise a point of order, then it should relate to the rules of order we have in the Senate.”

## PARLIAMENTARY INQUIRY

Senator Baumgartner: “Is there anything binding about your point of advice?”

## REMARKS BY THE PRESIDENT

President Habib: “I just said Senator Baumgartner, I just said that it is not binding. I said members could use what ever language they want in this regard, but I have asked, not ruled, I have asked that members try to refrain from using definitional language intentionally intended to complicate not debate the issue before us. The public wants us to have a debate on issues and bills and measures but I think needling one another whether it comes from the democrats or republicans doesn’t help us get to the underlying policy debate. I am going to ask Senator Braun to continue his speech rather than continue down this lexical rhetorical rabbit hole.”

Senators Braun, Ranker, Ericksen, spoke against passage of the bill.

## POINT OF ORDER

Senator Liias: “Mr. President, there has been a number of times where my friends on the other side of the aisle referred to actions by the House of Representatives and I am afraid that they may inflame our relationships there with the other chamber and I ask you to provide some guidance to them.”

## RULING BY THE PRESIDENT

President Habib: “Senator Ericksen, it sounded like you were concluding your remarks. I would ask members, Senator Ericksen, whether you or others, your own rules, as I have said several times during session, your own rules don’t prohibit mentioning the House but they do prohibit mentioning actions or inactions of the House of Representatives. And the reason for that, there are several, they have to do with keeping the legislative history clean for courts, some have to do perhaps with tensions with the other chamber, preventing those that Senator Liias suggested. I do ask members to, if discussing this measure, to avoid mentioning the actions or inactions of the other chamber. You can refer to the other side of the aisle in this chamber, the Governor, you can refer to me if you like, or even by party, as long as you don’t impugn motives, but that is in your own rules. Senator Ericksen, please continue.”

Senators Ericksen continued his remarks against passage of the bill.

Senator Frockt spoke on final passage of the bill.

## PERSONAL PRIVILEGE

Senator Sheldon: “Will Rodgers was often quoted Mr. President as saying ‘I don’t belong to any organized political party, I am a Democrat.’ I have been elected to the legislature ten times as a democrat, and I appreciate Senator Frockt acknowledging that the senate budget was passed by a bipartisan vote. Thank you.”

Senators Wellman, Schoesler and Kuderer spoke on final passage of the bill.

## MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, “Shall the main question be now put?”

The motion by Senator Fain carried and the previous question was put by voice vote.

## PARLIAMENTARY INQUIRY

Senator Baumgartner: “Mr. President, was that a debatable motion?”

## RULING BY THE PRESIDENT

President Habib: “No.”

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5111.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5111 and the bill failed to pass the Senate by the following vote: Yeas, 0; Nays, 48; Absent, 0; Excused, 1.

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

ENGROSSED SENATE BILL NO. 5111, having failed to receive the constitutional majority, was declared lost.

## SECOND READING

SENATE BILL NO. 5113, by Senators Braun, Ranker and Hunt

Investing in education by modifying the business and occupation tax and providing small business tax relief.

The measure was read the second time.

## MOTION

Senator Braun moved that the following floor striking amendment no. 279 by Senator Braun be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 18.** (1) This section is the tax preference performance statement for the tax preference contained in section 3, chapter . . ., Laws of 2017 (section 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing business and occupation tax rates.

(4) If the review finds that more than one hundred thousand businesses in the state per year are experiencing tax relief from this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

**NEW SECTION. Sec. 19.** RCW 82.04.4451 (Credit against tax due—Maximum credit—Table) and 2010 1st sp.s. c 23 s 1102, 1997 c 238 s 2, & 1994 sp.s. c 2 s 1 are each repealed.

**NEW SECTION. Sec. 20.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, each year a person may deduct from the measure of tax an amount up to:

(a) Two hundred fifty thousand dollars if the person meets the eligibility requirements in subsection (6)(a)(i) of this section; or

(b) One hundred thousand dollars if the person meets the eligibility requirements in subsection (6)(a)(ii) of this section.

(2)(a) A person who is eligible to claim the deduction under this section and who is also entitled to claim a multiple activities tax credit under RCW 82.04.440 may, in lieu of claiming the deduction under this section, elect to claim the deduction in the form of credit as provided in this section. The credit for a calendar year is equal to the lesser of the tax otherwise due under this chapter for that calendar year or an amount determined by:

(i) For a person who is eligible for the deduction under subsection (1)(a) of this section, multiplying two hundred fifty thousand dollars by the highest tax rate applicable to any of the

activities conducted by the taxpayer that qualify the taxpayer for a multiple activities tax credit under RCW 82.04.440; or

(ii) For a person who is eligible for the deduction under subsection (1)(b) of this section, multiplying one hundred thousand dollars by the highest tax rate applicable to any of the activities conducted by the taxpayer that qualify the taxpayer for a multiple activities tax credit under RCW 82.04.440.

(b) For purposes of this subsection (2), "tax rate" means the base tax rate applicable to a particular business activity, plus the rate of any additional tax imposed on that business activity under another provision of this chapter.

(c) An election under this subsection to claim the deduction in the form of a credit applies for a full calendar year.

(3) No tax under this chapter is due when, in the case of the deduction, the measure of tax for a reporting period is equal to or less than the available deduction, or in the case of the credit, the tax otherwise due for a reporting period is equal to or less than the available credit. Any unused portion of the deduction or credit under this section may be carried forward for tax reporting periods in the same calendar year but otherwise may not be carried forward or backward to tax reporting periods in other calendar years. For taxpayers who report taxes due under this chapter to the department more frequently than annually, the deduction and credit under this section must be used in a prior tax reporting period in the current calendar year before it may be carried forward and used in a subsequent tax reporting period in the current calendar year, unless the taxpayer had no tax liability under this chapter in any prior tax reporting period in the current calendar year. No refunds are allowed for the deduction and credit under this section.

(4) For taxpayers subject to taxes imposed under multiple provisions of this chapter, the deduction under this section must be applied to the measure of tax in order of the business activities taxed at the highest to lowest rates.

(5) The deduction and credit under this section are in addition to any other applicable deductions, exemptions, and credits allowed for the taxes due under this chapter. The deduction and credit in this section must be claimed, in the case of the deduction, after all other deductions are claimed, and in the case of the credit, after all other credits are claimed.

(6)(a)(i) A person is eligible for the deduction under subsection (1)(a) of this section or credit under subsection (2)(a)(i) of this section if the person's taxable amount was less than or equal to two hundred fifty thousand dollars for the calendar year immediately preceding the current calendar year.

(ii) A person is eligible for the deduction under subsection (1)(b) of this section or credit under subsection (2)(a)(ii) of this section if the person's taxable amount exceeded two hundred fifty thousand dollars, but was less than five hundred thousand dollars, for the calendar year immediately preceding the current calendar year.

(b) For purposes of this subsection, if a person is a successor to another person, the successor's taxable amount for the calendar year immediately preceding the successor's first full calendar year of engaging in business within this state, includes the predecessor's taxable amount for the calendar year immediately preceding the successor's first full calendar year of engaging in business within this state.

(c) For purposes of this subsection (6), the following definitions apply:

(i) "Successor" has the same meaning as in RCW 82.04.180(1).

(ii) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's excise tax returns, less any taxable amount for which a multiple activities tax credit is allowed under RCW 82.04.440.

(7) This section expires January 1, 2033.

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**NEW SECTION. Sec. 21.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning July 1, 2017, upon every person engaging within the state in selected business activities, an additional tax is imposed. The amount of the additional tax imposed on a person under this section is equal to the tax payable by the person under all other applicable provisions of this chapter on selected business activities, multiplied by twenty percent.

(2) The additional tax under this section is due in the form and manner determined by the department.

(3) For purposes of this section, "selected business activities" means business activities subject to tax under RCW 82.04.230; 82.04.240; 82.04.250 (1) or (2); 82.04.255; 82.04.257; 82.04.260 (3), (9), (10), or (13); 82.04.263; 82.04.270; 82.04.280; 82.04.285; 82.04.290(2), including the activities described in RCW 82.04.29001, 82.04.29005, 82.04.297, and 82.04.540; 82.04.2905; 82.04.2906; 82.04.2907; and 82.04.298; and beginning July 1, 2024, the activities taxed under RCW 82.04.260(14).

**Sec. 22.** RCW 82.32.045 and 2010 1st sp.s. c 23 s 1103 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns and pay any taxes otherwise due under chapters 82.04 and 82.16 RCW if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than(±

(i) ~~Twenty eight thousand dollars per year; or~~  
 (ii) ~~Forty six thousand six hundred sixty seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285))~~ one hundred fifty thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

**NEW SECTION. Sec. 23.** This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

**NEW SECTION. Sec. 24.** The tax collection, reporting, and payment obligations imposed by this act apply prospectively only.

**NEW SECTION. Sec. 25.** This act takes effect October 1, 2017."

On page 1, line 2 of the title, after "relief;" strike the remainder of the title and insert "amending RCW 82.32.045; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.4451; providing an effective date; and providing an expiration date."

Senator Braun spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the floor striking amendment no. 279 by Senator Braun to Senate Bill No. 5113.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Braun and the amendment was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Hasegawa

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Liias, O'Ban, Baumgartner, Kuderer, Fortunato, Nelson, Ericksen and Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5113.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5113 and the bill failed to pass the Senate by the following vote: Yeas, 0; Nays, 48; Absent, 0; Excused, 1.

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

ENGROSSED SENATE BILL NO. 5113, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

PERSONAL PRIVILEGE

Senator Frockt: “Thank you Mr. President. As we are getting ready to debate the next bills on our agenda, in my zeal a few minutes ago in our debate, I obviously misspoke and had mistaken my friend from the 35<sup>th</sup> Legislative District as a member of the other political party. And I just wanted to, from one Quaker to another, offer my apologies for misidentifying him. I know my friends in the MCC appreciate his role in the MCC as do I, and of course it is better to be, well, anyway, I apologize.”

PERSONAL PRIVILEGE

Senator Rivers: “Mr. President, tonight has been difficult, I think, on all of us. Some of us had to take a vote we really didn’t want to take, while others of us were pleased to be able to take the vote. But here’s the thing about legislative work, sometimes it can be messy. The path to progress can be full of hurdles. But here is the good news for us, you have four colleagues here in the senate that have been meeting and working to solve the education funding issue that is in front of us. So, tonight even though it was not fun, it was not comfortable, we now know that we have two item that we can take off the table. We still have a multitude of things on the table with which we can work.”

POINT OF ORDER

Senator Billig: “Thank you Mr. President. I believe, and I would just like to ask for your guidance, but a point of personal privilege is not supposed to be directed at points we are considering, bills or other measures that we are considering in this body. Is that correct?”

REMARKS BY THE PRESIDENT

President Habib: “Under your most recent rules, the senate did restrict, somewhat, points of personal privilege. Senator Rivers if you could contain your point to your participation here in the senate and your ability to represent your constituents and work with other senators, those sorts of things that are unique to you and your experiences here. That would comply with your rules.”

Senator Rivers: “Will do. Thank you Mr. President and apologies to my colleague Senator Billig if I offended him. My message is this Mr. President, I am hopeful, I am excited because we can move forward together in spite of this. There have been a thousand discussions like this on the floor and yet somehow we are able to work together and to come up with solutions that really work. I remain absolutely committed to that task. And I feel like we are going to get there. And that we all are part of the solution. And I believe that we all remain committed to the same thing. You know we may not all agree on how we are going to get there but we all want to get there. The only way we are going to get there is together and I still believe that is going to happen in this session. Thank you very much for your indulgence Mr. President.”

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- SENATE BILL NO. 5037,
- SENATE BILL NO. 5130,
- SENATE CONCURRENT RESOLUTION NO. 8401,
- SUBSTITUTE HOUSE BILL NO. 1043,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465,
- SUBSTITUTE HOUSE BILL NO. 1477,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,
- ENGROSSED HOUSE BILL NO. 1620,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1711,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,
- HOUSE BILL NO. 1718,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,
- SUBSTITUTE HOUSE BILL NO. 2202,
- ENGROSSED SENATE BILL NO. 5008,
- SUBSTITUTE SENATE BILL NO. 5018,
- SENATE BILL NO. 5268,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5388,
- SUBSTITUTE SENATE BILL NO. 5589,
- SENATE BILL NO. 5762,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5810.

MESSAGE FROM THE HOUSE

April 21, 2017

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1501,
- SUBSTITUTE HOUSE BILL NO. 1543,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1614,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 21, 2017

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SENATE BILL NO. 5008,
  - SUBSTITUTE SENATE BILL NO. 5018,
  - SENATE BILL NO. 5037,
  - SENATE BILL NO. 5130,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
  - SENATE BILL NO. 5268,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5388,
  - SUBSTITUTE SENATE BILL NO. 5589,
  - SENATE BILL NO. 5762,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,
  - SENATE CONCURRENT RESOLUTION NO. 8401,
- and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2017

MR. PRESIDENT:

The House recessed from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5046. Under suspension of the rules, the

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bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5046-S AMH SANT H2744.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, as a matter of human dignity, all persons should be informed of emergency notifications in a manner in which they can understand. It is the intent of the legislature that all persons who may be in harm's way in an emergency are informed of their peril, and informed of appropriate actions they should take to protect themselves and their families.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

Beginning December 1, 2019, a state agency that provides life safety information in an emergency or disaster must provide, to the relevant committees of the legislature, a copy of its current communication plan for notifying significant population segments of such information, including the agency's point of contact. The state agency must also submit an annual report to the relevant committees of the legislature identifying those instances of emergency or disaster in the preceding year in which life safety information was provided and what public messaging strategies and means were used to notify citizens with limited English proficiency.

Sec. 3. RCW 38.52.010 and 2015 c 61 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

(2) "Continuity of operations planning" means the internal effort of an organization to assure that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

~~((2))~~ (3) "Department" means the state military department.

~~((3))~~ (4) "Director" means the adjutant general.

~~((4))~~ (5) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

~~((5))~~ (6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

~~((6))~~ (7) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ~~((5))~~ (6)(b) of this section.

~~((7))~~ (8) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((8))~~ (9) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((9))~~ (10) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((10))~~ (11) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((11))~~ (12) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((12))~~ (13) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

(14) "Local director" means the director of a local organization of emergency management or emergency services.

~~((13))~~ (15) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((14))~~ (16) "Political subdivision" means any county, city or town.

~~((15))~~ (17) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

~~((46))~~ (18) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

~~((47))~~ (19) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

Sec. 4. RCW 38.52.070 and 1997 c 49 s 4 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must specify the use of the incident command system for multiagency/multijurisdiction operations. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the

health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

(3)(a) Each local organization or joint local organization for emergency management that produces a local comprehensive emergency management plan must include a communication plan for notifying significant population segments of life safety information during an emergency. Local organizations and joint local organizations are encouraged to consult with affected community organizations in the development of the communication plans.

(i) In developing communication plans, local organizations and joint organizations should consider, as part of their determination of the extent of the obligation to provide emergency notification to significant population segments, the following factors: The number or proportion of the limited English proficiency persons eligible to be served or likely to be encountered; the frequency with which limited English proficiency individuals come in contact with the emergency notification; the nature and importance of the emergency notification, service, or program to people's lives; and the resources available to the political subdivision to provide emergency notifications.

(ii) "Significant population segment" means, for the purposes of this subsection (3), each limited English proficiency language group that constitutes five percent or one thousand residents, whichever is less, of the population of persons eligible to be served or likely to be affected within a city, town, or county. The office of financial management forecasting division's limited English proficiency population estimates are the demographic data set for determining eligible limited English proficiency language groups.

(b) Local organizations and joint local organizations must submit the plans produced under (a) of this subsection to the Washington military department emergency management division, and must implement those plans. An initial communication plan must be submitted with the local organization or joint local organization's next local emergency management plan update following the effective date of this section, and subsequent plans must be reviewed in accordance with the director's schedule.

(4) When conducting emergency or disaster after-action reviews, local organizations and joint local organizations must evaluate the effectiveness of communication of life safety information and must inform the emergency management division of the Washington military department of technological challenges which limited communications efforts, along with identifying recommendations and resources needed to address those challenges.

NEW SECTION. Sec. 5. A new section is added to chapter 38.52 RCW to read as follows:

(1) Beginning December 1, 2019, the Washington military department emergency management division must submit a report every five years to the relevant committees of the legislature containing the status of communication plans produced under RCW 38.52.070(3)(a).

(2) The emergency management division of the Washington military department must provide the legislature an annual report

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on instances of emergency or disaster in which communication of life safety information was technologically infeasible, as reported to the department pursuant to RCW 38.52.070(4). When potential technology solutions exist, the report must include recommendations and an estimate of resources required to remedy the infeasibility. The first annual report is due December 1, 2019.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5046.

Senators Short, Takko and Angel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5046.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5046 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5046, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5046, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5046, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Senate Bill No. 5096

April 20, 2017

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Senate Bill No. 5096, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2017-2019 FISCAL BIENNIUM

NEW SECTION. Sec. 26. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2019.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2018" or "FY 2018" means the fiscal year ending June 30, 2018.

(b) "Fiscal year 2019" or "FY 2019" means the fiscal year ending June 30, 2019.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES— OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation \$496,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation \$1,604,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation \$1,580,000

Puget Sound Ferry Operations Account—State Appropriation \$116,000

TOTAL APPROPRIATION \$1,696,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must provide a joint status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.



**NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**

Motor Vehicle Account—State Appropriation \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

**NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation \$1,254,000

The appropriation in this section is subject to the following conditions and limitations: Within the amount provided in this section, the department shall conduct a pilot program to consist of the following activities:

(1) The department shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, with any other notice displayed or required by department rule to be displayed on motor fuel pumps.

(3) The department shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

**NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Motor Vehicle Account—State Appropriation \$597,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Motor Vehicle Account—State Appropriation \$250,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the Washington state association of cities to identify city-owned fish passage barriers that share the same stream system as state-owned fish passage barriers. The study must identify, map, and provide a preliminary assessment of city-owned barriers that need correction. The study must provide recommendations on: (a) How to prioritize city-owned barriers within the same stream system of state-owned barriers in the current six-year construction plan to maximize state investment; and (b) how future state six-year construction plans should incorporate city-owned barriers. A report must be provided to the office of financial management and the transportation committees of the legislature by July 1, 2018.

**NEW SECTION. Sec. 108. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Multimodal Transportation Account—State Appropriation \$1,100,000

The appropriation in this section is subject to the following conditions and limitations: \$1,100,000 of the multimodal transportation account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account solely for the expenditure of self-insurance premiums;

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

**TRANSPORTATION AGENCIES—OPERATING  
NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation \$4,266,000

Highway Safety Account—Federal Appropriation \$22,048,000

Highway Safety Account—Private/Local Appropriation \$118,000

School Zone Safety Account—State Appropriation \$850,000

TOTAL APPROPRIATION \$27,282,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5402), Laws of 2017 (bicyclist safety advisory council). If chapter . . . (Substitute Senate Bill No. 5402), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(2) \$1,000,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5037), Laws of 2017 (DUI fourth offense). If chapter . . . (Senate Bill No. 5037), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses. The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the blood alcohol content test fee sufficient to cover the costs of administering the program, as provided in section 705 of this act.

**NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation \$1,022,000

Motor Vehicle Account—State Appropriation \$2,504,000

County Arterial Preservation Account—State Appropriation \$1,541,000

TOTAL APPROPRIATION \$5,067,000

**NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation \$4,089,000

**NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

|                                         |                    |
|-----------------------------------------|--------------------|
| Motor Vehicle Account—State             | Appropriation      |
| \$1,589,000                             |                    |
| Multimodal Transportation Account—State | Appropriation      |
| \$700,000                               |                    |
| <b>TOTAL APPROPRIATION</b>              | <b>\$2,289,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account—state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account—state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

**NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation \$2,074,000

Multimodal Transportation Account—State Appropriation \$462,000

TOTAL APPROPRIATION \$2,536,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the majority leader and minority leader of the senate for a senate member vacancy.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinance opportunities for the Tacoma Narrows bridge. The work group must include participation from the Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the Tacoma Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work group must be reimbursed for travel expenses by the commission.

The work group must submit a report with its preferred and prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

**NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Motor Vehicle Account—State Appropriation \$818,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account—state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

**NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation \$480,926,000

State Patrol Highway Account—Federal Appropriation \$14,025,000

State Patrol Highway Account—Private/Local Appropriation \$3,863,000

Highway Safety Account—State Appropriation \$1,067,000

Ignition Interlock Device Revolving Account—State Appropriation \$510,000

Multimodal Transportation Account—State Appropriation \$276,000

TOTAL APPROPRIATION \$500,667,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues

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and gaps. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) \$510,000 of the state patrol highway account—state appropriation is provided solely for the operation of the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(25) of this act.

(7) \$600,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5274), Laws of 2017 (WSPRS salary definition). If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING**

|                                                   |               |               |
|---------------------------------------------------|---------------|---------------|
| Marine Fuel Tax Refund Account—State              | Appropriation | \$34,000      |
| Motorcycle Safety Education Account—State         | Appropriation | \$4,523,000   |
| State Wildlife Account—State                      | Appropriation | \$1,030,000   |
| Highway Safety Account—State                      | Appropriation | \$202,973,000 |
| Highway Safety Account—Federal                    | Appropriation | \$3,215,000   |
| Motor Vehicle Account—State                       | Appropriation | \$90,659,000  |
| Motor Vehicle Account—Federal                     | Appropriation | \$329,000     |
| Motor Vehicle Account—Private/Local               | Appropriation | \$2,048,000   |
| Ignition Interlock Device Revolving Account—State | Appropriation | \$5,250,000   |
| Department of Licensing Services Account—State    | Appropriation | \$6,611,000   |
| License Plate Technology Account—State            | Appropriation | \$3,000,000   |
| <b>TOTAL APPROPRIATION \$319,672,000</b>          |               |               |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 (MVET collection). If chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(2) \$20,810,000 of the highway safety account—state appropriation and \$3,000,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(3) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(4) \$4,471,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2016. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) \$350,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington.

(7) \$19,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 (distracted driving). If chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(8) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 1400), Laws of 2017 (aviation license plate). If chapter . . . (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(9) \$572,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 (driver education uniformity). If chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(10) \$39,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1568), Laws of 2017 (Fred Hutch license plate). If chapter . . . (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(11) \$104,000 of the ignition interlock device revolving account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 (impaired driving). If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(12) \$500,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 (foster youth/driving). If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.

(13) \$61,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 (REAL ID compliance). If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5382), Laws of 2017 (reduced-cost identicards). If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(16) \$112,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 (registration enforcement). If chapter . . . (Engrossed Substitute

Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

(17) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 (tow truck notices). If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.

**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

|                                                       |                      |
|-------------------------------------------------------|----------------------|
| High Occupancy Toll Lanes Operations Account—State    |                      |
| Appropriation                                         | \$4,033,000          |
| Motor Vehicle Account—State Appropriation             | \$513,000            |
| State Route Number 520 Corridor Account—State         |                      |
| Appropriation                                         | \$52,671,000         |
| State Route Number 520 Civil Penalties Account—State  |                      |
| Appropriation                                         | \$4,328,000          |
| Tacoma Narrows Toll Bridge Account—State              |                      |
| Appropriation                                         | \$32,134,000         |
| Interstate 405 Express Toll Lanes Operations          |                      |
| Account—State Appropriation                           | \$22,194,000         |
| Alaskan Way Viaduct Replacement Project Account—State |                      |
| Appropriation                                         | \$6,506,000          |
| <b>TOTAL APPROPRIATION</b>                            | <b>\$122,379,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) \$4,328,000 of the state route number 520 civil penalties account—state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll

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lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account—state appropriation, \$11,527,000 of the state route number 520 corridor account—state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account—state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account—state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 of this act.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account—state appropriation are provided through a transfer from the motor vehicle account—state in section 408(26) of this act. These funds are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and

the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

(8) \$13,617,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

(9)(a) The department shall conduct a study before the planned replacement of equipment regarding the potential for conversion of at least two of the toll booths for the Tacoma Narrows bridge to unstaffed toll booths that exclusively accept credit cards for toll payment. The study must, at a minimum, consider the following:

(i) Operational savings associated with conversion;

(ii) Capital costs of conversion;

(iii) Additional operating costs associated with conversion; and

(iv) Any other operational issues associated with conversion.

(b) The department shall provide a report of its findings to the transportation committees of the legislature by November 15, 2017.

**NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation \$1,460,000

|                                                    |                     |
|----------------------------------------------------|---------------------|
| Motor Vehicle Account—State                        | Appropriation       |
| \$83,572,000                                       |                     |
| Puget Sound Ferry Operations Account—State         | Appropriation       |
| \$263,000                                          |                     |
| Multimodal Transportation Account—State            | Appropriation       |
| \$2,876,000                                        |                     |
| Transportation 2003 Account (Nickel Account)—State | Appropriation       |
| \$1,460,000                                        |                     |
| <b>TOTAL APPROPRIATION</b>                         | <b>\$89,631,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account—state appropriation is provided solely for the development of ferries network systems support.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

|                                               |                     |
|-----------------------------------------------|---------------------|
| Motor Vehicle Account—State                   | Appropriation       |
| \$28,146,000                                  |                     |
| State Route Number 520 Corridor Account—State | Appropriation       |
| \$34,000                                      |                     |
| <b>TOTAL APPROPRIATION</b>                    | <b>\$28,180,000</b> |

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

|                                   |                     |
|-----------------------------------|---------------------|
| Aeronautics Account—State         | Appropriation       |
| \$6,749,000                       |                     |
| Aeronautics Account—Federal       | Appropriation       |
| \$4,900,000                       |                     |
| Aeronautics Account—Private/Local | Appropriation       |
| \$171,000                         |                     |
| <b>TOTAL APPROPRIATION</b>        | <b>\$11,820,000</b> |

The appropriations in this section are subject to the following conditions and limitations: \$2,637,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

|                                         |                     |
|-----------------------------------------|---------------------|
| Motor Vehicle Account—State             | Appropriation       |
| \$54,512,000                            |                     |
| Motor Vehicle Account—Federal           | Appropriation       |
| \$500,000                               |                     |
| Multimodal Transportation Account—State | Appropriation       |
| \$252,000                               |                     |
| <b>TOTAL APPROPRIATION</b>              | <b>\$55,264,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

|                                                        |               |                    |
|--------------------------------------------------------|---------------|--------------------|
| Motor Vehicle Account—State                            | Appropriation | \$622,000          |
| Electric Vehicle Charging Infrastructure Account—State | Appropriation | \$1,000,000        |
| Multimodal Transportation Account—State                | Appropriation | \$535,000          |
| <b>TOTAL APPROPRIATION</b>                             |               | <b>\$2,157,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify

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the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account—state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped;

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;

(iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter 19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;

(iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation \$434,781,000

Motor Vehicle Account—Federal Appropriation \$7,000,000

State Route Number 520 Corridor Account—State Appropriation \$4,447,000

Tacoma Narrows Toll Bridge Account—State Appropriation \$1,233,000

TOTAL APPROPRIATION \$447,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,092,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the

state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account—state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) \$250,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium.

(6) The department must maintain a maintenance budget for the Hood Canal bridge. Expenditures that result in exceeding the planned budget must be tracked.

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

Motor Vehicle Account—State Appropriation \$62,578,000

Motor Vehicle Account—Federal Appropriation \$2,050,000

Motor Vehicle Account—Private/Local Appropriation \$250,000

TOTAL APPROPRIATION \$64,878,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle:

(a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated



under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

|                                         |                     |
|-----------------------------------------|---------------------|
| Motor Vehicle Account—State             | Appropriation       |
| \$32,794,000                            |                     |
| Motor Vehicle Account—Federal           | Appropriation       |
| \$1,656,000                             |                     |
| Multimodal Transportation Account—State | Appropriation       |
| \$1,128,000                             |                     |
| <b>TOTAL APPROPRIATION</b>              | <b>\$35,578,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

|                                                 |                     |
|-------------------------------------------------|---------------------|
| Motor Vehicle Account—State                     | Appropriation       |
| \$23,117,000                                    |                     |
| Motor Vehicle Account—Federal                   | Appropriation       |
| \$35,182,000                                    |                     |
| Multimodal Transportation Account—State         | Appropriation       |
| \$711,000                                       |                     |
| Multimodal Transportation Account—Federal       | Appropriation       |
| \$2,809,000                                     |                     |
| Multimodal Transportation Account—Private/Local | Appropriation       |
| \$100,000                                       |                     |
| <b>TOTAL APPROPRIATION</b>                      | <b>\$61,919,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account—state appropriation and \$250,000 of the motor vehicle account—federal appropriation are provided solely for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

|                                         |                     |
|-----------------------------------------|---------------------|
| Motor Vehicle Account—State             | Appropriation       |
| \$69,997,000                            |                     |
| Multimodal Transportation Account—State | Appropriation       |
| \$1,285,000                             |                     |
| <b>TOTAL APPROPRIATION</b>              | <b>\$71,282,000</b> |

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

|                                               |                      |
|-----------------------------------------------|----------------------|
| State Vehicle Parking Account—State           | Appropriation        |
| \$754,000                                     |                      |
| Regional Mobility Grant Program Account—State | Appropriation        |
| \$93,920,000                                  |                      |
| Rural Mobility Grant Program Account—State    | Appropriation        |
| \$32,223,000                                  |                      |
| Multimodal Transportation Account—State       | Appropriation        |
| \$92,437,000                                  |                      |
| Multimodal Transportation Account—Federal     | Appropriation        |
| \$3,574,000                                   |                      |
| <b>TOTAL APPROPRIATION</b>                    | <b>\$222,908,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account—state appropriation is provided solely for the ecumenical christian

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helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$10,290,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) \$16,241,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Public Transportation Program (V).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to

apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,920,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount, \$250,000 of the multimodal transportation account—state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(8) \$17,590,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account—state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this

section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);
- (ii) King County Metro - Route 40 Northgate to Downtown (G2000032);
- (iii) Spokane Transit - Spokane Central City Line (G2000034);
- (iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or
- (v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

|                                                    |                      |
|----------------------------------------------------|----------------------|
| Puget Sound Ferry Operations Account—State         |                      |
| Appropriation                                      | \$496,307,000        |
| Puget Sound Ferry Operations Account—Federal       |                      |
| Appropriation                                      | \$8,743,000          |
| Puget Sound Ferry Operations Account—Private/Local |                      |
| Appropriation                                      | \$121,000            |
| <b>TOTAL APPROPRIATION</b>                         | <b>\$505,171,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) \$68,049,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision

of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

|                                                 |                     |
|-------------------------------------------------|---------------------|
| Multimodal Transportation Account—State         |                     |
| Appropriation                                   | \$80,146,000        |
| Multimodal Transportation Account—Private/Local |                     |
| Appropriation                                   | \$46,000            |
| <b>TOTAL APPROPRIATION</b>                      | <b>\$80,192,000</b> |

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

(1) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

(2) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California;

(3) An analysis of the following key elements:

- (a) Economic feasibility;
- (b) Forecasted demand;
- (c) Corridor identification;
- (d) Land use and economic development and environmental implications;
- (e) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;
- (f) Technological options for ultra high-speed ground transportation, both foreign and domestic;
- (g) Required specifications for speed, safety, access, and frequency;

(h) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

(i) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

(j) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

|                                       |                     |
|---------------------------------------|---------------------|
| Motor Vehicle Account—State           | Appropriation       |
| \$10,644,000                          |                     |
| Motor Vehicle Account—Federal         | Appropriation       |
| \$2,567,000                           |                     |
| Multiuse Roadway Safety Account—State | Appropriation       |
| \$132,000                             |                     |
| <b>TOTAL APPROPRIATION</b>            | <b>\$13,343,000</b> |

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

**TRANSPORTATION AGENCIES—CAPITAL**

**NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State  
Appropriation \$22,462,000  
Highway Safety Account—State Appropriation  
\$1,900,000  
Motor Vehicle Account—Federal Appropriation  
\$3,250,000  
Freight Mobility Multimodal Account—State  
Appropriation \$21,843,000  
Freight Mobility Multimodal Account—Private/Local  
Appropriation \$1,320,000  
TOTAL APPROPRIATION \$50,775,000

**NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation  
\$3,103,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) \$728,000 for roof replacements;
- (3) \$2,000,000 for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system; and
- (4) \$125,000 for the Whiskey Ridge generator shelter.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

**NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation  
\$58,186,000  
Motor Vehicle Account—State Appropriation \$706,000  
County Arterial Preservation Account—State  
Appropriation \$35,434,000  
TOTAL APPROPRIATION \$94,326,000

**NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Small City Pavement and Sidewalk Account—State  
Appropriation \$5,780,000  
Transportation Improvement Account—State  
Appropriation \$240,300,000  
Multimodal Transportation Account—State  
Appropriation \$14,670,000  
TOTAL APPROPRIATION \$260,750,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire multimodal transportation account—state appropriation is provided solely for the complete streets program.
- (2) \$9,687,000 of the transportation improvement account—state appropriation is provided solely for:
  - (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;
  - (b) The small city pavement program to help cities meet urgent preservation needs; and
  - (c) The small city low-energy street light retrofit program.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

Motor Vehicle Account—State Appropriation  
\$6,087,000  
Connecting Washington Account—State Appropriation  
\$24,257,000  
TOTAL APPROPRIATION \$30,344,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$16,170,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.
- (2) \$8,087,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Transportation Partnership Account—State  
Appropriation \$570,992,000  
Motor Vehicle Account—State Appropriation  
\$47,406,000  
Motor Vehicle Account—Federal Appropriation  
\$216,647,000  
Motor Vehicle Account—Private/Local Appropriation  
\$24,209,000  
Connecting Washington Account—State  
Appropriation \$1,159,822,000  
Special Category C Account—State Appropriation  
\$6,146,000  
Multimodal Transportation Account—State  
Appropriation \$15,162,000  
Alaskan Way Viaduct Replacement Project Account—State  
Appropriation \$122,046,000  
Transportation 2003 Account (Nickel Account)—State  
Appropriation \$51,115,000  
Interstate 405 Express Toll Lanes Operations Account—State  
Appropriation \$12,000,000  
TOTAL APPROPRIATION \$2,225,545,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2017-1 as developed April 20, 2017, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those

amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document 2017-1 as developed April 20, 2017, Program – Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year 2017 funds transferred using this subsection as part of the department's 2018 budget submittal.

(5) The connecting Washington account—state appropriation includes up to \$360,433,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to \$51,115,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account—state appropriation includes up to \$325,748,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. Of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.

(8) \$159,407,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, \$8,000,000 of the motor vehicle account—private/local appropriation, \$29,100,000 of the transportation 2003 account (nickel account)—state appropriation, \$122,046,000 of the Alaskan Way viaduct replacement project account—state appropriation, and \$2,662,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(9) \$12,500,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

(10) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

(11) \$5,804,000 of the transportation partnership account—state appropriation, \$5,162,000 of the transportation 2003 account (nickel account)—state appropriation, and \$146,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current

phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

(12) \$26,601,000 of the transportation partnership account—state appropriation and \$10,956,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

(13) \$1,500,000 of the transportation partnership account—state appropriation is provided solely for preliminary engineering for adding capacity on Interstate 405 between state route number 522 and Interstate 5. The funding is a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

(14)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) \$44,311,000 of the transportation partnership account—state appropriation is provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(15) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2018 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(16) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

(17) It is the intent of the legislature that a new I-5/Exit 274 Interchange project in Blaine be funded with \$12,100,000 of connecting Washington account—state funds in the 2023-2025 fiscal biennium and be changed accordingly on the LEAP transportation document referenced in subsection (1) of this section. This new project would create a new southbound off-ramp on Interstate 5 at Exit 274 onto Peace Portal Drive and a direct northbound connection to Blaine's industrial area from the existing northbound off-ramp by reconfiguring it to tie into Odell Street.

(18) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(19) \$93,500,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R). Any savings on the project must stay on the Puget Sound gateway corridor until the project is complete.

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(20)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of the requirements outlined in this subsection (20)(b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any benefits to be gained by moving the project schedule forward. Additionally, the department must consider completing a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project, the funds must be applied toward the completion of these two full single-point urban interchanges.

(21) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(22) \$600,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (L1000158), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(23)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather in

the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

(24) \$2,000,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

(25) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(26) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

(27) It is the intent of the legislature that for the I-5/Slater Road Interchange - Improvements project (L1000099), \$2,000,000 of connecting Washington account—state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account—state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly.

(28)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);
- (ii) I-5/Marvin Road/SR 510 Interchange (L1100110);
- (iii) I-5/Northbound On-ramp at Bakerview (L2000119);
- (iv) US 395/Ridgeline Intersection (L2000127);
- (v) I-90/Eastside Restripe Shoulders (L2000201);
- (vi) SR 240/Richland Corridor Improvements (L2000202);
- (vii) SR 14/Bingen Overpass (L2220062);

- (viii) US Hwy 2 Safety (N00200R);
- (ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);
- (x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);
- (xi) I-5/Rebuild Chambers Way Interchange Improvements (L2000223);
- (xii) SR 28 East Wenatchee Corridor Improvements (T10300R);
- (xiii) SR 3/Belfair Bypass – New Alignment (T30400R); or
- (xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

(30) Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

|                                                    |               |                      |
|----------------------------------------------------|---------------|----------------------|
| Recreational Vehicle Account—State                 | Appropriation | \$2,480,000          |
| Transportation Partnership Account—State           | Appropriation | \$204,000            |
| Motor Vehicle Account—State                        | Appropriation | \$49,192,000         |
| Motor Vehicle Account—Federal                      | Appropriation | \$515,368,000        |
| Motor Vehicle Account—Private/Local                | Appropriation | \$10,400,000         |
| State Route Number 520 Corridor Account—State      | Appropriation | \$498,000            |
| Connecting Washington Account—State                | Appropriation | \$185,030,000        |
| Tacoma Narrows Toll Bridge Account—State           | Appropriation | \$384,000            |
| Transportation 2003 Account (Nickel Account)—State | Appropriation | \$58,894,000         |
| <b>TOTAL APPROPRIATION</b>                         |               | <b>\$822,450,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2017-1 as developed April 20, 2017, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as

listed in LEAP Transportation Document 2017-1 as developed April 20, 2017, Program – Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year 2017 funds transferred using this subsection as part of the department's 2018 budget submittal.

(5) The transportation 2003 account (nickel account)—state appropriation includes up to \$13,395,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) \$7,200,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 of this act. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(7) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

(8) \$22,620,000 of the motor vehicle account—federal appropriation and \$663,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its 2018 agency budget request.

(9) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(10)(a) \$4,820,000 of the motor vehicle account—federal appropriation and \$182,000 of the motor vehicle account—state appropriation are provided solely for weigh station preservation (OBP3006). These amounts must be held in unallotted status,

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except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(11) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(12) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

(13) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

(14) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

|                     |                       |               |
|---------------------|-----------------------|---------------|
| Motor Vehicle       | Account—State         | Appropriation |
| \$4,913,000         |                       |               |
| Motor Vehicle       | Account—Federal       | Appropriation |
| \$5,106,000         |                       |               |
| Motor Vehicle       | Account—Private/Local | Appropriation |
| \$500,000           |                       |               |
| TOTAL APPROPRIATION |                       | \$10,519,000  |

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

|                                                |              |
|------------------------------------------------|--------------|
| Puget Sound Capital Construction Account—State |              |
| Appropriation                                  | \$59,924,000 |

|                                                        |               |               |
|--------------------------------------------------------|---------------|---------------|
| Puget Sound Capital Construction Account—Federal       |               |               |
| Appropriation                                          | \$152,838,000 |               |
| Puget Sound Capital Construction Account—Private/Local |               |               |
| Appropriation                                          | \$15,654,000  |               |
| Transportation Partnership Account—State               |               |               |
| Appropriation                                          | \$2,923,000   |               |
| Connecting Washington Account—State                    | Appropriation |               |
| \$142,837,000                                          |               |               |
| TOTAL APPROPRIATION                                    |               | \$374,176,000 |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) \$26,252,000 of the Puget Sound capital construction account—federal appropriation and \$63,804,000 of the connecting Washington account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) \$61,729,000 of the Puget Sound capital construction account—federal appropriation, \$36,529,000 of the connecting Washington account—state appropriation, and \$15,554,000 of the Puget Sound capital construction account—private/local appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) \$775,000 of the Puget Sound capital construction account—state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by January 1, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

(i) Identify changes in the demographics of users of the system;

(ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;

(iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated



number of vessels needed. This analysis should also articulate a reserve vessel strategy;

(iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:

- (A) Anticipated crewing requirements;
- (B) Fuel type;
- (C) Other operating and maintenance costs;

(v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;

(vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;

(vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;

(viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and

(ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

(c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

|                                             |               |                     |
|---------------------------------------------|---------------|---------------------|
| Essential Rail Assistance Account—State     | Appropriation | \$424,000           |
| Transportation Infrastructure Account—State | Appropriation | \$5,367,000         |
| Multimodal Transportation Account—State     | Appropriation | \$51,665,000        |
| Multimodal Transportation Account—Federal   | Appropriation | \$1,487,000         |
| <b>TOTAL APPROPRIATION</b>                  |               | <b>\$58,943,000</b> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and

Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) \$400,000 of the essential rail assistance account—state appropriation and \$305,000 of the multimodal transportation account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

**NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

|                                          |               |               |
|------------------------------------------|---------------|---------------|
| Highway Infrastructure Account—State     | Appropriation | \$293,000     |
| Highway Infrastructure Account—Federal   | Appropriation | \$218,000     |
| Transportation Partnership Account—State | Appropriation | \$1,143,000   |
| Highway Safety Account—State             | Appropriation | \$2,388,000   |
| Motor Vehicle Account—State              | Appropriation | \$15,080,000  |
| Motor Vehicle Account—Federal            | Appropriation | \$65,187,000  |
| Motor Vehicle Account—Private/Local      | Appropriation | \$18,000,000  |
| Connecting Washington Account—State      | Appropriation | \$118,293,000 |
| Multimodal Transportation Account—State  |               |               |

Appropriation \$56,079,000  
 TOTAL APPROPRIATION \$276,681,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. \$6,432,000 of the multimodal transportation account—state appropriation and \$1,143,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. \$6,372,000 of the motor vehicle account—federal appropriation, \$923,000 of the multimodal transportation account—state appropriation, and \$2,388,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) \$18,741,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);
- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(9) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project.

(10) \$280,000 of the motor vehicle account—state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.

**NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

(1) As part of its budget submittal for the 2018 supplemental budget, the department of transportation shall provide an update to the report provided to the legislature in 2017 that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d)

identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its budget submittal for the 2018 supplemental budget, the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

**NEW SECTION. Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees the following reports for all capital programs:

(1) For active projects, the report must include:

(a) A TEIS version containing actual capital expenditures for all projects consistent with the structure of the most recently enacted budget;

(b) Anticipated cost savings, cost increases, reappropriations, and schedule adjustments for all projects consistent with the structure of the most recently enacted budget;

(c) The award amount, the engineer's estimate, and the number of bidders for all active projects consistent with the structure of the most recently enacted budget;

(d) Projected costs and schedule for individual projects that are funded at a programmatic level for projects relating to bridge rail, guard rail, fish passage barrier removal, roadside safety projects, and seismic bridges. Projects within this programmatic level funding must be completed on a priority basis and scoped to be completed within the current programmatic budget;

(e) Highway projects that may be reduced in scope and still achieve a functional benefit;

(f) Highway projects that have experienced scope increases and that can be reduced in scope;

(g) Highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(h) Contingency amounts for all projects consistent with the structure of the most recently enacted budget.

(2) For completed projects, the report must:

(a) Compare the costs and operationally complete date for projects with budgets of twenty million dollars or more that are funded with preexisting funds to the original project cost estimates and schedule; and

(b) Provide a list of nickel and TPA projects charging to the nickel/TPA environmental mitigation reserve (OBI4ENV) and the amount each project is charging.

(3) For prospective projects, the report must:

(a) Identify the estimated advertisement date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium;

(b) Identify the anticipated operationally complete date for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium; and

(c) Identify the estimated cost of completion for all projects consistent with the structure of the most recently enacted transportation budget that are going to advertisement during the current fiscal biennium.

**NEW SECTION. Sec. 314. FEDERAL FUNDS RECEIVED FOR CAPITAL PROJECT EXPENDITURES**

To the greatest extent practicable, the department of transportation shall expend federal funds received for capital project expenditures before state funds.

**TRANSFERS AND DISTRIBUTIONS**

**NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State  
Appropriation \$2,239,000  
Connecting Washington Account—State Appropriation  
\$1,802,000  
Highway Bond Retirement Account—State  
Appropriation \$1,238,072,000  
Ferry Bond Retirement Account—State Appropriation  
\$28,873,000  
Transportation Improvement Board Bond Retirement  
Account—State Appropriation \$13,254,000  
Nondebt-Limit Reimbursable Bond Retirement  
Account—State Appropriation \$26,609,000  
Toll Facility Bond Retirement Account—State  
Appropriation \$86,493,000  
Transportation 2003 Account (Nickel Account)—State  
Appropriation \$323,000  
TOTAL APPROPRIATION \$1,397,665,000

**NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State  
Appropriation \$448,000  
Connecting Washington Account—State Appropriation  
\$360,000  
Transportation 2003 Account (Nickel Account)—State  
Appropriation \$65,000  
TOTAL APPROPRIATION \$873,000

**NEW SECTION. Sec. 403. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal  
Appropriation \$199,901,000  
Toll Facility Bond Retirement Account—State  
Appropriation \$25,372,000  
TOTAL APPROPRIATION \$225,273,000

**NEW SECTION. Sec. 404. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation:  
For motor vehicle fuel tax distributions to  
cities and counties \$514,648,000

**NEW SECTION. Sec. 405. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Multimodal Transportation Account—State  
Appropriation: For distribution to  
cities and counties \$26,786,000  
Motor Vehicle Account—State  
Appropriation: For distribution to  
cities and counties \$23,438,000  
TOTAL APPROPRIATION \$50,224,000

**NEW SECTION. Sec. 406. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation:

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For motor vehicle fuel tax refunds and statutory transfers \$2,196,693,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT**

**OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers \$200,747,000

**NEW SECTION. Sec. 408. FOR THE STATE**

**TREASURER—ADMINISTRATIVE TRANSFERS**

(1) State Patrol Highway Account—State Appropriation: For transfer to the Connecting Washington Account—State \$21,221,000

(2) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State \$10,946,000

(3) Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$57,000,000

(4) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State \$56,464,000

(5) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State \$8,511,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$20,000,000

(7) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State \$4,844,000

(8) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State \$9,688,000

(9) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$43,000,000

(10) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Connecting Washington Account—State \$1,305,000

(11) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000

(12) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$1,240,000

(13) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State \$36,500,000

(14) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State \$8,511,000

(15) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$32,000,000

(16) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$20,000,000

(17) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State \$27,679,000

(18) Multimodal Transportation Account—State Appropriation: For transfer to the Rural

Mobility Grant Program Account—State \$15,223,000

(19) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000

(20) Transportation 2003 Account (Nickel Account)—State Appropriation: For transfer to the Connecting Washington Account—State \$22,970,000

(21)(a) Interstate 405 Express Toll Lanes Operations Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$2,019,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 407(19), chapter 222, Laws of 2014.

(22)(a) Transportation Partnership Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State \$122,046,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

(23)(a) Motor Vehicle Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur in November 2019.

(24) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State \$4,844,000

(25)(a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

(26)(a) Motor Vehicle Account—State Appropriation: For transfer to the Alaskan Way Viaduct Replacement Project Account—State \$6,506,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is a deep bore tunnel is operational.

**NEW SECTION. Sec. 409.** The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**COMPENSATION**

**NEW SECTION. Sec. 501. GENERAL STATE EMPLOYEE COMPENSATION ADJUSTMENTS**

Except as otherwise provided in sections 502 through 516 of this act, state employee compensation adjustments will be

provided in accordance with funding adjustments provided in the 2017-2019 omnibus appropriations act.

**NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

**NEW SECTION. Sec. 503. COLLECTIVE BARGAINING AGREEMENTS**

Sections 504 through 516 of this act represent the results of the 2017-2019 collective bargaining process required under chapters 47.64 and 41.56 RCW. Provisions of the collective bargaining agreements contained in sections 504 through 516 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 504 through 516 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**NEW SECTION. Sec. 504. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—OPEIU**

An agreement has been reached between the governor and the office and professional employees international union local eight (OPEIU) through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded six and one-half percent general wage increase effective July 1, 2017, and six and one-half percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and restructuring of the pay schedule.

**NEW SECTION. Sec. 505. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—FASPAA**

An agreement has been reached between the governor and the ferry agents, supervisors, and project administrators association pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

**NEW SECTION. Sec. 506. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—SEIU LOCAL 6**

An agreement has been reached between the governor and the service employees international union local 6 pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a six percent general wage increase effective July 1, 2017, and a four percent general wage increase effective July 1, 2018.

**NEW SECTION. Sec. 507. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—CARPENTERS**

An agreement has been reached between the governor and the Pacific Northwest regional council of carpenters through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded four percent general wage increase effective July 1, 2017, and three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications.

**NEW SECTION. Sec. 508. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—METAL TRADES**

An agreement has been reached between the governor and the Puget Sound metal trades council through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for the awarded three percent general wage increase effective July 1, 2017, and three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications.

**NEW SECTION. Sec. 509. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MEBA-UL**

An agreement has been reached between the governor and the marine engineers' beneficial association unlicensed engine room employees pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

**NEW SECTION. Sec. 510. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MEBA-L**

An agreement has been reached between the governor and the marine engineers' beneficial association licensed engineer officers pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for an additional pay increase to address inversion among certain job classifications.

**NEW SECTION. Sec. 511. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P MATES**

An agreement has been reached between the governor and the master, mates, and pilots - mates pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a two percent general wage increase effective July 1, 2018.

**NEW SECTION. Sec. 512. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P MASTERS**

An agreement has been reached between the governor and the master, mates, and pilots - masters through an interest arbitration award pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a five and one-half percent general wage increase effective July 1, 2017, and a two and one-half percent general wage increase effective July 1, 2018. The award also includes and funding is provided for an additional pay increase to address inversion among certain job classifications.

**NEW SECTION. Sec. 513. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—MM&P WATCH CENTER SUPERVISORS**

An agreement has been reached between the governor and the master, mates, and pilots - watch center supervisors pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2017, and a one percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for an increase for the fleet safety and training administrators equal to the same hourly rate of pay as the watch center supervisors.

**NEW SECTION. Sec. 514. DEPARTMENT OF TRANSPORTATION MARINE DIVISION COLLECTIVE BARGAINING AGREEMENT—IBU**

An agreement has been reached between the governor and the inlandboatmen's union pursuant to chapter 47.64 RCW for the 2017-2019 fiscal biennium. Funding is provided for a four percent

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general wage increase effective July 1, 2017, and a one percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases in the wage differential among certain job classifications and for employees hired on or after June 30, 2011, an increase in leave earned.

**NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol troopers association pursuant to chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is provided for a sixteen percent general wage increase for troopers effective July 1, 2017, and a three percent general wage increase for troopers effective July 1, 2018. Funding is also provided for a twenty percent general wage increase for sergeants effective July 1, 2017, and a three percent general wage increase for sergeants effective July 1, 2018. The agreement also includes and funding is provided for increases to longevity pay, changes to specialty pay, and an increase to vacation accruals.

**NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS ASSOCIATION**

An agreement has been reached between the governor and the Washington state patrol lieutenants association pursuant to chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is provided for a twenty percent general wage increase effective July 1, 2017, and a three percent general wage increase effective July 1, 2018. The agreement also includes and funding is provided for increases to longevity pay.

**IMPLEMENTING PROVISIONS**

**NEW SECTION. Sec. 601. FUND TRANSFERS**

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document 2017-1 as developed April 20, 2017, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

**NEW SECTION. Sec. 602.** To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

**NEW SECTION. Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 604. FOR THE DEPARTMENT OF TRANSPORTATION**

(1) As part of its 2018 supplemental budget submittal, the department shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2015-2017 fiscal biennium into the 2017-2019 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2015 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2017-2019 fiscal biennium into budgeting systems.

**NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF TRANSPORTATION—WEB SITE REPORTING REQUIREMENTS**

(1) The department of transportation shall post on its web site every report that is due from the department to the legislature during the 2017-2019 fiscal biennium on one web page. The department must post both completed reports and planned reports on a single web page.

(2) The department shall provide a web link for each change order that is more than five hundred thousand dollars on the affected project web page.

**NEW SECTION. Sec. 606.** (1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2017-2 ALL PROJECTS as developed April 20, 2017. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

**NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES**

(1) The legislature finds that in the course of efficiently delivering connecting Washington projects, it is necessary to create a process for the department of transportation to request and receive approval of practical design-related project scope changes while the legislature is not in session. During the 2017-2019 fiscal biennium, the director of the office of financial management may approve project scope change requests to connecting Washington projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than ten days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests

from the prior year, including a comparison of the scope before and after the requested change.

**NEW SECTION. Sec. 608. FOR THE DEPARTMENT OF TRANSPORTATION**

The department of transportation may provide up to three million dollars in toll credits to Kitsap transit for its role in passenger-only ferry service and ferry corridor-related projects. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

**MISCELLANEOUS 2017-2019 FISCAL BIENNIUM  
NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY PROJECTS**

(1) All appropriations for designated information technology projects in this act must be placed in unallotted status and must not be expended before the office of the chief information officer certifies that the project complies with state information technology and security policy and strategies. At a minimum, the office of the chief information officer must certify, if the chief information officer deems appropriate, that the project meets critical project success factors, aligns with statewide technology strategy and architecture, reuses existing technology services and solutions, minimizes custom development, complies with security and other policy requirements, and uses modularized, component-based architectures. The office of the chief information officer must evaluate the project at the appropriate stages. The office of the chief information officer must notify the office of financial management and the legislative fiscal committees each time it certifies a project is ready to proceed with the next stage. Appropriations may then be allotted for that certified phase only.

(2) The chief information officer may suspend or terminate a project at any time if the chief information officer determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the chief information officer.

The following projects are subject to the conditions, limitations, and review provided in this section: Department of Transportation – Labor System Replacement, Department of Transportation – New Ferry Division Dispatch System, Department of Transportation - Land Mobile Radio System Replacement, and Department of Transportation - New CSC System and Operator.

(3) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section other than those listed in subsection (2) of this section, including projects that are not separately identified within an agency budget.

**NEW SECTION. Sec. 702. SETTLEMENT FUNDS EXPENDITURE**

The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.

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The legislature also finds that a framework to govern the administration of mitigation funds requires appropriations, guiding principles, allocation of funds, consideration of agencies' roles, legislative oversight, and ancillary provisions. Accordingly, the omnibus capital budget for the department of ecology includes the necessary provisions to administer the mitigation funds and the development of the mitigation plan. With respect to this act and transportation governance generally, these provisions require: The participation of legislators from the transportation committees as part of a legislative work group; consultation by the department of ecology with the department of transportation on several components of the plan development and implementation; and consideration of and coordination with the several transportation programs and policies that intersect with potential mitigation actions that may become part of the plan. The department of transportation is directed to work with the department of ecology as needed to facilitate the plan development and implementation.

**Sec. 703.** RCW 43.19.642 and 2016 c 197 s 2 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2011-2013, 2013-2015, and))~~ 2015-2017 and 2017-2019 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

**Sec. 704.** RCW 46.20.745 and 2013 c 306 s 712 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ~~((2013-2015))~~ 2017-

2019 fiscal biennium, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

**Sec. 705.** RCW 46.61.5054 and 2017 c ... (SB 5037) s 5 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055 thereafter, a two hundred fifty dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and, subject to subsection (5) of this section, one hundred seventy-five dollars of the fee must be distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) The remainder of the fee shall be forwarded to the state treasurer who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and fifty percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.



(3) Twenty-five dollars of the fee assessed under subsection (1) of this section must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to reduce statewide collisions caused by persons driving under the influence of alcohol or drugs. Grants awarded under this subsection may be for projects that encourage collaboration with other community, governmental, and private organizations, and that utilize innovative approaches based on best practices or proven strategies supported by research or rigorous evaluation. Grants recipients may include, for example:

(a) DUI courts; and

(b) Jurisdictions implementing the victim impact panel registries under RCW 46.61.5152 and 10.01.230.

(4) Fifty dollars of the fee assessed under subsection (1) of this section must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to organizations within counties targeted for programs to reduce driving under the influence of alcohol or drugs. For the 2017-2019 fiscal biennium, the fee may also be used to support the cost of administration of the grant program by the Washington traffic safety commission.

(5) If the court has suspended payment of part of the fee pursuant to subsection (1)(b) of this section, amounts collected shall be distributed proportionately.

(6) This section applies to any offense committed on or after July 1, 1993, and only to adult offenders.

**Sec. 706.** RCW 46.68.030 and 2016 c 28 s 2 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$23.60 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the state patrol highway account to the connecting Washington account such amounts as reflect the excess fund balance of the state patrol highway account.

(4) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the state patrol highway account to the connecting Washington account.

**Sec. 707.** RCW 46.68.060 and 2015 3rd sp.s. c 43 s 602 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which must be deposited all moneys directed by law to be deposited therein. This fund must be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010, and chapters 46.72 and 46.72A RCW. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may

transfer from the highway safety fund to the Puget Sound ferry operations account, the motor vehicle fund, and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the highway safety fund to the multimodal transportation account.

**Sec. 708.** RCW 46.68.280 and 2015 3rd sp.s. c 43 s 603 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the connecting Washington account.

(4) The "nickel account" means the transportation 2003 account.

**Sec. 709.** RCW 46.68.290 and 2015 3rd sp.s. c 43 s 604 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and

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accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation,

competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.

(12) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the connecting Washington account.

**Sec. 710.** RCW 46.68.325 and 2015 1st sp.s. c 10 s 703 are each amended to read as follows:

(1) The rural mobility grant program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.100.

(2) Beginning September 2011, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the rural mobility grant program account two million five hundred thousand dollars.

(3) During the ~~((2013-2015 and))~~ 2015-2017 fiscal ~~((biennia))~~ biennium, the legislature may transfer from the rural mobility grant program account to the multimodal transportation

account such amounts as reflect the excess fund balance of the rural mobility grant program account.

(4) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the rural mobility grant program account to the multimodal transportation account.

**Sec. 711.** RCW 47.29.170 and 2015 1st sp.s. c 10 s 704 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2017))~~ 2018.

**Sec. 712.** RCW 47.56.403 and 2015 1st sp.s. c 10 s 705 are each amended to read as follows:

(1) The department may provide for the establishment, construction, and operation of a pilot project of high occupancy toll lanes on state route 167 high occupancy vehicle lanes within King county. The department may issue, buy, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction of high occupancy toll lanes, carry insurance, and handle any other matters pertaining to the high occupancy toll lane pilot project.

(2) Tolls for high occupancy toll lanes will be established as follows:

(a) The schedule of toll charges for high occupancy toll lanes must be established by the transportation commission and collected in a manner determined by the commission.

(b) Toll charges shall not be assessed on transit buses and vanpool vehicles owned or operated by any public agency.

(c) The department shall establish performance standards for the state route 167 high occupancy toll lane pilot project. The department must automatically adjust the toll charge, using dynamic tolling, to ensure that toll-paying single-occupant vehicle users are only permitted to enter the lane to the extent that average vehicle speeds in the lane remain above forty-five miles

per hour at least ninety percent of the time during peak hours. The toll charge may vary in amount by time of day, level of traffic congestion within the highway facility, vehicle occupancy, or other criteria, as the commission may deem appropriate. The commission may also vary toll charges for single-occupant inherently low-emission vehicles such as those powered by electric batteries, natural gas, propane, or other clean burning fuels.

(d) The commission shall periodically review the toll charges to determine if the toll charges are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department shall monitor the state route 167 high occupancy toll lane pilot project and shall annually report to the transportation commission and the legislature on operations and findings. At a minimum, the department shall provide facility use data and review the impacts on:

(a) Freeway efficiency and safety;

(b) Effectiveness for transit;

(c) Person and vehicle movements by mode;

(d) Ability to finance improvements and transportation services through tolls; and

(e) The impacts on all highway users. The department shall analyze aggregate use data and conduct, as needed, separate surveys to assess usage of the facility in relation to geographic, socioeconomic, and demographic information within the corridor in order to ascertain actual and perceived questions of equitable use of the facility.

(4) The department shall modify the pilot project to address identified safety issues and mitigate negative impacts to high occupancy vehicle lane users.

(5) Authorization to impose high occupancy vehicle tolls for the state route 167 high occupancy toll pilot project expires if either of the following two conditions apply:

(a) If no contracts have been let by the department to begin construction of the toll facilities associated with this pilot project within four years of July 24, 2005; or

(b) If high occupancy vehicle tolls are being collected on June 30, ~~((2017))~~ 2019.

(6) The department of transportation shall adopt rules that allow automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits.

(7) The conversion of a single existing high occupancy vehicle lane to a high occupancy toll lane as proposed for SR-167 must be taken as the exception for this pilot project.

(8) A violation of the lane restrictions applicable to the high occupancy toll lanes established under this section is a traffic infraction.

(9) Procurement activity associated with this pilot project shall be open and competitive in accordance with chapter 39.29 RCW.

**Sec. 713.** RCW 47.56.876 and 2015 1st sp.s. c 10 s 706 are each amended to read as follows:

A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. During the 2013-2015 and 2015-2017 fiscal biennia, the legislature may transfer from the state route number 520 civil

penalties account to the state route number 520 corridor account such amounts as reflect the excess fund balance of the state route number 520 civil penalties account. Funds transferred must be used solely for capital expenditures for the state route number 520 bridge replacement and HOV project. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account.

**Sec. 714.** RCW 47.60.530 and 2015 3rd sp.s. c 43 s 605 are each amended to read as follows:

(1) The Puget Sound ferry operations account is created in the motor vehicle fund.

(2) The following funds must be deposited into the account:

- (a) All moneys directed by law;
- (b) All revenues generated from ferry fares; and
- (c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the Puget Sound ferry operations account to the connecting Washington account such amounts as reflect the excess fund balance of the Puget Sound ferry operations account.

(6) During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the connecting Washington account.

**Sec. 715.** RCW 81.53.281 and 2016 c 14 s 701 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund" to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295; for grants and/or subsidies to public, private, and nonprofit entities for rail safety projects authorized or ordered by the commission; and for personnel and associated costs related to supervising and administering rail safety grants and/or subsidies. During the 2013-2015 fiscal biennium, funds in this account may also be used to conduct the study required under section 102, chapter 222, Laws of 2014. The commission shall transfer from the public service revolving fund's miscellaneous fees and penalties accounts moneys appropriated for these purposes as needed. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work.

The commission may adopt rules for the allocation of money from the grade crossing protective fund. During the 2015-2017 and 2017-2019 fiscal (biennium) biennia, the commission may waive rules regarding local matching fund requirements, maximum awards for individual projects, and other application requirements as necessary to expedite the allocation of money from the grade crossing protective fund to address underprotected grade crossings as identified by the commission.

**2015-2017 FISCAL BIENNIUM  
GENERAL GOVERNMENT AGENCIES—  
OPERATING**

**Sec. 801.** 2016 c 14 s 102 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION  
COMMISSION**

Grade Crossing Protective Account—State  
Appropriation ~~(((\$1,604,000))~~  
\$504,000

**Sec. 802.** 2016 c 14 s 103 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Motor Vehicle Account—State Appropriation  
~~(((\$2,296,000))~~  
\$2,196,000

Puget Sound Ferry Operations Account—State  
Appropriation \$115,000  
State Patrol Highway Account—State Appropriation  
\$150,000  
TOTAL APPROPRIATION \$2,561,000  
\$2,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$835,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to develop, implement, and report on transportation metrics associated with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Evaluate and implement opportunities to streamline reporting of county transportation financial data; expand reporting and collection of short-span bridge and culvert data; evaluate and report on the impact of increased freight and rail traffic on county roads; and to evaluate, implement, and report on the opportunities for improved capital project management and delivery.

(2) \$100,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to work with the department of fish and wildlife to develop voluntary programmatic agreements for the maintenance, preservation, rehabilitation, and replacement of water crossing structures. A report must be presented to the legislature by December 31, 2016, on the implementation of developed voluntary programmatic agreements.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for an organizational assessment of the Washington state patrol.

(4) The office of financial management, in conjunction with the office of the chief information officer, shall provide oversight and review of the department of transportation's development of the request for proposal for a new tolling customer service toll collection system and development of a project management plan as required in section 209(8) ~~((of this act))~~, chapter 14, Laws of 2016.

**Sec. 803.** 2016 c 14 s 104 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**  
Motor Vehicle Account—State Appropriation  
~~(((\$1,240,000))~~

\$1,239,000

**TRANSPORTATION AGENCIES—OPERATING**

**Sec. 901.** 2016 c 14 s 201 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation  
 ((\$3,183,000))

\$3,175,000

Highway Safety Account—Federal Appropriation  
 ((\$21,644,000))

\$22,035,000

Highway Safety Account—Private/Local Appropriation  
 \$118,000

School Zone Safety Account—State Appropriation  
 \$850,000

TOTAL APPROPRIATION \$25,795,000

\$26,178,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may continue to oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population of more than one hundred ninety-five thousand and that are located in a county with a population of fewer than one million five hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) By January 1, 2017, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

(2) \$99,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 243, Laws of 2015 (pedestrian safety reviews).

(3) (~~(\$6,500,000)~~) \$1,030,000 of the highway safety account—federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2015-2017 fiscal biennium.

(4) Within current resources, the commission must examine the declining revenue going to the school zone safety account with the goal of identifying factors contributing to the decline. By December 31, 2015, the commission must provide a report to the transportation committees of the legislature that summarizes its findings and provides recommendations designed to ensure that the account is receiving all amounts that should be deposited into the account.

**Sec. 902.** 2016 c 14 s 202 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation  
 \$1,000,000

Motor Vehicle Account—State Appropriation  
 ((\$2,459,000))

\$2,404,000

County Arterial Preservation Account—State  
 Appropriation \$1,518,000

TOTAL APPROPRIATION \$4,977,000

\$4,922,000

**Sec. 903.** 2016 c 14 s 203 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State  
 Appropriation (~~(\$4,063,000)~~)

\$4,035,000

**Sec. 904.** 2016 c 14 s 204 (uncodified) is amended to read as follows:

**FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account—State Appropriation  
 (~~(\$2,222,000)~~)

\$2,272,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for a consultant study of Washington state patrol recruitment and retention of troopers. The study must identify barriers to effective candidate recruitment, candidates' successful completion of training, and retention of trained troopers of various tenure. The study must provide:

- (i) An overview of current attrition rates;
- (ii) Options and strategies on reducing the average number of trooper positions that are vacant;
- (iii) Identification of best practices for recruitment and retention of law enforcement officers;
- (iv) Recommendations to improve existing recruitment and selection programs;
- (v) Recommendations for where salary and benefit adjustments should be targeted to most effectively address recruitment and retention challenges;
- (vi) Recommendations regarding changes to the training and education program; and
- (vii) Other recommendations for cost-effective personnel strategies.

(b) The joint transportation committee shall issue a report of its findings to the house and senate transportation committees by December 14, 2015. The Washington state patrol shall work with the consultant to identify costs for each recommendation.

(2)(a) \$125,000 of the motor vehicle account—state appropriation is for a study of Washington state weigh station planning, placement, and operations by the Washington state patrol and department of transportation as they relate to roadway safety and preservation. The study must:

- (i) Provide a high-level overview of commercial vehicle enforcement programs, with a focus on weigh stations, including both state and federal funding programs. This overview must include a description of how the Washington state patrol and department of transportation allocate these state and federal funds.
  - (ii) Review Washington state patrol and department of transportation planning related to weigh station location and operation, and the extent to which their efforts complement, coordinate with, or overlap each other;
  - (iii) Identify best practices in the funding, placement, and operation of weigh stations;
  - (iv) Review plans by the department of transportation and Washington state patrol to reopen a Federal Way area southbound weigh station;
  - (v) Recommend changes in state statutes, policy, or agency practices and rules to improve the efficiency and effectiveness of weigh station funding, placement, and operation, including potential savings to be achieved by adopting the changes; and
  - (vi) Review whether it is cost-effective or more efficient to place future weigh stations in the median of a highway instead of placing two individual weigh stations on either side of a highway.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2015.

(3) \$250,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for a study to be conducted in 2016 to identify prominent road-rail conflicts, recommend a corridor-based prioritization process for addressing the impacts of projected increases in rail traffic, and identify areas of state public policy interest, such as the critical role of freight movement to the Washington economy and the state's competitiveness in world trade. The study must consider the results of the updated marine cargo forecast due to be delivered to the joint transportation committee on December 1, 2015. In conducting the study, the joint transportation committee must consult with the department of transportation, the freight mobility strategic investment board, the utilities and transportation commission, local governments, and other relevant stakeholders. The joint transportation committee must issue a report of its recommendations and findings by January 9, 2017.

(4) The legislature intends for the joint transportation committee to undertake a study during the 2017-2019 fiscal biennium of consolidating rail employee safety and regulatory functions in the utilities and transportation commission. The joint transportation committee should review the information provided by the utilities and transportation commission and should provide recommendations to the transportation committees of the legislature regarding such a consolidation of rail employee safety and regulatory functions.

(5) Within existing resources, during the interim periods between regular sessions of the legislature, the joint transportation committee shall include on its agendas work sessions on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders. The joint transportation committee shall have at least two such work sessions before December 31, 2015.

(6) \$450,000 of the motor vehicle account—state appropriation is for the design-build contracting review study established in chapter 18, Laws of 2015 3rd sp. sess. The department of transportation must provide technical assistance, as necessary.

(7) The joint transportation committee must study the issues surrounding minority and women-owned business contracting related to the transportation sector. The study should identify any best practices adopted in other states that encourage participation by minority and women-owned businesses. The joint transportation committee, with direction from the executive committee, may form a legislative task force at the conclusion of the study to help to inform the legislature of any best practices identified from other states that encourage minority and women-owned businesses' participation in the transportation sector.

**Sec. 905.** 2016 c 14 s 205 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation  
((~~\$2,667,000~~))

\$2,516,000

Motor Vehicle Account—Federal Appropriation \$500,000

Multimodal Transportation Account—State

Appropriation \$112,000  
TOTAL APPROPRIATION \$3,279,000  
\$3,128,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely to continue evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund investments in transportation. The evaluation must include monitoring and reviewing work that is underway in other states and nationally. The commission may coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available and eligible for road usage charge pilot projects. The commission must reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, and report to the governor's office and the transportation committees of the house of representatives and the senate by December 15, 2015.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for the commission to use an outside survey firm to conduct three transportation surveys during the 2015-2017 fiscal biennium. The commission must consult with the joint transportation committee when deciding on the survey topics and design to ensure the survey results will deliver the data, information, and analysis for future transportation policy and strategic planning decisions in a manner useful to the legislature.

(3)(a) The legislature finds that, while some travel times have improved through Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end, especially for transit trips, the implementation of the express toll lane system has made travel more difficult for a number of other drivers and trips. To provide some relief to drivers, the legislature encourages the commission to expedite consideration of the elimination of tolls during evening nonpeak hours, weekends, and holidays, to the extent that such a change will improve commuters' experience on this portion of Interstate 405. The legislature further finds that the commission, as the tolling authority of the state, should act swiftly, working in conjunction with the department of transportation's comprehensive effort to tackle obstacles adversely affecting commutes on this portion of Interstate 405, to drive improved results for the users of this critical corridor as soon as is practicable.

(b) In accordance with the rule-making authority provided under RCW 34.05.350(1)(a), the legislature deems it necessary, for preservation of the general welfare, that operational changes be made to improve the express toll lane program on Interstate 405 and that the tolling authority use its emergency rule-making authority to effect such changes in accordance with RCW 47.56.850 and 47.56.880. The legislature finds that the need for improvements to the commuter experience on the portion of Interstate 405 identified in (a) of this subsection necessitates that such action be taken in an expedited fashion. The tolling authority, with input from the department of transportation, shall evaluate the hours and days of operation for the express toll lanes and the minimum high occupancy vehicle passenger requirements for using the express toll lanes, taking into consideration the goals of: Reducing travel time on this portion of Interstate 405, including in the general purpose lanes; reducing the cost of traveling within the express toll lanes on this portion of Interstate 405; and maintaining sufficient revenue to pay for this portion of Interstate 405's express toll lane operating costs. This subsection (3) does not create a private right of action.

(4)(a) \$500,000 of the motor vehicle account—federal appropriation is provided solely to advance the work completed since 2011 in evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund future investments in transportation by completing the work necessary to launch a road usage charge pilot project, with all implementation details for a pilot project identified and incorporated into a pilot project implementation plan.

(i) Pilot project implementation preparation must include identification of all essential agency roles and responsibilities for the pilot project, a selection of the technologies and methodologies to be included, a target number of participants and participant characteristics, rigorous specific evaluation criteria by which the pilot project will be assessed, a communication plan for the pilot project that consists of a participant recruitment plan and a plan for communicating information about the launch and ongoing progress of the pilot project, and pilot project expenditure and revenue estimates.

(ii) In developing the road usage charge pilot project implementation plan, the commission shall consult and coordinate with the department of transportation, the department of licensing, the department of revenue, and the office of the state treasurer to establish participation and coordination parameters for the project.

(b) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(c) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and may obtain guidance from the steering committee when it reaches key pilot project implementation plan development milestones. The commission must provide a report on the road usage charge pilot project implementation plan that includes all implementation details for a road usage charge pilot project to the governor's office and the transportation committees of the house of representatives and the senate by November 1, 2016.

~~((5) \$150,000 of the motor vehicle account—state appropriation is provided solely for supporting the disadvantaged business enterprise advisory committee established in chapter . . . (Senate Bill No. 6180), Laws of 2016. If chapter . . . (Senate Bill No. 6180), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.))~~

**Sec. 906.** 2016 c 14 s 206 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

|                             |                          |
|-----------------------------|--------------------------|
| Motor Vehicle Account—State | Appropriation            |
|                             | <del>(\$1,024,000)</del> |
|                             | \$1,015,000              |

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely to conduct a study of freight infrastructure needs, including an update of the long-term marine cargo forecast. The board must work with the Washington public ports association to evaluate: (1) Forecasted

cargo movement by commodity, type, and mode of land transport; and (2) current and projected freight infrastructure capacity needs. A report on the study must be delivered to the joint transportation committee by December 1, 2015.

**Sec. 907.** 2016 c 14 s 207 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

|                                            |               |                            |  |
|--------------------------------------------|---------------|----------------------------|--|
| State Patrol Highway Account—State         | Appropriation | <del>(\$415,364,000)</del> |  |
|                                            |               | \$407,845,000              |  |
| State Patrol Highway Account—Federal       | Appropriation | \$13,291,000               |  |
| State Patrol Highway Account—Private/Local | Appropriation | \$3,823,000                |  |
| Highway Safety Account—State               | Appropriation | \$1,494,000                |  |
| Multimodal Transportation Account—State    | Appropriation | \$276,000                  |  |
| <b>TOTAL APPROPRIATION</b>                 |               | <b>\$434,248,000</b>       |  |
|                                            |               | <u>\$426,729,000</u>       |  |

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the highway safety account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$23,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 3, Laws of 2015 2nd sp. sess. (impaired driving).

(4) \$5,000,000 of the state patrol highway account—state appropriation is provided solely for compensation increases for Washington state patrol troopers, sergeants, lieutenants, and captains. This increase is not subject to interest arbitration and is for salary and benefits that are in addition to the current interest arbitration award. It is the intent of the legislature that chapter . . . (Engrossed Second Substitute House Bill No. 2872), Laws of 2016 provide the revenue to support the ongoing costs associated with the compensation increases identified in this subsection in order to provide the means necessary to recruit and retain state patrol officers in subsequent biennia.

(5)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(6) \$115,000 of the state patrol highway account—state appropriation is provided solely for the operation of the license investigation unit to enforce vehicle registration laws in southwestern Washington.

**Sec. 908.** 2016 c 14 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

|                                                   |                              |               |  |
|---------------------------------------------------|------------------------------|---------------|--|
| Marine Fuel Tax Refund Account—State              |                              |               |  |
| Appropriation                                     | \$34,000                     |               |  |
| License Plate Technology Account—State            |                              |               |  |
| Appropriation                                     | \$3,200,000                  |               |  |
| Motorcycle Safety Education Account—State         |                              |               |  |
| Appropriation                                     | \$4,488,000                  |               |  |
| State Wildlife Account—State                      |                              | Appropriation |  |
| \$1,001,000                                       |                              |               |  |
| Highway Safety Account—State                      |                              | Appropriation |  |
| (( <del>\$201,666,000</del> ))                    |                              |               |  |
|                                                   | <u>\$198,735,000</u>         |               |  |
| Highway Safety Account—Federal                    |                              | Appropriation |  |
| \$3,573,000                                       |                              |               |  |
| Motor Vehicle Account—State                       |                              | Appropriation |  |
| (( <del>\$92,044,000</del> ))                     |                              |               |  |
|                                                   | <u>\$92,662,000</u>          |               |  |
| Motor Vehicle Account—Federal Appropriation       | \$362,000                    |               |  |
| Motor Vehicle Account—Private/Local               | Appropriation                |               |  |
| (( <del>\$1,544,000</del> ))                      |                              |               |  |
|                                                   | <u>\$1,859,000</u>           |               |  |
| Ignition Interlock Device Revolving Account—State |                              |               |  |
| Appropriation                                     | \$5,142,000                  |               |  |
| Department of Licensing Services Account—State    |                              |               |  |
| Appropriation                                     | (( <del>\$6,672,000</del> )) |               |  |
|                                                   | <u>\$6,671,000</u>           |               |  |
| TOTAL APPROPRIATION                               | \$319,726,000                |               |  |
|                                                   | <u>\$317,727,000</u>         |               |  |

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$30,954,000~~)) \$28,570,000 of the highway safety account—state appropriation and \$3,200,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(2) \$5,059,000 of the motor vehicle account—state appropriation is provided solely for replacing prorated and fuel tax computer systems used to administer interstate licensing and the collection of fuel tax revenues.

(3) \$3,714,000 of the highway safety account—state appropriation is provided solely for the implementation of an updated central issuance system.

(4) \$3,082,000 of the highway safety account—state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4),

to statutorily authorized persons or entities purchasing a driving record abstract.

(5) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. A person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(6) Within existing resources and in consultation with the traffic safety commission, the Washington state patrol, and a representative of the insurance industry and the professional driving school association, the department must review options and make recommendations on strategies for addressing young and high-risk drivers. The recommendations must consider the findings of Washington state's strategic highway safety plan, Target Zero, and must include an analysis of expanding traffic safety education to eighteen to twenty-four year olds that have not taken a traffic safety course and drivers that have been convicted of high-risk behavior, such as driving under the influence of drugs and alcohol and reckless driving. An overview of the work conducted and the recommendations are due to the transportation committees of the legislature and the governor by December 31, 2015.

(7) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 1, Laws of 2015 2nd sp. sess. (quick title service fees).

(8) \$283,000 of the highway safety account—state appropriation and \$33,000 of the ignition interlock device revolving account—state appropriation are provided solely for the implementation of chapter 3, Laws of 2015 2nd sp. sess. (impaired driving).

(9) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).

~~(10) ((~~\$335,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2942), Laws of 2016 or chapter . . . (Senate Bill No. 6591), Laws of 2016 (nondomiciled commercial drivers' licenses). If both chapter . . . (Substitute House Bill No. 2942), Laws of 2016 and chapter . . . (Senate Bill No. 6591), Laws of 2016 are not enacted by June 30, 2016, the amount provided in this subsection lapses.~~)~~

~~(11))~~ \$2,421,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2015. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

~~((12))~~ (1) \$43,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 6200), Laws of 2016 (Washington's fish collection license plate). If chapter . . . (Senate Bill No. 6200),



Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

~~((13))~~ (12) \$388,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 (impaired driving). If chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

~~((14))~~ (13) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 (Purple Heart license plate). If chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

~~((15))~~ (14) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 (alternative fuel vehicles). If chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

**Sec. 909.** 2016 c 14 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TOLL OPERATIONS AND MAINTENANCE—  
PROGRAM B**

High Occupancy Toll Lanes Operations Account—State  
Appropriation ~~((3,185,000))~~  
\$3,175,000

Motor Vehicle Account—State Appropriation \$510,000  
State Route Number 520 Corridor Account—State

Appropriation \$39,029,000

State Route Number 520 Civil Penalties Account—State  
Appropriation \$6,008,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation \$26,636,000

Interstate 405 Express Toll Lanes Operations  
Account—State Appropriation \$15,552,000

TOTAL APPROPRIATION \$90,920,000  
\$90,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$8,157,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$4,778,000 of the state route number 520 civil penalties account—state appropriation and \$2,065,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(4) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems. Due to underruns, the office of financial management shall place \$1,000,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$360,000 of the state route number 520 corridor account—state appropriation, and \$1,000,000 of the high occupancy toll lanes operations account—state appropriation in unallotted status. The office of financial management may release portions of the funds if it determines operation and maintenance costs of the roadside toll collection systems exceed the allotted amounts.

(5) \$12,202,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility, including the customer service center vendor, transponders, credit card fees, printing and postage, rent, office supplies, telephone and communications equipment, computers, and vehicle operations. Within the amount provided in this subsection, the department must, to the greatest extent possible, without adding additional tolling gantries, continue to expand the length of the access and exit points to the express toll lanes, clarify signage and striping to eliminate confusion, and make other operational and customer service improvements to enhance the public's use of the toll facility. The office of financial management shall place \$5,371,000 of the amount provided in this subsection in unallotted status. The office of financial management may release funds to the department on a monthly basis beginning July 1, 2016; however, the amount to be released monthly must be calculated to address the department's projected expenditure need based on the previous month's actual expenditures, financial statement, actual toll transaction experience, and actual revenue collections for the Interstate 405 express toll lanes facility. Prior to releasing any funding from unallotted status, the office of financial management shall notify the joint transportation committee of the amount to be released and provide the documentation used in determining the amount.

(6) \$250,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the identification and prioritization of projects that will help reduce congestion and provide added capacity on the Interstate 405 tolling corridor between state route number 522 and Interstate 5.

(7) The department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(8) \$56,000 of the high occupancy toll lanes operations account—state appropriation, \$1,124,000 of the state route number 520 corridor account—state appropriation, and \$596,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the department to develop a request for proposal for a new tolling customer service center.

(a) The department must address the replacement of the Wave2Go ferry ticketing system that is reaching the end of its useful life by developing functional and technical requirements that integrate Washington state ferries ticketing into the new tolling division customer service center toll collection system. The department shall continue to report quarterly to the governor, legislature, and state auditor on: (i) The department's effort to mitigate risk to the state, (ii) the development of a request for proposal, and (iii) the overall progress towards procuring a new tolling customer service center.

(b) The department shall release a request for proposal for a new tolling customer service toll collection system by December 1, 2016.

(i) During the request for proposal development process and prior to its release, the office of financial management shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

- (A) Provides for the business needs of the state; and
- (B) Mitigates risk to the state.

(ii) During development of the request for proposal and prior to its release, the office of the chief information officer shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

- (A) Contains requirements that meet the security standards and policies of the office of the chief information officer; and
- (B) Is flexible and adaptable to advances in technology.

(c)(i) Prior to commencement of the new tolling customer service toll collection system implementation, the department shall submit a draft project management plan to the office of financial management and the office of the chief information officer that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation;

(ii) The office of financial management and the office of the chief information officer shall review the draft project management plan to ensure that it contains adequate contract management and quality assurance measures.

(iii) The department shall submit the project management plan to the transportation committees of the legislature prior to the commencement of system implementation.

(9) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(10) \$5,000 of the motor vehicle account—state appropriation is provided solely for membership dues for the alliance for toll interoperability.

(11) \$1,230,000 of the state route number 520 civil penalties account—state appropriation and \$695,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely to implement chapter 292, Laws of 2015 (tolling customer service reform) to improve integration between the Good to Go! electronic tolling system with the pay-by-mail system through increased communication with customers and improvements to the Good to Go! web site allowing customers to manage all of their toll accounts regardless of method of payment. Within the amounts provided, the department must include in the request for proposals for a new customer service center the requirement that the new tolling customer service center link to the vehicle records system of the department of licensing to enable vehicle record updates that relate to tolling customer accounts to occur between the two systems seamlessly. The department must work with the department of licensing to develop the appropriate specifications to include in the request for proposals to allow the new tolling customer service center to link to the vehicle records system without cost to the department of licensing and report to the transportation committees of the legislature when the appropriate specifications have been completed. By June 30, 2017, the department shall report how many people with Good to Go! accounts were issued civil penalties for each toll facility and whether the number was reduced each fiscal year in the biennium. The department shall also report on the number of customer contacts that occur, number of civil penalties reduced or waived, the amount of the total civil penalties that are waived, and the number of customers that are referred to the administrative law judge process during the biennium.

**Sec. 910.** 2016 c 14 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
INFORMATION TECHNOLOGY—PROGRAM C**

|                                          |                     |               |  |
|------------------------------------------|---------------------|---------------|--|
| Transportation Partnership Account—State |                     |               |  |
| Appropriation                            | \$1,460,000         |               |  |
| Motor Vehicle Account—State              |                     | Appropriation |  |
| (( <del>\$69,291,000</del> ))            |                     |               |  |
|                                          | <u>\$69,281,000</u> |               |  |
| Multimodal Transportation Account—State  |                     |               |  |
| Appropriation                            | \$2,883,000         |               |  |

Transportation 2003 Account (Nickel Account)—State  
 Appropriation \$1,460,000  
 Puget Sound Ferry Operations Account—State  
 Appropriation \$263,000  
 TOTAL APPROPRIATION \$75,357,000  
\$75,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,460,000 of the transportation partnership account—state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for maintaining the department's project management reporting system.

(2) \$250,000 of the motor vehicle account—state appropriation is provided solely for the development of a timeline and funding plan for the labor system replacement project. As part of its 2017-2019 biennial budget submittal, and in coordination with the office of financial management and the office of the chief information officer, the department shall submit a timeline and funding plan for the labor system replacement project. The plan must identify a timeline and all one-time and ongoing costs for the integration of all headquarters, regional, and marine employees into the new labor system.

**Sec. 911.** 2016 c 14 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
 FACILITY MAINTENANCE, OPERATIONS, AND  
 CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation  
 ((~~\$27,609,000~~))  
\$27,592,000  
 State Route Number 520 Corridor Account—State  
 Appropriation \$34,000  
 TOTAL APPROPRIATION \$27,643,000  
\$27,626,000

**Sec. 912.** 2016 c 14 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
 AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation  
 ((~~\$8,628,000~~))  
\$8,632,000  
 Aeronautics Account—Federal Appropriation  
 ((~~\$4,100,000~~))  
\$1,600,000  
 Aeronautics Account—Private/Local Appropriation  
 \$60,000  
 TOTAL APPROPRIATION \$12,788,000  
\$10,292,000

The appropriations in this section are subject to the following conditions and limitations: \$4,557,000 of the aeronautics account—state appropriation is provided solely for airport investment studies and the airport aid grant program, which provides competitive grants to public airports for pavement, safety, maintenance, planning, and security.

**Sec. 913.** 2016 c 14 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
 PROGRAM DELIVERY MANAGEMENT AND  
 SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation  
 ((~~\$53,911,000~~))  
\$53,892,000  
 Motor Vehicle Account—Federal Appropriation \$500,000  
 Multimodal Transportation Account—State  
 Appropriation \$250,000

TOTAL APPROPRIATION \$54,661,000  
\$54,642,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) \$250,000 of the motor vehicle account—state appropriation is provided solely for training intended to retain a knowledgeable and competent core technical staff in the changing environment of highway project design and construction and to provide for the efficient and effective delivery and oversight of projects. The training must focus on the following areas:

(a) Training appropriate staff in regard to coordinating and administering projects with private sector designers and builders for projects delivered by the design-build construction process;

(b) Training on community engagement to provide project managers with the skills necessary to develop personal relations with the leaders of the affected community to blend project needs with the needs of the community, while providing fair treatment and involvement of community groups and individuals regarding elements of a project subject to environmental regulations, laws, and policies;

(c) Training for partnering and team building skills to avoid conflict and reduce construction claims that arise in contract administration; and

(d) Technical design training required in the fields of hydraulics, hydrology, and storm water abatement, and other fields in support of projects dealing with the fish passage program and highway runoff treatment.

**Sec. 914.** 2016 c 14 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
 ECONOMIC PARTNERSHIPS—PROGRAM K**

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|                                                                                               |                  |
|-----------------------------------------------------------------------------------------------|------------------|
| Motor Vehicle Account—State                                                                   | Appropriation    |
| <del>(\$600,000)</del>                                                                        |                  |
|                                                                                               | <u>\$604,000</u> |
| <del>((Electric Vehicle Charging Infrastructure Account—State Appropriation—\$1,000,000</del> |                  |
| <del>TOTAL APPROPRIATION—\$1,600,000</del>                                                    |                  |

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations: ((+)) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

~~((3) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).))~~

Sec. 915. 2016 c 14 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

|                                               |                      |
|-----------------------------------------------|----------------------|
| Motor Vehicle Account—State                   | Appropriation        |
| <del>(\$418,524,000)</del>                    |                      |
|                                               | <u>\$428,755,000</u> |
| Motor Vehicle Account—Federal                 | Appropriation        |
| <del>(\$7,000,000)</del>                      |                      |
|                                               | <u>\$12,000,000</u>  |
| Tacoma Narrows Toll Bridge Account—State      | Appropriation        |
|                                               | \$1,235,000          |
| State Route Number 520 Corridor Account—State | Appropriation        |
|                                               | \$4,448,000          |
| TOTAL APPROPRIATION                           | \$431,207,000        |
|                                               | <u>\$446,438,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$6,091,000)~~ \$7,122,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

(2) \$4,448,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,235,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(5) The department must make signage for low-height bridges a high priority.

(6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the Northwest avalanche center for an additional forecaster. However, the amount in this subsection is contingent on the state parks and recreation commission receiving funding for its portion of the Northwest avalanche center forecaster in the omnibus appropriations act. If this funding is not provided by June 30, 2016, the appropriation provided in this subsection lapses.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for safety improvements and operations relating to homeless encampments along Interstate 5 between milepost 162 and milepost 165. The department shall coordinate the timing of the safety improvements with the city of

Seattle and King county to ensure that a collaborative and comprehensive approach is taken to address emergency conditions in support of the city's transitional services.

(8) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary snow and ice removal expenses and related road repair expenses incurred during the winter of 2016-2017.

(9) \$5,000,000 of the motor vehicle account—federal appropriation is provided solely for costs necessary to respond to federally reimbursable disasters. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that a federally reimbursable disaster has occurred that requires maintenance funds.

(10) \$161,000 of the motor vehicle account—state appropriation is provided solely for electrical repairs on the Hood Canal bridge due to power surges that caused an electrical fire. The department shall continue to investigate the cause of the fire and pursue cost recovery from the company providing power at the time of the incident if it is determined the incident was the fault of the power company.

Sec. 916. 2016 c 14 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING**

|                                     |                     |
|-------------------------------------|---------------------|
| Connecting Washington Account—State | Appropriation       |
|                                     | \$30,000            |
| Motor Vehicle Account—State         | Appropriation       |
| <del>(\$57,622,000)</del>           |                     |
|                                     | <u>\$57,504,000</u> |
| Motor Vehicle Account—Federal       | Appropriation       |
|                                     | \$2,050,000         |
| Motor Vehicle Account—Private/Local | Appropriation       |
|                                     | \$250,000           |
| TOTAL APPROPRIATION                 | \$59,952,000        |
|                                     | <u>\$59,834,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) During the 2015-2017 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle:

- (a) Auto transportation company vehicles regulated under chapter 81.68 RCW;
- (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules;
- (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and
- (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means

regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(3) The legislature recognizes that congestion is increasing on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station, and that allowing transit buses to operate on the shoulder would provide congestion relief and more reliable travel times. Therefore, the department shall, within existing resources, implement a transit bus shoulder operations pilot project on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station. The department shall make all necessary changes to handle the increased traffic and provide a ten-foot shoulder for the transit bypass.

(4) \$30,000 of the connecting Washington account—state appropriation is provided solely for the department to create and install motorist information sign panels for the Jerry Taylor Veterans Plaza in Sunnyside along the state-owned right-of-way near exits 63, 67, and 69 on Interstate 182 and on state route number 241 near the junction with Yakima Valley highway and to install supplemental directional signs as permitted by the affected local government and in accordance with the "Manual on Uniform Traffic Control Devices" and chapter 47.36 RCW.

(5) The department shall implement Senate Joint Memorial No. 8019 within existing resources if Senate Joint Memorial No. 8019 is enacted by the legislature by June 30, 2016, and the Washington state transportation commission takes action to name the facility per Senate Joint Memorial No. 8019 by June 30, 2017.

**Sec. 917.** 2016 c 14 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION MANAGEMENT AND SUPPORT—  
PROGRAM S**

|                                         |         |                 |                               |
|-----------------------------------------|---------|-----------------|-------------------------------|
| Motor                                   | Vehicle | Account—State   | Appropriation                 |
|                                         |         |                 | (( <del>\$29,625,000</del> )) |
|                                         |         |                 | <u>\$29,622,000</u>           |
| Motor                                   | Vehicle | Account—Federal | Appropriation                 |
|                                         |         |                 | (( <del>\$1,205,000</del> ))  |
|                                         |         |                 | <u>\$1,323,000</u>            |
| Multimodal Transportation Account—State |         |                 | Appropriation \$1,131,000     |
| TOTAL APPROPRIATION                     |         | \$31,961,000    |                               |
|                                         |         |                 | <u>\$32,076,000</u>           |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 of the motor vehicle account—state appropriation is provided solely for enhanced disadvantaged business enterprise outreach to increase the pool of disadvantaged businesses available for department contracts and to collaborate with the department of labor and industries to recruit women and persons of color to participate in existing transportation apprenticeship programs. The department must submit a status report on disadvantaged business enterprise outreach and apprenticeship recruitment to the transportation committees of the legislature by November 15, 2015.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for the headquarters communications office. Within the amount provided in this subsection, the department shall complete the web content management system and upgrade the department's web site.

(3) \$750,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonproject agencies,

churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2016, and annually thereafter.

(4)(a) During the 2015-2017 fiscal biennium, the department may proceed with the pilot project selling commercial advertising, including product placement, on department web sites and social media. In addition, the department may sell a version of its mobile application(s) to users who desire to have access to application(s) without advertising.

(b) The department shall deposit all moneys received from the sale of advertisements on web site and mobile applications into the motor vehicle fund created in RCW 46.68.070.

(c) The department shall adopt standards for advertising, product placement, and other forms of commercial recognition that require the department to define and prohibit, at a minimum, the content containing any of the following characteristics, which is not permitted: (i) Obscene, indecent, or discriminatory content; (ii) political or public issue advocacy content; (iii) products, services, or other materials that are offensive, insulting, disparaging, or degrading; or (iv) products, services, or messages that are contrary to the public interest, including any advertisements that encourage or depict unsafe behaviors or encourage unsafe or prohibited driving activities. Alcohol, tobacco, and cannabis are included among the products prohibited.

**Sec. 918.** 2016 c 14 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRANSPORTATION PLANNING, DATA, AND  
RESEARCH—PROGRAM T**

|                                                 |         |                 |                               |
|-------------------------------------------------|---------|-----------------|-------------------------------|
| Motor                                           | Vehicle | Account—State   | Appropriation                 |
|                                                 |         |                 | (( <del>\$22,717,000</del> )) |
|                                                 |         |                 | <u>\$22,707,000</u>           |
| Motor                                           | Vehicle | Account—Federal | Appropriation                 |
|                                                 |         |                 | (( <del>\$26,342,000</del> )) |
|                                                 |         |                 | <u>\$28,217,000</u>           |
| Multimodal Transportation Account—State         |         |                 | Appropriation \$662,000       |
| Multimodal Transportation Account—Federal       |         |                 | Appropriation \$2,809,000     |
| Multimodal Transportation Account—Private/Local |         |                 | Appropriation \$100,000       |
| TOTAL APPROPRIATION                             |         | \$52,630,000    |                               |
|                                                 |         |                 | <u>\$54,495,000</u>           |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$368,000 of the motor vehicle account—state appropriation is provided solely for the purchase of an economic impact model. The department shall work with appropriate local jurisdictions to improve consistency between existing and planned transportation demand models. The department shall report back to the transportation committees of the legislature and the office of financial management by December 31, 2015, with any recommendations requiring legislative action.

(2) \$1,000,000 of the motor vehicle account—federal appropriation is provided solely for the corridor sketch program. Priority must be given to the state route number 522 corridor between Maltby and the Snohomish river bridge. Initial corridors must also include state route number 195, Interstate 5 between Bellingham and the vicinity of Mount Vernon, state route number

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160 in the vicinity of Port Orchard, and state route number 28 in the vicinity of East Wenatchee.

(3) Within existing resources, the department shall conduct a traffic and access study of the intersection of the Interurban trail and state route number 104. Options to improve safety at this location must include consideration of a pedestrian and bike overcrossing.

(4)(a) The department must update the state freight mobility plan to comply with the requirements in section 70202 of the federal fixing America's surface transportation act. In updating the state freight mobility plan, the department must involve key freight stakeholders, such as representatives of public ports, the trucking industry, railroads, the marine industry, local governments and planning organizations, the Washington state freight advisory committee, and other freight stakeholders. The updated plan must delete any obsolete project references from the prioritized freight project list.

(b) The department, in conjunction with the stakeholder group, must provide a list of prioritized projects for consideration for funding in the 2017-2019 fiscal biennium. The prioritized list must have approval from all impacted stakeholders. The prioritized list must be submitted to the office of financial management and the transportation committees of the legislature by November 1, 2016.

(5) Within existing resources, the department must evaluate how light pollution from state highways and facilities can be minimized while still meeting appropriate safety standards. Additionally, the department must evaluate how budget savings can be achieved through different types of lighting. To the extent practicable, the department must conduct this work in conjunction with other ongoing study and corridor planning efforts.

((7)) (6) \$150,000 of the motor vehicle account—state appropriation is provided solely for a safety study of state route number 169 from Jones Road to Cedar Grove. The department must consider collision data and work with local stakeholders to make recommendations for safety improvements in the corridor. A report on the study is due to the transportation committees of the legislature by December 31, 2016.

Sec. 919. 2016 c 14 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation  
((~~\$74,666,000~~))

\$77,036,000

Motor Vehicle Account—Federal Appropriation \$500,000

Multimodal Transportation Account—State

Appropriation ((~~\$3,115,000~~))

\$3,213,000

TOTAL APPROPRIATION \$78,281,000

\$80,749,000

Sec. 920. 2016 c 14 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account—State Appropriation  
\$754,000

Regional Mobility Grant Program Account—State

Appropriation ((~~\$74,976,000~~))

\$57,060,000

Rural Mobility Grant Program Account—State

Appropriation \$20,438,000

Multimodal Transportation Account—State

Appropriation ((~~\$72,930,000~~))

\$71,604,000

Multimodal Transportation Account—Federal

Appropriation \$3,588,000

TOTAL APPROPRIATION \$172,686,000

\$153,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$41,250,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$8,750,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$32,500,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$20,438,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) \$6,969,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$400,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving or traveling through the Joint Base Lewis-McChord I-5 corridor between mile post 116 and 127.

(4) ((~~\$18,726,000~~)) \$13,010,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2016-2~~)) 2017-2 ALL PROJECTS as developed ((~~March 7, 2016~~)) April 20, 2017, Program - Public Transportation Program (V).

(5)(a) ((~~\$56,250,000~~)) \$44,050,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2016-2~~)) 2017-2 ALL PROJECTS as developed ((~~March 7, 2016~~)) April 20, 2017, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making

satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2015, and December 15, 2016, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2015-2017 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,670,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities.

(8) \$200,000 of the multimodal transportation account—state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(9)(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the Everett connector service for Island and Skagit transit agencies. The amount provided in this subsection is contingent on Island Transit charging fares that achieve a farebox recovery ratio similar to comparable transit systems.

(b) The amount provided in (a) of this subsection must be held in unallotted status until the office of financial management determines that fares have been both adopted and implemented by Island Transit that achieve a farebox recovery ratio similar to comparable transit systems. Island Transit must notify the office of financial management when it has met the requirements of this subsection.

(10)(a) ~~(\$13,890,000)~~ \$12,565,000 of the multimodal transportation account—state appropriation is provided solely for projects identified in LEAP Transportation Document ~~((2016-3))~~ 2017-2 ALL PROJECTS as developed ~~((March 7, 2016. Except as provided otherwise in this subsection, funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects. If a higher priority project is bypassed, it must be funded when the project is ready. The department must submit a report annually~~

~~with its budget submittal that, at a minimum, includes information about the listed transit projects that have been funded and projects that have been bypassed, including an estimated time frame for when the bypassed project will be funded))~~ April 20, 2017.

(b) \$831,000 of the amount provided in (a) of this subsection is provided solely for Skagit transit system enhancements for expenditure in 2015-2017.

(c) \$2,300,000 of the amount provided in (a) of this subsection is provided solely for Island transit's tri-county connector service for expenditure in 2015-2017.

(d) It is the intent of the legislature to provide \$6,000,000 in the 2017-2019 fiscal biennium and \$6,000,000 in the 2019-2021 fiscal biennium for the Spokane Central city line, in addition to the 2015-2017 fiscal biennium funding provided in the LEAP transportation document identified in (a) of this subsection. It is further the intent of the legislature to provide a total of \$10,000,000 over the 2017-2019 and 2019-2021 fiscal biennia for the Northgate transit center pedestrian bridge.

~~((e) Within existing resources, the public transportation program must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating the delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016.))~~

(11) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(12) Within the amounts provided in this section, the public transportation program must conduct a study of public transportation agencies in Washington that provide regional public transportation service outside the boundaries of the agency. The study must consider: (a) The cost to provide these existing regional services, the current source of funds for these services, and the applicable ridership data from these existing regional services; (b) the number of trips removed from the state highway system as a result of these regional services; (c) areas of the state highway system that do not have such regional service available; and (d) potential funding sources at the state level to support a portion of current and potential regional services. The public transportation program must provide a report on its findings and recommendations to the transportation committees of the legislature by November 15, 2016.

**Sec. 921.** 2016 c 14 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State  
Appropriation ~~(((\$478,319,000))~~

\$478,985,000

Puget Sound Ferry Operations Account—Federal  
Appropriation ~~(((\$5,908,000))~~

\$5,156,000

Puget Sound Ferry Operations Account—Private/Local  
Appropriation \$121,000

TOTAL APPROPRIATION \$484,348,000

\$484,262,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2015-2017 supplemental and 2017-2019 omnibus

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transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2015-2017 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) ~~(\$78,306,000)~~ \$77,091,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2015-2017 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 701, c 10, Laws of 2015 1st sp. sess. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(5) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(6) During the 2015-2017 fiscal biennium, the department shall not operate a winter sailing schedule for a time period longer than twelve weeks.

(7) \$496,000 of the Puget Sound ferry operations account—state appropriation is provided solely for ferry terminal traffic control at the Fauntleroy ferry terminal. The department shall utilize existing contracts to provide a uniformed officer to assist with ferry terminal traffic control at the Fauntleroy ferry terminal.

(8) \$1,551,000 of the Puget Sound ferry operations account—state appropriation is provided solely for improvements to the reservation system. The department shall actively encourage ferry reservation customers to use the online option for making and changing reservations and shall not use these funds for call center staff.

(9) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2015, and annually thereafter, and that the report include the establishment of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(10) ~~(\$5,908,000)~~ \$5,156,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for vessel maintenance.

(11) \$48,000 of the Puget Sound ferry operations account—state appropriation is provided solely for staff sufficient to allow passenger accessibility aboard the M/V Tokitae to the sun deck during daylight hours on Saturdays and Sundays of the summer sailing season.

**Sec. 922.** 2016 c 14 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Multimodal Transportation Account—State

Appropriation ~~(((\$59,473,000))~~

\$59,476,000

Multimodal Transportation Account—Private/Local

Appropriation \$45,000

TOTAL APPROPRIATION \$59,518,000

\$59,521,000

**Sec. 923.** 2016 c 14 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Motor Vehicle Account—State Appropriation

~~(((\$9,324,000))~~

\$9,321,000

Motor Vehicle Account—Federal Appropriation

\$2,567,000

Multiuse Roadway Safety Account—State Appropriation

\$131,000

TOTAL APPROPRIATION \$12,022,000

\$12,019,000

**TRANSPORTATION AGENCIES—CAPITAL**

**Sec. 1001.** 2016 c 14 s 301 (uncodified) is amended to read as follows:

**FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account—State

Appropriation ~~(((\$13,217,000))~~

\$5,142,000

Freight Mobility Multimodal Account—State

Appropriation ~~(((\$11,859,000))~~

\$3,315,000

~~((Freight Mobility Multimodal Account—Private/Local—~~

~~Appropriation—\$1,320,000))~~

Highway Safety Account—State Appropriation

~~(((\$2,765,000))~~

\$865,000

Motor Vehicle Account—State Appropriation \$83,000

~~((Motor Vehicle Account Federal Appropriation~~

~~—\$3,250,000))~~

TOTAL APPROPRIATION \$32,494,000

\$9,405,000

**Sec. 1002.** 2016 c 14 s 302 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation

~~(((\$5,895,000))~~

\$5,815,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the state patrol highway account—state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$560,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the roofs of the Shelton academy multipurpose building, Tacoma district office building, Kennewick detachment building, and Ridgefield and Plymouth weigh station buildings.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for upgrades to scales at Goldendale required to meet current certification requirements.

(4) \$2,350,000 of the state patrol highway account—state appropriation is provided solely for funding to repair and replace the academy asphalt emergency vehicle operation course.

(5) \$500,000 of the state patrol highway account—state appropriation is provided solely for replacement of generators at Marysville, Baw Faw, Gardner, Pilot Rock, and Ridpath.



(6) \$150,000 of the state patrol highway account—state appropriation is provided solely for painting and caulking in several locations.

(7) \$350,000 of the state patrol highway account—state appropriation is provided solely for pavement preservation at the Wenatchee district office and the Spokane district office.

(8) \$700,000 of the state patrol highway account—state appropriation is provided solely for energy upgrades at two district offices and two detachments.

(9) \$300,000 of the state patrol highway account—state appropriation is provided solely for repair of the academy training tank.

(10) \$130,000 of the state patrol highway account—state appropriation is provided solely for communication site roof repair to reroof equipment shelters at radio communication sites statewide.

(11) \$275,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the broadcast tower at the Steptoe Butte radio communications site.

(12) \$100,000 of the state patrol highway account—state appropriation is provided solely for the dry-pipe fire suppression system rebuild at the Marysville district office.

**Sec. 1003.** 2016 c 14 s 303 (uncodified) is amended to read as follows:

**FOR THE COUNTY ROAD ADMINISTRATION BOARD**

|                                            |                           |
|--------------------------------------------|---------------------------|
| Rural Arterial Trust Account—State         |                           |
| Appropriation                              | <del>(\$56,094,000)</del> |
|                                            | <u>\$45,055,000</u>       |
| Motor Vehicle Account—State                | Appropriation             |
| \$10,706,000                               |                           |
| County Arterial Preservation Account—State |                           |
| Appropriation                              | \$32,344,000              |
| TOTAL APPROPRIATION                        | \$99,144,000              |
|                                            | <u>\$88,105,000</u>       |

**Sec. 1004.** 2016 c 14 s 304 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD**

|                                                |                            |
|------------------------------------------------|----------------------------|
| Small City Pavement and Sidewalk Account—State |                            |
| Appropriation                                  | <del>(\$4,301,000)</del>   |
|                                                | <u>\$2,551,000</u>         |
| Highway Safety Account—State                   | Appropriation              |
| \$10,000,000                                   |                            |
| Transportation Improvement Account—State       |                            |
| Appropriation                                  | <del>(\$249,988,000)</del> |
|                                                | <u>\$218,488,000</u>       |
| Multimodal Transportation Account—State        |                            |
| Appropriation                                  | \$3,313,000                |
| TOTAL APPROPRIATION                            | \$267,602,000              |
|                                                | <u>\$234,352,000</u>       |

The appropriations in this section are subject to the following conditions and limitations:

(1) The highway safety account—state appropriation is provided solely for:

(a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(b) The small city pavement program to help cities meet urgent preservation needs; and

(c) The small city low-energy street light retrofit demonstration program.

(2) \$3,313,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

**Sec. 1005.** 2016 c 14 s 305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**

|                                          |                          |
|------------------------------------------|--------------------------|
| Transportation Partnership Account—State |                          |
| Appropriation                            | <del>(\$1,043,000)</del> |
|                                          | <u>\$1,044,000</u>       |
| Motor Vehicle Account—State              | Appropriation            |
| <del>(\$7,276,000)</del>                 |                          |
|                                          | <u>\$7,387,000</u>       |
| Connecting Washington Account—State      | Appropriation            |
| <del>(\$14,000,000)</del>                |                          |
|                                          | <u>\$4,847,000</u>       |
| TOTAL APPROPRIATION                      | \$22,319,000             |
|                                          | <u>\$13,278,000</u>      |

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,043,000 of the transportation partnership account—state appropriation is provided solely for completion of a new traffic management center in Shoreline, Washington. By September 30, 2015, the department shall report to the transportation committees of the legislature and the office of financial management on the resulting vacancy rate of the existing regional headquarters building in Shoreline, plans to consolidate department staff into the building, and the schedule for terminating the current lease of the Goldsmith building in Seattle, and provide an update on future plans to consolidate agency staff within the region.

(2) ~~(\$4,000,000)~~ \$934,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue. The property purchase was approved by the 2005 legislature for the site of the new Olympic region and the land was acquired by the department in August 2005. The department must work with the office of financial management's facilities oversight program to develop a revised predesign for a new Olympic region facility, with an estimated total cost of no more than forty million dollars. Priority must be given to accommodating the maintenance and operations functions of the Olympic region. The department must provide a copy of the revised predesign to the transportation committees of the legislature by December 2015.

(3) ~~(\$10,000,000)~~ \$3,913,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

**Sec. 1006.** 2016 c 14 s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

|                                                    |                              |
|----------------------------------------------------|------------------------------|
| Multimodal Transportation Account—State            |                              |
| Appropriation                                      | <del>(\$19,181,000)</del>    |
|                                                    | <u>\$19,176,000</u>          |
| Transportation Partnership Account—State           |                              |
| Appropriation                                      | <del>(\$1,065,758,000)</del> |
|                                                    | <u>\$994,147,000</u>         |
| Motor Vehicle Account—State                        | Appropriation                |
| <del>(\$71,841,000)</del>                          |                              |
|                                                    | <u>\$72,890,000</u>          |
| Motor Vehicle Account—Federal                      | Appropriation                |
| <del>(\$315,447,000)</del>                         |                              |
|                                                    | <u>\$293,164,000</u>         |
| Motor Vehicle Account—Private/Local                | Appropriation                |
| <del>(\$177,022,000)</del>                         |                              |
|                                                    | <u>\$186,360,000</u>         |
| Transportation 2003 Account (Nickel Account)—State |                              |

Appropriation ~~(\$79,064,000)~~  
\$76,668,000  
 State Route Number 520 Corridor Account—State  
 Appropriation ~~(\$368,121,000)~~  
\$135,041,000  
 State Route Number 520 Corridor Account—Federal  
 Appropriation \$104,801,000  
 State Route Number 520 Civil Penalties Account—  
 State Appropriation \$14,000,000  
 Special Category C Account—State Appropriation  
~~(\$6,000,000)~~  
\$5,855,000  
Interstate 405 Express Toll Lanes Operations  
Account—State Appropriation \$9,500,000  
 Connecting Washington Account—State Appropriation  
~~(\$229,425,000)~~  
\$181,837,000  
 TOTAL APPROPRIATION \$2,450,660,000  
\$2,093,439,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document (~~(2016-4)~~) 2017-1 as developed (~~(March 7, 2016)~~) April 20, 2017, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 (~~(of this act)~~), chapter . . . (Engrossed Senate Bill No. 5096), Laws of 2017.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document (~~(2016-2)~~) 2017-2 ALL PROJECTS as developed (~~(March 7, 2016)~~) April 20, 2017, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to (~~(\$79,064,000)~~) \$76,666,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account—state appropriation includes up to \$546,857,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) (~~(\$4,359,000)~~) \$4,360,000 of the motor vehicle account—state appropriation is provided solely for the I-5/JBLM Early Corridor Design project (300596S) to complete an environmental impact statement for a project that creates additional general purpose lanes on Interstate 5 in the Joint Base Lewis-McChord corridor. The design of this project must be high occupancy vehicle lane ready for a future connection to the Interstate 5 high occupancy vehicle lane system that currently terminates in Tacoma.

(7) (~~(\$267,071,000)~~) \$266,277,000 of the transportation partnership account—state appropriation, (~~(\$55,389,000)~~) \$55,390,000 of the motor vehicle account—federal appropriation, (~~(\$156,423,000)~~) \$166,423,000 of the motor vehicle account—private/local appropriation, (~~(\$45,400,000)~~) \$45,401,000 of the transportation 2003 account (nickel account)—state appropriation, and \$2,139,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(8) \$17,000,000 of the multimodal transportation account—state appropriation and \$1,676,000 of the transportation partnership account—state appropriation are provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B). The transportation partnership account—state appropriation must be placed in unallotted status and may only be released by the office of financial management for unpaid invoices from the 2013-2015 fiscal biennium.

(9) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

(10) (~~(\$22,191,000)~~) \$21,463,000 of the transportation partnership account—state appropriation, (~~(\$5,576,000)~~) \$6,342,000 of the transportation 2003 account (nickel account)—state appropriation, (~~(\$42,000)~~) \$37,000 of the multimodal transportation account—state appropriation, (~~(\$6,000,000)~~) \$5,855,000 of the special category C account—state appropriation, \$368,000 of the motor vehicle account—state appropriation, (~~(\$13,000)~~) \$14,000 of the motor vehicle account—private/local appropriation, and (~~(\$12,976,000)~~) \$12,696,000 of the motor vehicle account—federal appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2015-2017.

(11) (~~(\$34,732,000)~~) (a) \$31,225,000 of the transportation partnership account—state appropriation, (~~(\$7,329,000)~~) \$6,274,000 of the transportation 2003 account (nickel account)—state appropriation, and \$56,000 of the motor vehicle account—private/local appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8B11002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to (~~(either)~~) the I-405/SR 167 Interchange - Direct Connector project (140504C) (~~(or)~~) the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2015-2017 fiscal biennium.

(b) \$3,500,000 of the transportation partnership account—state appropriation is provided solely for preliminary engineering for adding capacity on Interstate 405 between state route number 522 and Interstate 5. The funding is a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

(12)(a) The SR 520 Bridge Replacement and HOV project (8B11003) is supported over time from multiple sources,

including a \$300,000,000 TIFIA loan, \$923,000,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account—state appropriation includes up to \$343,834,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account—federal appropriation includes up to \$104,801,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) ~~(((\$126,937,000))~~ \$45,680,000 of the transportation partnership account—state appropriation, \$104,801,000 of the state route number 520 corridor account—federal appropriation, and ~~(((\$368,121,000))~~ \$110,910,000 of the state route number 520 corridor account—state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003). ~~((Of the amounts appropriated in this subsection (12)(d), \$233,085,000 of the state route number 520 corridor account—state appropriation must be put into unallotted status and is subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.))~~

(e) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(13) \$14,000,000 of the state route number 520 civil penalties account—state appropriation is provided solely for the department to continue to work with the Seattle department of transportation in their joint planning, design, right-of-way acquisition, outreach, and operation of the remaining west side elements including, but not limited to, the Montlake lid, the bicycle/pedestrian path, the effective network of transit connections, and the Portage Bay bridge of the SR 520 Bridge Replacement and HOV project.

(14) \$1,056,000 of the motor vehicle account—federal appropriation and \$38,000 of the motor vehicle account—state appropriation are provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2017, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(16) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2016 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(18) ~~(((\$52,869,000))~~ \$44,742,000 of the motor vehicle account—federal appropriation, ~~(((\$4,439,000))~~ \$4,381,000 of the

motor vehicle account—state appropriation, and ~~(((\$1,085,000))~~ \$529,000 of the motor vehicle account—private/local appropriation are provided solely for fish passage barrier and chronic deficiency improvements (0BI4001).

(19) Any new advisory group that the department convenes during the 2015-2017 fiscal biennium must consider the interests of the entire state of Washington.

(20) Except as provided otherwise in this section, the entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2016-1))~~ 2017-1 as developed ~~((March 7, 2016))~~ April 20, 2017, Program - Highway Improvements Program (I).

(21) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(22) Of the amounts allocated to the Puget Sound Gateway project (M00600R) in LEAP Transportation Document ~~((2016-1))~~ 2017-1 as developed ~~((March 7, 2016))~~ April 20, 2017, \$4,000,000 must be used to complete the bridge connection at 28th/24th Street over state route number 509 in the city of SeaTac. The bridge connection must be completed prior to other construction on the state route number 509 segment of the project.

(23) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(24) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(25) ~~(((\$1,500,000))~~ \$901,000 of the motor vehicle account—state appropriation is provided solely for the department to ~~((complete))~~ continue to work on an interchange justification report (IJR) for the U.S. 2 trestle, covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(26)(a) The department must conduct outreach to local transit agencies during the planning process for highway construction projects led by the department.

(b) The department must develop process recommendations for best practices in minimizing impacts to transit and freight during project construction. A report on best practices must be submitted to the transportation committees of the legislature by December 1, 2016.

(27) The legislature finds that project efficiencies and savings may be gained by combining the I-5 Marine Drive project (I5OTC1A1) and the SR 529/I-5 Interchange project (N52900R). The department must deliver them as one project, the I-5 Peak Hour Use Lanes and Interchange Improvements project (L2000229), using a design-build approach.

(28)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be impeded by the I-90/Two-Way Transit and HOV Improvements project. ~~((The department must continue to work with the city of Mercer Island to address potential access solutions as the project nears completion))~~ One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather-in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

(29) \$9,500,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running – SR 527 to I-5 project (L1000163).

Sec. 1007. 2016 c 14 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
PRESERVATION—PROGRAM P**

|                                                    |                            |
|----------------------------------------------------|----------------------------|
| Transportation Partnership Account—State           |                            |
| Appropriation                                      | <del>(\$6,489,000)</del>   |
|                                                    | <u>\$6,434,000</u>         |
| Motor Vehicle Account—State                        | Appropriation              |
|                                                    | <del>(\$70,908,000)</del>  |
|                                                    | <u>\$68,694,000</u>        |
| Motor Vehicle Account—Federal                      | Appropriation              |
|                                                    | <del>(\$475,025,000)</del> |
|                                                    | <u>\$525,688,000</u>       |
| Motor Vehicle Account—Private/Local                | Appropriation              |
|                                                    | <del>(\$8,647,000)</del>   |
|                                                    | <u>\$8,092,000</u>         |
| Transportation 2003 Account (Nickel Account)—State |                            |
| Appropriation                                      | <del>(\$28,032,000)</del>  |

|                                                    |                           |
|----------------------------------------------------|---------------------------|
|                                                    | <u>\$26,654,000</u>       |
| Tacoma Narrows Toll Bridge Account—State           |                           |
| Appropriation                                      | <del>(\$4,564,000)</del>  |
|                                                    | <u>\$1,038,000</u>        |
| Recreational Vehicle Account—State                 | Appropriation             |
|                                                    | <del>(\$2,194,000)</del>  |
|                                                    | <u>\$2,197,000</u>        |
| High Occupancy Toll Lanes Operations Account—State |                           |
| Appropriation                                      | \$1,000,000               |
| State Route Number 520 Corridor Account—State      |                           |
| Appropriation                                      | <del>(\$1,730,000)</del>  |
|                                                    | <u>\$1,460,000</u>        |
| Connecting Washington Account—State                | Appropriation             |
|                                                    | <del>(\$79,963,000)</del> |
|                                                    | <u>\$77,134,000</u>       |
| TOTAL APPROPRIATION                                | \$678,552,000             |
|                                                    | <u>\$718,391,000</u>      |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2016-4)) 2017-1 as developed ((~~March 7, 2016~~)) April 20, 2017, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((of this act)), chapter . . . (Engrossed Senate Bill No. 5096), Laws of 2017.~~

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2016-2)) 2017-2 ALL PROJECTS as developed ((~~March 7, 2016~~)) April 20, 2017, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to ~~(\$28,032,000)~~ \$26,654,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature by December 1, 2015, on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

(6) ~~(\$38,142,000)~~ \$6,545,000 of the motor vehicle account—federal appropriation and ~~(\$858,000)~~ \$188,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. The department shall provide a report that identifies the scope, cost, and benefit of each project funded in this subsection as part of its 2016 agency budget request.

(7) Except as provided otherwise in this section, the entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document ((2016-1)) 2017-1 as developed ((March 7, 2016)) April 20, 2017, Program - Highway Preservation Program (P).

(8) It is the intent of the legislature that, with respect to the amounts provided for highway preservation from the connecting Washington account, the department consider the preservation and rehabilitation of concrete roadway on Interstate 5 from the Canadian border to the Oregon border to be a priority within the preservation program.

(9) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR99/Alaskan Way viaduct replacement project.

(10)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(11) The department must consult with the Washington state patrol during the design phase of a department-led improvement or preservation project that could impact weigh station operations. The department must ensure that the designs of the projects do not prevent or interfere with weigh station operations.

**Sec. 1008.** 2016 c 14 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

|                                     |                     |
|-------------------------------------|---------------------|
| Motor Vehicle Account—State         | Appropriation       |
| (( <del>\$7,190,000</del> ))        | <u>\$6,783,000</u>  |
| Motor Vehicle Account—Federal       | Appropriation       |
| (( <del>\$7,567,000</del> ))        | <u>\$6,716,000</u>  |
| Motor Vehicle Account—Private/Local | Appropriation       |
| (( <del>\$200,000</del> ))          | <u>\$201,000</u>    |
| TOTAL APPROPRIATION                 | \$14,957,000        |
|                                     | <u>\$13,700,000</u> |

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

**Sec. 1009.** 2016 c 14 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
WASHINGTON STATE FERRIES CONSTRUCTION—  
PROGRAM W**

|                                                        |                      |
|--------------------------------------------------------|----------------------|
| Puget Sound Capital Construction Account—State         | Appropriation        |
| (( <del>\$57,764,000</del> ))                          | <u>\$57,037,000</u>  |
| Puget Sound Capital Construction Account—Federal       | Appropriation        |
| (( <del>\$153,647,000</del> ))                         | <u>\$136,346,000</u> |
| Puget Sound Capital Construction Account—Private/Local | Appropriation        |
| \$3,730,000                                            |                      |
| Transportation 2003 Account (Nickel Account)—State     | Appropriation        |
| \$122,089,000                                          |                      |
| Connecting Washington Account—State                    | Appropriation        |
| (( <del>\$68,805,000</del> ))                          | <u>\$72,689,000</u>  |
| TOTAL APPROPRIATION                                    | \$406,035,000        |
|                                                        | <u>\$391,891,000</u> |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2016-2)) 2017-2 ALL PROJECTS as developed ((March 7, 2016)) April 20, 2017, Program - Washington State Ferries Capital Program (W).

(2) \$90,545,000 of the transportation 2003 account (nickel account)—state appropriation is provided solely for the acquisition of a 144-car vessel (L1000063). The department shall use as much already procured equipment as practicable on the 144-car vessels.

(3) ((~~\$46,989,000~~)) \$26,742,000 of the Puget Sound capital construction account—federal appropriation, ((~~\$2,000,000~~)) \$5,884,000 of the connecting Washington account—state appropriation, \$562,000 of the transportation 2003 account (nickel account)—state appropriation, and ((~~\$490,000~~)) \$491,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). It is the intent of the legislature, over the sixteen-year investment program, to provide ((~~\$155,000,000~~)) \$159,061,000 to complete the Mukilteo Terminal Replacement project (952515P). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section. To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal.

(4) \$7,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future terminal modifications.

(6) If the department pursues a conversion of the existing diesel powered Issaquah class fleet to a different fuel source or engine technology or the construction of a new vessel powered by a fuel source or engine technology that is not diesel powered, the department must use a design-build procurement process.

(7) Funding is included in the future biennia of the LEAP transportation document referenced in subsection (1) of this section for future vessel purchases. Given that the recent purchase of new vessels varies from the current long range plan, the department shall include in its updated long range plan revised

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estimates for new vessel costs, size, and purchase time frames. Additionally, the long range plan must include a vessel retirement schedule and associated reserve vessel policy recommendations.

(8) \$325,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ferry system to participate in the development of one account-based system for customers of both the ferry system and tolling system. The current Wave2Go ferry ticketing system is reaching the end of its useful life and the department is expected to develop a replacement account-based system as part of the new tolling division customer service center toll collection system.

(9) Within existing resources, the department must evaluate the feasibility of utilizing the federal EB-5 immigrant investor program for financing the construction of a safety of life at sea (SOLAS) certificated vessel for the Anacortes-Sidney ferry route. The department must establish a group that includes, but is not limited to, the department of commerce and entities or individuals experienced with vessel engineering and EB-5 financing for assistance in evaluating the applicability of the EB-5 immigrant investor program. The department must deliver a report containing the results of the evaluation to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(10) It is the intent of the legislature, over the sixteen-year investment program, to provide (~~(\$316,000,000)~~) \$349,500,000 to complete the Seattle Terminal Replacement project (900010L), including: (a) Design work and selection of a preferred plan, (b) replacing timber pilings with pilings sufficient to support a selected terminal design, (c) replacing the timber portion of the dock with a new and reconfigured steel and concrete dock, and (d) other staging and construction work as the amount allows. These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(11) It is the intent of the legislature, over the sixteen-year new investment program, to provide \$122,000,000 in state funds to complete the acquisition of a fourth 144-car vessel (L2000109). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(12) \$300,000 of the Puget Sound capital construction account—state appropriation is provided solely to issue a request for proposals and purchase pilot program customer counting equipment. By June 30, 2017, the department must report to the governor and the transportation committees of the legislature on the most effective way to count ferry passengers.

(13) (~~(\$1,430,000)~~) \$1,255,000 of the Puget Sound capital construction account—federal appropriation and (~~(\$1,366,000)~~) \$889,000 of the Puget Sound capital construction—state appropriation are provided solely for installation of security access control and video monitoring systems, and for enhancing wireless network capacity to handle higher security usage, increase connectivity between vessels and land-based facilities, and isolate the security portion of the network from regular business (~~(project)~~) 998925A).

(14) The transportation 2003 account (nickel account)—state appropriation includes up to (~~(\$4,131,000)~~) \$17,817,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(15) The department shall submit a cost estimate to procure a fifth 144-car vessel to the governor and the transportation committees of the legislature by June 30, 2017. The estimate must include, but is not limited to, construction costs, estimated operating costs, and any potential savings from replacing a currently operating vessel with a fifth 144-car vessel.

**Sec. 1010.** 2016 c 14 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

|                                             |                                |
|---------------------------------------------|--------------------------------|
| Essential Rail Assistance Account—State     |                                |
| Appropriation                               | \$1,459,000                    |
| Transportation Infrastructure Account—State |                                |
| Appropriation                               | \$7,154,000                    |
| Multimodal Transportation Account—State     |                                |
| Appropriation                               | ( <del>(\$37,205,000)</del> )  |
|                                             | <u>\$31,320,000</u>            |
| Multimodal Transportation Account—Federal   |                                |
| Appropriation                               | ( <del>(\$492,217,000)</del> ) |
|                                             | <u>\$491,591,000</u>           |
| TOTAL APPROPRIATION                         | \$538,035,000                  |
|                                             | <u>\$531,524,000</u>           |

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2016-2)~~) 2017-2 ALL PROJECTS as developed (~~(March 7, 2016)~~) April 20, 2017, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. For the 2015-2017 fiscal biennium, the department shall first award loans to 2015-2017 FRIB loan applicants in priority order, and then offer loans to 2015-2017 unsuccessful freight rail assistance program grant applicants, if eligible. If any funds remain in the FRIB program, the department may reopen the loan program and shall evaluate new applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3)(a) (~~(\$5,484,000)~~) \$5,429,000 of the multimodal transportation account—state appropriation, \$270,000 of the essential rail assistance account—state appropriation, and \$455,000 of the transportation infrastructure account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(b) Of the amounts provided in this subsection, \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(4) ~~((\\$487,297,000))~~ \\$487,163,000 of the multimodal transportation account—federal appropriation and ~~((\\$13,679,000))~~ \\$10,991,000 of the multimodal transportation account—state appropriation are provided solely for expenditures related to passenger high-speed rail grants. Except for the Mount Vernon project (P01101A), the multimodal transportation account—state funds reflect no more than one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement.

(5)(a) \$1,114,000 of the essential rail assistance account—state appropriation, \$766,000 of the multimodal transportation account—state appropriation, and \$68,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2016, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

**Sec. 1011.** 2016 c 14 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—  
LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Highway Infrastructure Account—State Appropriation \$790,000

Highway Infrastructure Account—Federal Appropriation \$503,000

Transportation Partnership Account—State Appropriation ~~((\\$4,054,000))~~

\\$2,911,000

Highway Safety Account—State Appropriation ~~((\\$11,647,000))~~

\\$9,259,000

Motor Vehicle Account—State Appropriation ~~((\\$1,271,000))~~

\\$1,171,000

Motor Vehicle Account—Federal Appropriation ~~((\\$28,043,000))~~

\\$17,571,000

Multimodal Transportation Account—State Appropriation ~~((\\$34,031,000))~~

\\$26,119,000

Connecting Washington Account—State Appropriation ~~((\\$47,669,000))~~

\\$27,069,000

TOTAL APPROPRIATION \$128,008,000

\\$85,393,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ~~((2016-2))~~ 2017-2 ALL PROJECTS as

developed ~~((March 7, 2016))~~ April 20, 2017, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ~~((\\$20,653,000))~~ \\$14,221,000 of the multimodal transportation account—state appropriation and ~~((\\$3,579,000))~~ \\$2,436,000 of the transportation partnership account—state appropriation are provided solely for pedestrian and bicycle safety program projects ~~((project))~~ L2000188).

(b) ~~((\\$11,400,000))~~ \\$6,303,000 of the motor vehicle account—federal appropriation, ~~((\\$1,750,000))~~ \\$925,000 of the multimodal transportation account—state appropriation, and ~~((\\$6,750,000))~~ \\$4,690,000 of the highway safety account—state appropriation are provided solely for newly selected safe routes to school projects. ~~((\\$8,782,000))~~ \\$7,507,000 of the motor vehicle account—federal appropriation, ~~((\\$124,000))~~ \\$26,000 of the multimodal transportation account—state appropriation, and ~~((\\$4,897,000))~~ \\$4,569,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia ~~((project))~~ L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2015, and December 1, 2016, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the Edmonds waterfront at-grade train crossings alternatives analysis project (L2000135). The department shall work with the city of Edmonds and provide a preliminary report of key findings to the transportation committees of the legislature and the office of financial management by December 1, 2015.

~~(5)((a)(\$9,900,000))~~ \\$9,343,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document ~~((2016-4 as developed March 7, 2016. Funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects and then to priority three projects. If a higher priority project is bypassed, it must be funded in the first round after the project is ready. If funds become available as a result of projects being removed from this list or completed under budget, the department may submit additional bicycle and pedestrian safety projects for consideration by the legislature. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed bicycle and pedestrian projects that have been funded and projects that have been bypassed, including an estimated time frame for when the project will be funded.~~

~~(b) Within existing resources, the local programs division must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating delivery of the listed projects~~

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and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016) referenced in subsection (1) of this section.

**TRANSFERS AND DISTRIBUTIONS**

**Sec. 1101.** 2016 c 14 s 401 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State Appropriation \$3,610,000  
 Highway Bond Retirement Account—State Appropriation ~~(\$1,176,906,000)~~  
\$1,173,441,000  
 Ferry Bond Retirement Account—State Appropriation ~~(\$29,230,000)~~  
\$29,231,000  
 Transportation Improvement Board Bond Retirement Account—State Appropriation ~~(\$16,129,000)~~  
\$16,080,000  
 State Route Number 520 Corridor Account—State Appropriation \$559,000  
 Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation ~~(\$25,837,000)~~  
\$25,332,000  
 Toll Facility Bond Retirement Account—State Appropriation ~~(\$72,880,000)~~  
\$67,850,000  
 Motor Vehicle Account—State Appropriation \$2,500,000  
 Transportation 2003 Account (Nickel Account)—State Appropriation \$477,000  
 TOTAL APPROPRIATION \$1,328,128,000  
\$1,319,080,000

The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the motor vehicle account—state appropriation is provided solely for debt service payment and withholding for the Tacoma Narrows bridge, with the intent of forestalling the need for the Washington state transportation commission to raise toll rates for the Tacoma Narrows bridge for fiscal year 2017.

**Sec. 1102.** 2016 c 14 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation \$697,000  
 Transportation 2003 Account (Nickel Account)—State Appropriation \$87,000  
State Route Number 520 Corridor Account—State Appropriation \$134,000  
 TOTAL APPROPRIATION \$784,000  
\$918,000

**Sec. 1103.** 2016 c 14 s 403 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

**DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**

Toll Facility Bond Retirement Account—Federal Appropriation ~~(\$200,215,000)~~  
\$200,216,000

~~((Toll Facility Bond Retirement Account—State—Appropriation—\$12,009,000~~  
~~TOTAL APPROPRIATION—\$212,224,000~~

**Sec. 1104.** 2016 c 14 s 404 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax distributions to cities and counties ~~(\$497,071,000)~~  
\$496,685,000

**Sec. 1105.** 2016 c 14 s 406 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers ~~(\$1,831,879,000)~~  
\$1,856,065,000

**Sec. 1106.** 2016 c 14 s 407 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers ~~(\$182,730,000)~~  
\$184,758,000

**Sec. 1107.** 2016 c 14 s 408 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

- (1) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000
- (2) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$12,000,000
- (3) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State ~~(\$1,631,000)~~  
\$1,630,000
- (4) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State \$20,000,000
- (5) Highway Safety Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000
- (6) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State \$950,000
- (7) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$18,000,000
- (8) Rural Mobility Grant Program Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$3,000,000,
- (9) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State \$10,000,000
- (10) State Patrol Highway Account—State Appropriation:



For transfer to the Connecting Washington Account—State  
\$9,690,000

(11) Transportation Partnership Account—State  
Appropriation: For transfer to the Connecting Washington  
Account—State \$4,998,000

(12) Motor Vehicle Account—State Appropriation:  
For transfer to the Connecting Washington Account—  
State \$25,781,000

(13) Puget Sound Ferry Operations Account—State  
Appropriation: For transfer to the Connecting Washington  
Account—State \$596,000

(14) Transportation 2003 Account (Nickel Account)—State  
Appropriation: For transfer to the Connecting Washington  
Account—State \$2,270,000

(15) Highway Safety Account—State Appropriation:  
For transfer to the Multimodal Transportation  
Account—State \$5,000,000

(16) Motor Vehicle Account—State Appropriation:  
For transfer to the Freight Mobility Investment  
Account—State \$1,922,000

(17) Motor Vehicle Account—State Appropriation:  
For transfer to the Transportation Improvement  
Account—State \$2,188,000

(18) Motor Vehicle Account—State Appropriation:  
For transfer to the Rural Arterial Trust Account—State  
\$1,094,000

(19) Motor Vehicle Account—State Appropriation:  
For transfer to the County Arterial Preservation  
Account—State \$1,094,000

(20) Multimodal Transportation Account—State  
Appropriation: For transfer to the Freight Mobility  
Multimodal Account—State \$1,922,000

(21) Multimodal Transportation Account—State  
Appropriation: For transfer to the Regional Mobility  
Grant Program Account—State \$6,250,000

(22) Multimodal Transportation Account—State  
Appropriation: For transfer to the Rural Mobility  
Grant Program Account—State \$3,438,000

(23) Multimodal Transportation Account—State  
Appropriation: For transfer to the Electric Vehicle  
Charging Infrastructure Account—State  
\$1,000,000

(24) Capital Vessel Replacement Account—State  
Appropriation: For transfer to the Connecting  
Washington Account—State (~~(\$59,000,000)~~)  
\$58,000,000

(25) Multimodal Transportation Account—State  
Appropriation: For transfer to the Connecting  
Washington Account—State \$8,000,000

(26) Multimodal Transportation Account—State  
Appropriation: For transfer to the Aeronautics  
Account—State (~~(\$250,000)~~)  
\$550,000

#### MISCELLANEOUS 2015-2017 FISCAL BIENNIUM

**NEW SECTION. Sec. 1201.** A new section is added to  
2016 c 14 (uncodified) to read as follows:

The appropriations to the department of transportation in  
chapter 14, Laws of 2016 and this act must be expended for the  
programs and in the amounts specified in this act. However, after  
May 1, 2017, unless specifically prohibited, the department may  
transfer state appropriations for the 2015-2017 fiscal biennium  
among operating programs after approval by the director of the  
office of financial management. However, the department shall  
not transfer state moneys that are provided solely for a specific  
purpose. The department shall not transfer funds, and the director  
of the office of financial management shall not approve the

transfer, unless the transfer is consistent with the objective of  
conserving, to the maximum extent possible, the expenditure of  
state funds and not federal funds. The director of the office of  
financial management shall notify the transportation committees  
of the legislature in writing no fewer than seven days before  
approving any allotment modifications or transfers under this  
section. The written notification must include a narrative  
explanation and justification of the changes, along with  
expenditures and allotments by program and appropriation, both  
before and after any allotment modifications or transfers.

#### MISCELLANEOUS

**NEW SECTION. Sec. 1301.** If any provision of this act or  
its application to any person or circumstance is held invalid, the  
remainder of the act or the application of the provision to other  
persons or circumstances is not affected.

**NEW SECTION. Sec. 1302.** Except for sections 705 and  
706 of this act, this act is necessary for the immediate preservation  
of the public peace, health, or safety, or support of the state  
government and its existing public institutions, and takes effect  
immediately.

**NEW SECTION. Sec. 1303.** Section 705 of this act takes  
effect if chapter . . . (Senate Bill No. 5037), Laws of 2017 is  
enacted by June 30, 2017.

**NEW SECTION. Sec. 1304.** Section 706 of this act is  
necessary for the immediate preservation of the public peace,  
health, or safety, or support of the state government and its  
existing public institutions, and takes effect July 1, 2017."

On page 1, line 1 of the title, after "appropriations;" strike the  
remainder of the title and insert "amending RCW 43.19.642,  
46.20.745, 46.61.5054, 46.68.030, 46.68.060, 46.68.280,  
46.68.290, 46.68.325, 47.29.170, 47.56.403, 47.56.876,  
47.60.530, and 81.53.281; amending 2016 c 14 ss 102-104, 201-  
223, 301-311, 401-404, and 406-408 (uncodified); adding a new  
section to 2016 c 14 (uncodified); creating new sections; making  
appropriations and authorizing expenditures for capital  
improvements; providing an effective date; providing a  
contingent effective date; and declaring an emergency."

And the bill do pass as recommended by the conference  
committee.

Signed by Senators King, Hobbs and Sheldon;  
Representatives Clibborn, Fey and Orcutt.

#### MOTION

Senator King moved that the Report of the Conference  
Committee on Engrossed Senate Bill No. 5096 be adopted.

Senators King, Hobbs, Liias and Van De Wege spoke in favor  
of passage of the motion.

The President declared the question before the Senate to be the  
motion by Senator King that the Report of the Conference  
Committee on Engrossed Senate Bill No. 5096 be adopted.

The motion by Senator King carried and the Report of the  
Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the  
final passage of Engrossed Senate Bill No. 5096, as  
recommended by the Conference Committee.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed  
Senate Bill No. 5096, as recommended by the Conference  
Committee, and the bill passed the Senate by the following vote:  
Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

ONE HUNDRED THIRD DAY, APRIL 21, 2017

2017 REGULAR SESSION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1501,  
 SUBSTITUTE HOUSE BILL NO. 1543,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1614,  
 SUBSTITUTE SENATE BILL NO. 5046,  
 ENGROSSED SENATE BILL NO. 5096.

Excused: Senator Hasegawa

MESSAGE FROM THE HOUSE

April 21, 2017

ENGROSSED SENATE BILL NO. 5096, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5046,  
 ENGROSSED SENATE BILL NO. 5096 ,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 6:58 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

MOTION

The Senate was called to order at 7:13 p.m. by President Habib.

At 7:15 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o'clock a.m. Sunday, April 23, 2017.

SIGNED BY THE PRESIDENT

CYRUS HABIB, President of the Senate

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HUNTER G. GOODMAN, Secretary of the Senate

ONE HUNDRED FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Sunday, April 23, 2017

The Senate was called to order at 11:00 o'clock a.m. by the President Pro Tempore of the Senate, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4403,  
HOUSE CONCURRENT RESOLUTION NO. 4404,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5928 by Senators Rivers, Palumbo and Hasegawa

AN ACT Relating to making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW; and adding a new section to chapter 9.01 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5929 by Senator Rossi

AN ACT Relating to investing in Washington families by improving the fairness of the state's excise tax system by narrowing or eliminating tax preferences, imposing a business and occupation tax surcharge while eliminating tax liability for small businesses, enacting an excise tax on capital gains, modifying the real estate excise tax, making administrative changes, and implementing marketplace fairness in Washington; amending RCW 82.32.045, 82.08.0293, 82.12.0293, 82.12.0263, 82.04.290, 82.08.0273, 82.45.060, 82.45.010, 82.45.080, 18.27.110, 18.27.200, 82.08.050, 82.12.040, 82.32.145, 82.32.060, 82.04.293, 82.04.440, 82.04.44525, and 82.04.4463; reenacting and

amending RCW 82.04.280 and 82.32.790; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; adding new chapters to Title 82 RCW; creating new sections; repealing RCW 82.04.4451 and 82.04.272; repealing 2010 c 106 s 206, 2009 c 461 s 3, 2006 c 300 s 7, and 2003 c 149 s 4; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5930 by Senator Palumbo

AN ACT Relating to establishing a carbon pollution tax; adding a new section to chapter 76.04 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 70 RCW; creating new sections; repealing RCW 19.29A.060; prescribing penalties; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5931 by Senator Palumbo

AN ACT Relating to public agency acquisition of electric and alternative fuel vehicles; and amending RCW 43.19.648, 43.325.080, 28A.160.195, 47.66.070, 46.68.320, and 46.68.325.

Referred to Committee on State Government.

EHB 1309 by Representatives Steele, Chapman, Kretz and Condotta

AN ACT Relating to removal of land from the current use property tax classification due to certain natural disasters; amending RCW 84.33.145; and reenacting and amending RCW 84.34.108.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4403 by Representatives Sullivan and Kretz  
Returning bills to their house of origin.

HCR 4404 by Representatives Sullivan and Kretz  
Adjourning SINE DIE.

MOTION

ONE HUNDRED FIFTH DAY, APRIL 23, 2017

2017 REGULAR SESSION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4403 and House Concurrent Resolution No. 4404 were placed on the second reading calendar.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4404, by Representatives Sullivan and Kretz

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4404.

HOUSE CONCURRENT RESOLUTION NO. 4404 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2017

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4403,  
HOUSE CONCURRENT RESOLUTION NO. 4404,

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4403,  
HOUSE CONCURRENT RESOLUTION NO. 4404.

MOTION

On motion of Senator Fain and without objections, the following measures on the second and third reading calendars and held at the desk were returned to the Committee on Rules:

- SENATE BILL No. 5065,
- SENATE BILL No. 5090,
- SENATE BILL No. 5127,
- SENATE BILL No. 5254,
- SENATE BILL No. 5409,
- SENATE BILL No. 5594,
- SENATE BILL No. 5755,
- SENATE BILL No. 5822,
- SENATE BILL No. 5864,
- SENATE BILL No. 5896,
- SENATE BILL No. 5900,
- SENATE BILL No. 5916,
- SENATE JOINT RESOLUTION No. 8201,
- SENATE JOINT RESOLUTION No. 8208,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9021,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9058,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9080,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9122,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9131,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9168,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9184,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9187,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9213,
- SENATE GUBERNATORIAL APPOINTMENT NO. 9224,
- and SENATE GUBERNATORIAL APPOINTMENT NO. 9234.

MOTION

On motion of Senator Fain, the reading of the Journal for the 105<sup>th</sup> day of the 2017 Regular Session of the 65<sup>th</sup> Legislature was dispensed with and it was approved.

MOTION

Under the provision of House Concurrent Resolution No. 4403, on motion of Senator Fain, the following House measures were returned to the House of Representatives:

- SUBSTITUTE HOUSE BILL NO. 1022,
- ENGROSSED HOUSE BILL NO. 1032,
- SUBSTITUTE HOUSE BILL NO. 1037,
- HOUSE BILL NO. 1042,
- SUBSTITUTE HOUSE BILL NO. 1045,
- SUBSTITUTE HOUSE BILL NO. 1046,
- HOUSE BILL NO. 1053,
- HOUSE BILL NO. 1056,
- SUBSTITUTE HOUSE BILL NO. 1059,

SUBSTITUTE HOUSE BILL NO. 1060,  
 HOUSE BILL NO. 1063,  
 HOUSE BILL NO. 1069,  
 SUBSTITUTE HOUSE BILL NO. 1070,  
 ENGROSSED HOUSE BILL NO. 1078,  
 ENGROSSED HOUSE BILL NO. 1081,  
 HOUSE BILL NO. 1089,  
 HOUSE BILL NO. 1095,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,  
 HOUSE BILL NO. 1125,  
 SUBSTITUTE HOUSE BILL NO. 1126,  
 HOUSE BILL NO. 1128,  
 SUBSTITUTE HOUSE BILL NO. 1129,  
 HOUSE BILL NO. 1132,  
 HOUSE BILL NO. 1139,  
 SUBSTITUTE HOUSE BILL NO. 1155,  
 SUBSTITUTE HOUSE BILL NO. 1160,  
 HOUSE BILL NO. 1162,  
 HOUSE BILL NO. 1167,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1168,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1169,  
 HOUSE BILL NO. 1182,  
 SUBSTITUTE HOUSE BILL NO. 1186,  
 ENGROSSED HOUSE BILL NO. 1188,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1194,  
 SUBSTITUTE HOUSE BILL NO. 1196,  
 SUBSTITUTE HOUSE BILL NO. 1209,  
 HOUSE BILL NO. 1221,  
 SUBSTITUTE HOUSE BILL NO. 1232,  
 ENGROSSED HOUSE BILL NO. 1237,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,  
 HOUSE BILL NO. 1267,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1280,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,  
 SUBSTITUTE HOUSE BILL NO. 1291,  
 SUBSTITUTE HOUSE BILL NO. 1293,  
 SUBSTITUTE HOUSE BILL NO. 1298,  
 ENGROSSED HOUSE BILL NO. 1309,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1319,  
 SUBSTITUTE HOUSE BILL NO. 1321,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1323,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1341,  
 SUBSTITUTE HOUSE BILL NO. 1347,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1359,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,  
 HOUSE BILL NO. 1373,  
 SUBSTITUTE HOUSE BILL NO. 1377,  
 ENGROSSED HOUSE BILL NO. 1378,  
 SUBSTITUTE HOUSE BILL NO. 1384,  
 SUBSTITUTE HOUSE BILL NO. 1388,  
 SUBSTITUTE HOUSE BILL NO. 1413,  
 SUBSTITUTE HOUSE BILL NO. 1414,  
 SUBSTITUTE HOUSE BILL NO. 1421,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1426,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,  
 SUBSTITUTE HOUSE BILL NO. 1433,  
 SUBSTITUTE HOUSE BILL NO. 1434,  
 HOUSE BILL NO. 1437,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1439,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1440,  
 HOUSE BILL NO. 1452,  
 SUBSTITUTE HOUSE BILL NO. 1456,  
 HOUSE BILL NO. 1468,  
 HOUSE BILL NO. 1470,  
 SUBSTITUTE HOUSE BILL NO. 1472,  
 ENGROSSED HOUSE BILL NO. 1476,  
 ENGROSSED HOUSE BILL NO. 1480,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1482,  
 HOUSE BILL NO. 1492,  
 HOUSE BILL NO. 1494,  
 HOUSE BILL NO. 1499,  
 SUBSTITUTE HOUSE BILL NO. 1502,  
 ENGROSSED HOUSE BILL NO. 1506,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1512,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1513,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,  
 SUBSTITUTE HOUSE BILL NO. 1524,  
 SUBSTITUTE HOUSE BILL NO. 1532,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1540,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1541,  
 ENGROSSED HOUSE BILL NO. 1551,  
 HOUSE BILL NO. 1558,  
 HOUSE BILL NO. 1560,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1561,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1562,  
 SUBSTITUTE HOUSE BILL NO. 1566,  
 HOUSE BILL NO. 1571,  
 SUBSTITUTE HOUSE BILL NO. 1586,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,  
 HOUSE BILL NO. 1603,  
 HOUSE BILL NO. 1606,  
 SUBSTITUTE HOUSE BILL NO. 1618,  
 SUBSTITUTE HOUSE BILL NO. 1624,  
 HOUSE BILL NO. 1627,  
 HOUSE BILL NO. 1630,  
 HOUSE BILL NO. 1640,  
 SUBSTITUTE HOUSE BILL NO. 1655,  
 ENGROSSED HOUSE BILL NO. 1656,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1661,  
 HOUSE BILL NO. 1672,  
 SUBSTITUTE HOUSE BILL NO. 1673,  
 HOUSE BILL NO. 1674,  
 SUBSTITUTE HOUSE BILL NO. 1680,  
 HOUSE BILL NO. 1715,  
 HOUSE BILL NO. 1716,  
 SUBSTITUTE HOUSE BILL NO. 1723,  
 HOUSE BILL NO. 1733,  
 ENGROSSED HOUSE BILL NO. 1742,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1751,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,  
 SUBSTITUTE HOUSE BILL NO. 1763,  
 HOUSE BILL NO. 1772,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1777,  
 SUBSTITUTE HOUSE BILL NO. 1782,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1783,  
 SUBSTITUTE HOUSE BILL NO. 1787,

ONE HUNDRED FIFTH DAY, APRIL 23, 2017

2017 REGULAR SESSION

SECOND SUBSTITUTE HOUSE BILL NO. 1789,  
HOUSE BILL NO. 1790,  
ENGROSSED HOUSE BILL NO. 1795,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796,  
HOUSE BILL NO. 1800,  
HOUSE BILL NO. 1806,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1807,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,  
SUBSTITUTE HOUSE BILL NO. 1825,  
HOUSE BILL NO. 1828,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,  
HOUSE BILL NO. 1833,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843,  
HOUSE BILL NO. 1844,  
HOUSE BILL NO. 1849,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1851,  
HOUSE BILL NO. 1855,  
ENGROSSED HOUSE BILL NO. 1857,  
ENGROSSED HOUSE BILL NO. 1858,  
HOUSE BILL NO. 1859,  
HOUSE BILL NO. 1861,  
SUBSTITUTE HOUSE BILL NO. 1893,  
ENGROSSED HOUSE BILL NO. 1913,  
ENGROSSED HOUSE BILL NO. 1927,  
SECOND SUBSTITUTE HOUSE BILL NO. 1929,  
SUBSTITUTE HOUSE BILL NO. 1930,  
HOUSE BILL NO. 1939,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,  
HOUSE BILL NO. 1953,  
ENGROSSED HOUSE BILL NO. 1958,  
SUBSTITUTE HOUSE BILL NO. 1966,  
ENGROSSED HOUSE BILL NO. 1967,  
SECOND SUBSTITUTE HOUSE BILL NO. 1980,  
HOUSE BILL NO. 1991,  
SUBSTITUTE HOUSE BILL NO. 2006,  
HOUSE BILL NO. 2007,  
ENGROSSED HOUSE BILL NO. 2008,  
SECOND SUBSTITUTE HOUSE BILL NO. 2009,  
SUBSTITUTE HOUSE BILL NO. 2016,  
SUBSTITUTE HOUSE BILL NO. 2021,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2029,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057,  
HOUSE BILL NO. 2066,  
HOUSE BILL NO. 2087,  
ENGROSSED HOUSE BILL NO. 2095,  
HOUSE BILL NO. 2097,  
ENGROSSED HOUSE BILL NO. 2107,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2121,  
SECOND SUBSTITUTE HOUSE BILL NO. 2143,  
SUBSTITUTE HOUSE BILL NO. 2182,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200,  
ENGROSSED HOUSE BILL NO. 2201,  
HOUSE JOINT MEMORIAL NO. 4002,  
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4008,  
HOUSE JOINT MEMORIAL NO. 4010,  
HOUSE JOINT MEMORIAL NO. 4011,  
HOUSE CONCURRENT RESOLUTION NO. 4400,  
and HOUSE CONCURRENT RESOLUTION NO. 4402.

MESSAGES FROM THE HOUSE

April 23, 2017

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT  
RESOLUTION NO. 4403, the following Senate bills are  
returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5033,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5038,  
SECOND SUBSTITUTE SENATE BILL NO. 5201,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5294,  
SENATE BILL NO. 5375,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5679,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2017

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT  
RESOLUTION NO. 4403, the following Senate bills are  
returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5001,  
SENATE BILL NO. 5010,  
SENATE BILL NO. 5013,  
SUBSTITUTE SENATE BILL NO. 5014,  
SUBSTITUTE SENATE BILL NO. 5016,  
SECOND SUBSTITUTE SENATE BILL NO. 5021,  
SENATE BILL NO. 5034,  
SENATE BILL NO. 5041,  
SENATE BILL NO. 5059,  
SUBSTITUTE SENATE BILL NO. 5064,  
SENATE BILL NO. 5066,  
SENATE BILL NO. 5068,  
SENATE BILL NO. 5070,  
SENATE BILL NO. 5080,  
SENATE BILL NO. 5087,  
SENATE BILL NO. 5091,  
SUBSTITUTE SENATE BILL NO. 5099,  
SUBSTITUTE SENATE BILL NO. 5104,  
SENATE BILL NO. 5121,  
SENATE BILL NO. 5126,  
SUBSTITUTE SENATE BILL NO. 5132,  
SENATE BILL NO. 5141,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5145,  
SENATE BILL NO. 5146,  
SUBSTITUTE SENATE BILL NO. 5154,  
SUBSTITUTE SENATE BILL NO. 5161,  
SUBSTITUTE SENATE BILL NO. 5165,  
SUBSTITUTE SENATE BILL NO. 5170,  
SECOND SUBSTITUTE SENATE BILL NO. 5179,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,  
SUBSTITUTE SENATE BILL NO. 5186,  
SENATE BILL NO. 5190,  
SENATE BILL NO. 5205,  
ENGROSSED SENATE BILL NO. 5212,  
ENGROSSED SENATE BILL NO. 5214,  
SUBSTITUTE SENATE BILL NO. 5223,  
SUBSTITUTE SENATE BILL NO. 5228,  
SENATE BILL NO. 5232,  
SUBSTITUTE SENATE BILL NO. 5233,  
SECOND SUBSTITUTE SENATE BILL NO. 5236,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5239,  
SUBSTITUTE SENATE BILL NO. 5248,  
SENATE BILL NO. 5252,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,  
SENATE BILL NO. 5269,  
ENGROSSED SENATE BILL NO. 5280,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5281,  
 SUBSTITUTE SENATE BILL NO. 5286,  
 SECOND SUBSTITUTE SENATE BILL NO. 5300,  
 SUBSTITUTE SENATE BILL NO. 5303,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,  
 SENATE BILL NO. 5315,  
 SENATE BILL NO. 5316,  
 SENATE BILL NO. 5319,  
 SENATE BILL NO. 5325,  
 SENATE BILL NO. 5333,  
 SUBSTITUTE SENATE BILL NO. 5339,  
 SUBSTITUTE SENATE BILL NO. 5340,  
 SECOND SUBSTITUTE SENATE BILL NO. 5342,  
 SUBSTITUTE SENATE BILL NO. 5362,  
 SENATE BILL NO. 5376,  
 SUBSTITUTE SENATE BILL NO. 5378,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5393,  
 SUBSTITUTE SENATE BILL NO. 5394,  
 SENATE BILL NO. 5399,  
 SUBSTITUTE SENATE BILL NO. 5403,  
 SUBSTITUTE SENATE BILL NO. 5405,  
 SUBSTITUTE SENATE BILL NO. 5426,  
 SUBSTITUTE SENATE BILL NO. 5430,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5431,  
 SENATE BILL NO. 5433,  
 SUBSTITUTE SENATE BILL NO. 5438,  
 SENATE BILL NO. 5439,  
 SENATE BILL NO. 5442,  
 SUBSTITUTE SENATE BILL NO. 5443,  
 SENATE BILL NO. 5445,  
 SENATE BILL NO. 5448,  
 SUBSTITUTE SENATE BILL NO. 5453,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5456,  
 SUBSTITUTE SENATE BILL NO. 5458,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5465,  
 SECOND SUBSTITUTE SENATE BILL NO. 5475,  
 SENATE BILL NO. 5490,  
 SUBSTITUTE SENATE BILL NO. 5500,  
 SUBSTITUTE SENATE BILL NO. 5508,  
 ENGROSSED SENATE BILL NO. 5517,  
 SUBSTITUTE SENATE BILL NO. 5522,  
 SENATE BILL NO. 5525,  
 SUBSTITUTE SENATE BILL NO. 5533,  
 SENATE BILL NO. 5536,  
 SECOND SUBSTITUTE SENATE BILL NO. 5540,  
 THIRD SUBSTITUTE SENATE BILL NO. 5558,  
 SECOND SUBSTITUTE SENATE BILL NO. 5577,  
 SUBSTITUTE SENATE BILL NO. 5607,  
 SENATE BILL NO. 5614,  
 SENATE BILL NO. 5615,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5620,  
 SENATE BILL NO. 5621,  
 ENGROSSED SENATE BILL NO. 5629,  
 SUBSTITUTE SENATE BILL NO. 5633,  
 SUBSTITUTE SENATE BILL NO. 5634,  
 SUBSTITUTE SENATE BILL NO. 5641,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5645,  
 SENATE BILL NO. 5646,  
 ENGROSSED SENATE BILL NO. 5652,  
 SUBSTITUTE SENATE BILL NO. 5655,  
 SUBSTITUTE SENATE BILL NO. 5657,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,  
 SENATE BILL NO. 5660,

SENATE BILL NO. 5664,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5702,  
 SUBSTITUTE SENATE BILL NO. 5712,  
 ENGROSSED SENATE BILL NO. 5720,  
 SUBSTITUTE SENATE BILL NO. 5725,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5729,  
 ENGROSSED SENATE BILL NO. 5741,  
 SECOND SUBSTITUTE SENATE BILL NO. 5749,  
 SENATE BILL NO. 5754,  
 SUBSTITUTE SENATE BILL NO. 5768,  
 SUBSTITUTE SENATE BILL NO. 5770,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5777,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5781,  
 SUBSTITUTE SENATE BILL NO. 5783,  
 SENATE BILL NO. 5793,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5797,  
 SENATE BILL NO. 5798,  
 ENGROSSED SENATE BILL NO. 5800,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5819,  
 SUBSTITUTE SENATE BILL NO. 5833,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5838,  
 SUBSTITUTE SENATE BILL NO. 5844,  
 ENGROSSED SENATE BILL NO. 5867,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5890,  
 ENGROSSED SENATE BILL NO. 5891,  
 ENGROSSED SENATE BILL NO. 5893,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,  
 SENATE BILL NO. 5895,  
 SUBSTITUTE SENATE BILL NO. 5898,  
 SUBSTITUTE SENATE BILL NO. 5901,  
 SENATE BILL NO. 5902,  
 SUBSTITUTE SENATE BILL NO. 5915,  
 SENATE JOINT MEMORIAL NO. 8004,  
 SENATE JOINT MEMORIAL NO. 8009,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2017

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4403, the following Senate bills are returned to the Senate:

SENATE BILL NO. 5164,  
 SENATE BILL NO. 5189,  
 SENATE BILL NO. 5230,  
 SUBSTITUTE SENATE BILL NO. 5560,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

At 11:18 a.m., on motion of Senator Fain, the 2017 Regular Session of the Sixty-Fifth Legislature adjourned SINE DIE.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**FIRST DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, April 24, 2017

In accordance with Gubernatorial Proclamation 17-06 issued pursuant to Article II, Section 12 and Article III, Section 7 of the Washington State Constitution, the Senate of the 2017 Extraordinary Session of the Sixty-Fifth Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol, Olympia at 10:00 a.m., Monday, April 24, 2017.

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

**MOTION**

On motion of Senator Fain, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR**

**PROCLAMATION BY THE GOVERNOR 17-06**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2017 regular session on April 23, 2017, the 105th day of the session; and

WHEREAS, work remains to be done with respect to the 2017-18 biennial operating and capital budgets and bills necessary to implement those budgets; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Republican Leader, and Senate Democratic Leader, working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, April 24, 2017, at 10:00 a.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 24th day of April, A.D. Two- thousand and Seventeen at Olympia, Washington.

By:  
/s/ \_\_\_\_\_  
Jay Inslee, Governor

(Seal)

BY THE GOVERNOR:

/s/ \_\_\_\_\_  
Mark Neary  
Asst. Secretary of State

**MOTION**

On motion of Senator Fain, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5932 by Senators Fortunato, Rossi and Miloscia

AN ACT Relating to new counties; amending RCW 36.32.020 and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; creating a new section; repealing RCW 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.

Referred to Committee on State Government.

SCR 8404 by Senator Fain

Specifying the status of bills, memorials, and resolutions for the 2017 regular and first special sessions of the Sixty-fifth Legislature.

**MOTION**

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Concurrent Resolution No. 8404 with was placed on the second reading calendar.

**MOTION**

On motion of Senator Fain, the Senate advanced to the sixth order of business.

**SECOND READING**

SENATE CONCURRENT RESOLUTION NO. 8404, by Senator Fain

Specifying the status of bills, memorials, and resolutions for the 2017 regular and first special sessions of the Sixty-fifth Legislature.

The measure was read the second time.

**MOTION**

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8404.

SENATE CONCURRENT RESOLUTION NO. 8404 having received a majority was adopted by voice vote.

**PERSONAL PRIVILEGE**

Senator Frockt: "Thank you Mr. President. I want to take a minute since we were convening the Senate this morning, as we begin the special session, to say just a couple of words about the



incident that took place in Seattle Washington on Thursday afternoon where three officers were wounded. We have more information about what happened during that encounter and I thought it was important to come and acknowledge in the Senate, for the audience that may be watching, but also just for the record and preserving for the record, the heroism of these three officers. And if I could Mr. President, I would like to talk a little bit about what happened. The three officers that were involved, there was an incident where three individuals went into a 7-11 on First Avenue, not too far from where my law office used to be on First Avenue in downtown Seattle. They were eventually confronted after allegedly stealing some items and were chased by the police. And there was a violent struggle that ensued. Three officers were shot, a number of other officers participated. One very seriously, Officer Elizabeth Kennedy, was shot in the chest in her Kevlar vest and is survived and it is my understanding is doing well. The other officer, Officer Hudson Kang, aged 30, a graduate of Eisenhower High School in Yakima and Yakima Valley Community College, was also wounded and as of a couple of days ago was recovering in the hospital. There was a third officer who was also sustained a minor wound as I understand it, it was a graze and that officer whose name I do not have with me is also doing okay. I think it is just important to remember in a year where we have been dealing and talking a lot about in this legislature the very difficult job that our officers have to do when responding in very stressful and dangerous situations. And how they are trained to run towards the danger and this is a very perfect example of what happened. Both of these officers, Officer Kennedy, was formerly a prosecutor on the East Coast before she came to Washington State and decided to go and become a line officer and had only been on the force for three years. Officer Kang, only 30 years old, had served apparently as a reserve officer in Yakima before coming over to Seattle. And in 2016 he received an award from the Seattle Police Foundation for his work not only in responding in dangerous situations but saving the life of a suspect who had been wounded in a confrontation with officers. Mr. President if I can read very briefly from the incident report that was posted on the Seattle Police Foundation when Officer Kang received the award?"

President Habib: "Please proceed."

Senator Frockt: "Thank you Mr. President. The Foundation report says that all the officers including Officer Kang remained calm and professional during this extremely stressful situation and communicated with each other effectively during the de-escalation of the situation, and the subduence of the suspect. The officers immediately began life saving aid on the suspect. They were not drawn by bias or anger. This was indeed a suspect that attempted to harm, or possibly even kill, a fellow squad mate yet they did not hesitate to act. They acted professionally as they searched for gunshot wounds on the suspect's body and that suspect eventually did survive. So I

think it is really interesting and telling that in a point in time this year when we have had a lot of discussion about the deadly use of force, about the very complicated job that we put our officers on the line to do. And Officer Kang, the officer that was wounded subduing the suspect on Thursday was at the same time just a year before in another incident where he was involved or his squad mates were involved in an episode where a suspect ended up being shot but then he was involved in saving the life of that very same suspect. We owe a lot to our officers on the street who protect us everyday. And even while I do believe we need to make some changes to the deadly use of force law, for a variety of reasons, it is always important to remember the very selfless acts, indeed the very incredible acts of public service, our law enforcement officers are doing for this community and Seattle and around out state. And I just wanted to take a moment to acknowledge those three officers and in particular Officers Kang and Kennedy who were injured on Thursday. Thank you Mr. President."

#### PERSONAL PRIVILEGE

Senator Hasegawa: "Thank you Mr. President. I want to thank the previous speaker for his acknowledgement of the previous incident. I want to also bring to your attention that we have a guest from mainland China visiting here today, Dr. Zhirong Hu, and he is Senior Advisor to the Chinese government, friends of both President Obama and the President of China Xi, and they are here and he is on a whirlwind visit, but I just wanted to acknowledge that they are here in Olympia for the specific purpose of just saying Hi to the Lieutenant Governor and to the rest of us and getting to learn a little bit more about how Washington State operates and cooperates with China. So, I just wanted to make that acknowledgement and appreciate your indulgence. Thank you"

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Zhirong Hu, Senior Advisor to the Chinese government, who was seated in the gallery.

#### MOTION

At 10:10 a.m., on motion of Senator Fain, the Senate adjourned until 9:25 o'clock a.m. Wednesday, April 26, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia  
Wednesday, April 26, 2017

The Senate was called to order at 9:25 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 25, 2017

TO THE HONORABLE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

J. A. VANDER STOEP, appointed April 25, 2017, for the term beginning May 1, 2017 and ending April 30, 2020, as Member of the Chehalis Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9265.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MESSAGE FROM THE GOVERNOR

April 25, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 25, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5069

Relating to providing associate degree education to enhance education opportunities and public safety.

Senate Bill No. 5200

Relating to allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass.

Substitute Senate Bill No. 5272

Relating to vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.

Senate Bill No. 5382

Relating to the issuance of identicards at a reduced cost to applicants who are under the age of eighteen and without a permanent residence address.

Senate Bill No. 5488

Relating to the transitional bilingual instruction program reporting date.

Senate Bill No. 5631

Relating to the University of Washington's alternative process for awarding contracts.

Engrossed Substitute Senate Bill No. 5810

Relating to adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission.

Senate Bill No. 5813

Relating to crimes against minors.

Senate Bill No. 5826

Relating to eligibility for veteran or national guard tuition waivers.

Sincerely,  
/s/

Drew Shirk, Executive Director of Legislative Affairs

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2017

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404,  
and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5933 by Senator Rivers

AN ACT Relating to the acquisition of marijuana seeds for qualifying patients and designated providers who hold a recognition card and have been entered into the medical marijuana authorization database; amending RCW 69.51A.--; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:27 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, April 28, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**FIFTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, April 28, 2017

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE CONCURRENT RESOLUTION NO. 8404.

MESSAGE FROM THE GOVERNOR

April 27, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 27, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5022  
Relating to providing information to students about education loans.

Substitute Senate Bill No. 5133  
Relating to county boards of equalization.

Second Substitute Senate Bill No. 5347  
Relating to the definition of work activity for the purposes of the WorkFirst program.

Substitute Senate Bill No. 5366  
Relating to the authorization of and deposit of moneys from department of transportation advertising activities.

Senate Bill No. 5437  
Relating to the weighmaster program.

Second Substitute Senate Bill No. 5474  
Relating to initiating proactive steps to address elk hoof disease.

Substitute Senate Bill No. 5537  
Relating to authorizing licensed spirits and wine distributors to sell spirits and wine products to their employees in certain circumstances.

Senate Bill No. 5674  
Relating to the final approval of subdivisions of land.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MOTION

At 9:03 a.m., on motion of Senator Schoesler, the Senate adjourned until 10:00 o'clock a.m. Monday, May 1, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**EIGHTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Monday, May 1, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

**MOTION**

On motion of Senator Hawkins, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Hawkins, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR**

April 27, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 27, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5022  
Relating to providing information to students about education loans.

Substitute Senate Bill No. 5133  
Relating to county boards of equalization.

Second Substitute Senate Bill No. 5347  
Relating to the definition of work activity for the purposes of the WorkFirst program.

Substitute Senate Bill No. 5366  
Relating to the authorization of and deposit of moneys from department of transportation advertising activities.

Senate Bill No. 5437  
Relating to the weighmaster program.

Second Substitute Senate Bill No. 5474  
Relating to initiating proactive steps to address elk hoof disease.

Substitute Senate Bill No. 5537  
Relating to authorizing licensed spirits and wine distributors to sell spirits and wine products to their employees in certain circumstances.

Senate Bill No. 5674  
Relating to the final approval of subdivisions of land.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

April 26, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DENNIS J. MCLERRAN, appointed April 26, 2017, for the term ending June 25, 2018, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9266.

April 28, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEPHEN SINCLAIR, appointed April 26, 2017, for the term ending at the pleasure of the Governor, as a Director of the Department of Corrections - Agency Head.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Law & Justice as Senate Gubernatorial Appointment No. 9267.

**MOTION**

On motion of Senator Hawkins, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

**MOTION**

On motion of Senator Hawkins, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5934 by Senator Padden

AN ACT Relating to convicted persons; amending RCW 9.94A.589, 9.94B.050, 9.94A.501, 9.94A.533, 46.20.117, and 46.20.117; amending 2013 2nd sp.s. c 14 s 10 (uncodified); reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.94B RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; creating new sections; repealing 2015 c 291 s 9; repealing 2015 c 291 ss 15 and 16 (uncodified); prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency.

EIGHTH DAY, MAY 1, 2017

2017 1ST SPECIAL SESSION

Referred to Committee on Law & Justice.

At 10:03 a.m., on motion of Senator Hawkins, the Senate adjourned until 11:00 o'clock a.m. Tuesday, May 2, 2017.

MOTION

On motion of Senator Hawkins, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

MOTION

NINTH DAY, MAY 2, 2017

2017 1ST SPECIAL SESSION

## NINTH DAY

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MORNING SESSION

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Senate Chamber, Olympia  
Tuesday, May 2, 2017

The Senate was called to order at 11:01 a.m. by the Vice President Pro Tempore, Senator Honeyford presiding.

## MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

At 11:02 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 2:59 p.m. by President Pro Tempore Sheldon.

## MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

## THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Takko, Ericksen, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden)

Ensuring that water is available to support development.

The bill was read on Third Reading.

Senators Warnick, Takko and Angel spoke in favor of passage of the bill.

Senator Honeyford spoke on final passage of the bill.

Senators Chase and Nelson spoke against passage of the bill.

## MOTION

On motion of Senator Saldaña, Senators Hunt, McCoy and Wellman were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5239.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Keiser, Kuderer, Liias, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Van De Wege

Excused: Senators Hunt, McCoy and Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5135, by Senators Rivers, Rolfes, Zeiger, Walsh, Angel, Keiser, Mullet, Cleveland, Hunt, Bailey, King, Warnick, Brown, Fain, Ranker, Van De Wege, Conway and Wellman

Modifying the Washington main street program by increasing the total amount of tax credits allowed under the program and making administrative changes to the program.

## MOTIONS

On motion of Senator Rivers, Second Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Second Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Mullet and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5135.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler,

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Hunt, McCoy and Wellman

SECOND SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Takko, Brown, Hawkins, Liias, Schoesler, Honeyford and Fortunato)

Concerning the protection of composting from nuisance lawsuits.

The bill was read on Third Reading.

Senators Warnick and Chase spoke in favor of passage of the bill.

Senator Mullet spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5431.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, Kuderer, Liias, Miloscia, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Frockt, Keiser, Mullet, Nelson and Ranker

Excused: Senators Hunt, McCoy and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5316, by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown, Zeiger and Wilson

Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Fortunato, the rules were suspended and Senate Bill No. 5316 was returned to second reading for the purpose of amendment.

#### MOTION

Senator Fortunato moved that the following floor striking amendment no. 280 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1305. RELATING TO ACCOUNTABILITY & REFORM.** The following sections are decodified:

- (1) RCW 43.88.910 (Effective date—1975 1st ex.s. c 293);
- (2) RCW 43.105.902 (Effective date—1987 c 504);
- (3) RCW 43.105.903 (Effective date—1999 c 285);

(4) RCW 43.320.012 (Department of general administration and department of licensing equipment, records, funds transferred);

(5) RCW 43.320.013 (Department of general administration and department of licensing civil service employees transferred);

(6) RCW 43.320.014 (Department of general administration or department of licensing rules, business, contracts, and obligations continued);

(7) RCW 43.320.015 (Department of general administration and department of licensing—Validity of acts);

- (8) RCW 43.320.016 (Apportionment of budgeted funds); and
- (9) RCW 43.320.901 (Implementation—1993 c 472).

**Sec. 1306.** RCW 43.88.0301 and 2002 c 312 s 1 are each amended to read as follows:

**RELATING TO ACCOUNTABILITY & REFORM.**

(1) The office of financial management must include in its capital budget instructions, beginning with its instructions for the 2003-05 capital budget, a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over five million dollars and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

- (ii) Whether local and additional funds were leveraged;



(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030(~~(3)~~) (5) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

**Sec. 1307.** RCW 43.320.017 and 1993 c 472 s 13 are each amended to read as follows:

**SECTION 1 CONFORMING AMENDMENT.**

Nothing contained in RCW 43.320.011 (~~through 43.320.015~~) may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the expiration date of the current agreement or until the bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

**NEW SECTION. Sec. 1308.** RELATING TO AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT. The following sections are decodified:

- (1) RCW 15.15.900 (Effective date—1997 c 176);
- (2) RCW 15.49.920 (Effective date—1969 c 63);
- (3) RCW 15.49.950 (Severability—1969 c 63);
- (4) RCW 15.51.900 (Effective date—2007 c 181);
- (5) RCW 15.54.930 (Effective date—1967 ex.s. c 22);
- (6) RCW 15.58.900 (Effective date—1971 ex.s. c 190);
- (7) RCW 15.58.901 (Effective date—2000 c 96); and
- (8) RCW 15.58.943 (Effective date—2003 c 212).

**NEW SECTION. Sec. 1309.** RELATING TO COMMERCE & LABOR. The following sections are decodified:

- (1) RCW 41.58.900 (Effective dates—1975-'76 2nd ex.s. c 5);
- (2) RCW 41.58.901 (Effective date—1975 1st ex.s. c 296 §§ 4, 6, and 8 through 39);
- (3) RCW 50.06.010 (Purpose);
- (4) RCW 50.13.010 (Legislative intent and recognition);
- (5) RCW 50.13.910 (Legislative designation and placement);
- (6) RCW 50.38.900 (Effective date—1982 c 43);
- (7) RCW 50.38.902 (Effective date—1993 c 62);
- (8) RCW 50.60.902 (Effective date—1983 c 207);
- (9) RCW 50.65.905 (Effective date—1987 c 167);
- (10) RCW 50.70.902 (Effective date—1991 c 315);
- (11) RCW 50.98.080 (Effective date—1945 c 35);
- (12) RCW 69.50.545 (Departments of social and health services, health—Adoption of rules for disbursement of marijuana excise taxes);
- (13) RCW 69.50.606 (Repealers); and
- (14) RCW 69.50.607 (Effective date—1971 ex.s. c 308).

**NEW SECTION. Sec. 1310.** RELATING TO COMMERCE & LABOR. The following acts or parts of acts are each repealed:

- (1) RCW 66.08.230 (Initial disbursement to wine commission—Repayment) and 1987 c 452 s 12;
- (2) RCW 66.08.250 (Report on streamlining liquor tax collection) and 2013 c 95 s 2;

(3) RCW 66.12.020 (Sales of liquor to board) and 1933 ex.s. c 62 s 48; and

(4) RCW 69.50.1011 (Definition—Commission) and 2013 c 19 s 86.

**NEW SECTION. Sec. 1311.** RELATING TO EARLY LEARNING & K-12 EDUCATION. The following sections are decodified:

(1) RCW 28A.315.075 (Effect of 1999 c 315—Existing provisions not affected);

(2) RCW 43.215.903 (Severability—1988 c 174); and

(3) RCW 43.215.905 (Effective date—2006 c 265).

**NEW SECTION. Sec. 1312.** RELATING TO EARLY LEARNING & K-12 EDUCATION. The following acts or parts of acts are each repealed:

(1) RCW 28A.305.900 (Transfer of powers and duties—State board of education) and 2005 c 497 s 301;

(2) RCW 28A.305.901 (Transfer of powers and duties—Academic achievement and accountability commission) and 2005 c 497 s 302;

(3) RCW 28A.400.201 (Enhanced salary allocation model for educator development and certification—Technical working group—Report and recommendation) and 2016 c 162 s 4, 2011 1st sp.s. c 43 s 468, 2010 c 236 s 7, & 2009 c 548 s 601;

(4) RCW 28A.630.005 (Pilot project to assist school-age children in short-term foster care) and 2002 c 326 s 2;

(5) 2009 c 548 s 302 (uncodified); and

(6) 2010 c 236 s 6 (uncodified).

**NEW SECTION. Sec. 1313.** RELATING TO ENERGY, ENVIRONMENT & TELECOMMUNICATIONS. The following acts or parts of acts are each repealed:

(1) RCW 70.94.505 (Woodsmoke emissions—Work group) and 2007 c 339 s 3;

(2) RCW 70.95H.005 (Finding) and 1991 c 319 s 201;

(3) RCW 70.95H.007 (Center created) and 1995 c 399 s 192 & 1991 c 319 s 202;

(4) RCW 70.95H.010 (Purpose—Market development defined) and 1991 c 319 s 203;

(5) RCW 70.95H.030 (Duties and responsibilities) and 2015 c 225 s 108, 1992 c 131 s 2, & 1991 c 319 s 205;

(6) RCW 70.95H.040 (Authority) and 1991 c 319 s 206;

(7) RCW 70.95H.050 (Funding) and 1995 c 399 s 194 & 1991 c 319 s 207;

(8) RCW 70.95H.900 (Termination) and 1991 c 319 s 209;

(9) RCW 70.95N.270 (Reports) and 2006 c 183 s 28;

(10) RCW 70.104.070 (Pesticide incident reporting and tracking review panel—Intent) and 1989 c 380 s 67;

(11) RCW 70.104.090 (Pesticide panel—Responsibilities) and 1991 c 3 s 364 & 1989 c 380 s 69;

(12) RCW 70.105A.035 (Revision of fees to provide a waste reduction and recycling incentive) and 1989 c 2 s 16;

(13) RCW 70.220.060 (Funding report required by April 30, 2007) and 2005 c 305 s 6; and

(14) RCW 80.36.901 (Legislative review of 1985 c 450—1989 c 101) and 1989 c 101 s 18 & 1985 c 450 s 44.

**Sec. 1314.** RCW 70.95.532 and 2010 c 247 s 704 are each amended to read as follows:

RELATING TO ENERGY, ENVIRONMENT & TELECOMMUNICATIONS.

(1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

(2) On September 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.

~~((3) During the 2009-2011 fiscal biennium, the legislature may transfer any cash balance in excess of one million dollars from the waste tire removal account to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.))~~

**Sec. 1315.** RCW 80.01.080 and 2010 1st sp.s. c 37 s 950 are each amended to read as follows:

RELATING TO ENERGY, ENVIRONMENT & TELECOMMUNICATIONS.

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

~~((During the 2009-2011 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.))~~

**NEW SECTION. Sec. 1316.** SECTION 9 CONFORMING REPEALER. RCW 70.104.100 (Industrial insurance statutes not affected) and 1989 c 380 s 70 are each repealed.

**NEW SECTION. Sec. 1317.** RELATING TO FINANCIAL INSTITUTIONS & INSURANCE. The following sections are decodified:

(1) RCW 48.20.322 (Effective date of standard provision and certain other sections—Five year period); and

(2) RCW 48.23.520 (Operative date of RCW 48.23.410 through 48.23.520).

**NEW SECTION. Sec. 1318.** RELATING TO FINANCIAL INSTITUTIONS & INSURANCE. The following acts or parts of acts are each repealed:

(1)RCW 30A.24.080 (Securities in default ineligible) and 1955 c 33 s 30.24.080;

(2)RCW 31.04.185 (Repealed sections of law—Rules adopted under) and 1994 c 92 s 173 & 1991 c 208 s 19;

(3)RCW 31.04.501 (Implementation) and 2009 c 149 s 9;

(4)RCW 31.45.095 (Report by director—Contents) and 2009 c 510 s 7; and

(5)RCW 48.102.190 (Existing viatical settlement licenses—July 26, 2009) and 2009 c 104 s 22.

**Sec. 1319.** RCW 48.17.563 and 1994 c 131 s 6 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

(1) The commissioner may require insurance education providers to furnish specific information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers who demonstrate the ability to conduct and certify completion of one or more courses satisfying the insurance education requirements of RCW 48.17.150.

(2) Provider and course approvals are valid for the time period established by the commissioner and shall expire if not timely renewed. Each provider shall pay the renewal fee set forth in RCW 48.14.010(1)(n).

~~((3) In granting approvals for courses required by RCW 48.17.150(1)(d):~~

~~(a) The commissioner may require the availability of a licensed agent with appropriate experience on the premises whenever instruction is being offered; and~~

~~(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.))~~

**Sec. 1320.** RCW 48.18A.035 and 2008 c 217 s 19 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

~~((4))~~ Every individual variable contract issued shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the market value of the assets purchased by its premium, less taxes and investment brokerage commissions, if any, refunded, if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or insurance producer. If a policy owner pursuant to such notice returns the policy to the insurer at its home or branch office or to the insurance producer through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

~~((2) No later than January 1, 2010, or when the insurer has used all of its existing paper variable contract forms which were in its possession on July 1, 2009, whichever is earlier, the notice required by subsection (1) of this section shall use the term insurance producer in place of agent.))~~

**Sec. 1321.** RCW 48.25.140 and 2008 c 217 s 33 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

~~((4))~~ There shall be a provision that no insurance producer shall have the power or authority to waive, change, or alter any of the terms or conditions of any policy; except that, at the option of the insurer, the terms or conditions may be changed by an endorsement signed by a duly authorized officer of the insurer.

~~((2) No later than January 1, 2010, or when the insurer has used all of its existing paper industrial life insurance contract forms which were in its possession on July 1, 2009, whichever is earlier, the notice required by subsection (1) of this section shall use the term insurance producer in place of agent.))~~

**Sec. 1322.** RCW 48.29.015 and 2008 c 110 s 2 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

(1) A title insurance agent shall maintain records of its title orders sufficient to indicate the source of the title orders.

(2) Every title insurance agent shall file with the commissioner annually by March 15th of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for filing, a report, on a form prescribed by the commissioner, setting forth:

(a) The names and addresses of those persons, if any, who have had a financial interest in the title insurance agent during the calendar year, who are known or reasonably believed by the title insurance agent to be producers of title business or associates of producers; and

(b) The percent of title orders originating from each person who owns, or had owned during the preceding calendar year, a financial interest in the title insurance agent.

(3) Each title insurance agent shall keep current the information required by that portion of the report required by subsection (2)(a) of this section by reporting all changes or additions within fifteen days after the end of the month in which it learns of each change or addition.

(4) Each title insurance agent shall file that portion of the report required by subsection (2)(a) of this section with its application for a license.

~~((5) Each title insurance agent licensed on June 12, 2008, shall file the report required under this section within thirty days after June 12, 2008.))~~

**Sec. 1323.** RCW 48.31.115 and 2005 c 432 s 2 are each amended to read as follows:

RELATING TO FINANCIAL INSTITUTIONS & INSURANCE.

(1) The persons entitled to protection under this section are:

(a) The commissioner and any other receiver or administrative supervisor responsible for conducting a delinquency proceeding under this chapter, including present and former commissioners, administrative supervisors, and receivers; and

(b) The commissioner's employees, meaning all present and former special deputies and assistant special deputies and special receivers and special administrative supervisors appointed by the commissioner and all persons whom the commissioner, special deputies, or assistant special deputies have employed to assist in a delinquency proceeding under this chapter. Attorneys, accountants, auditors, and other professional persons or firms who are retained as independent contractors, and their employees, are not considered employees of the commissioner for purposes of this section.

(2) The commissioner and the commissioner's employees are immune from suit and liability, both personally and in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment. However, nothing in this subsection may be construed to hold the commissioner or an employee immune from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the commissioner or an employee.

(3) If a legal action is commenced against the commissioner or an employee, whether against him or her personally or in his or her official capacity, alleging property damage, property loss, personal injury, or other civil liability caused by or resulting from an alleged act or omission of the commissioner or an employee arising out of or by reason of his or her duties or employment, the commissioner and any employee shall be indemnified from the assets of the insurer for all expenses, attorneys' fees, judgments, settlements, decrees, or amounts due and owing or paid in satisfaction of or incurred in the defense of the legal action unless it is determined upon a final adjudication on the merits that the alleged act or omission of the commissioner or employee giving rise to the claim did not arise out of or by reason of his or her duties or employment, or was caused by intentional or willful and wanton misconduct.

(a) Attorneys' fees and related expenses incurred in defending a legal action for which immunity or indemnity is available under this section shall be paid from the assets of the insurer, as they are incurred, in advance of the final disposition of such action upon receipt of an undertaking by or on behalf of the commissioner or employee to repay the attorneys' fees and expenses if it is ultimately determined upon a final adjudication on the merits and

that the commissioner or employee is not entitled to immunity or indemnity under this section.

(b) Any indemnification under this section is an administrative expense of the insurer.

(c) In the event of an actual or threatened litigation against the commissioner or an employee for which immunity or indemnity may be available under this section, a reasonable amount of funds that in the judgment of the commissioner may be needed to provide immunity or indemnity shall be segregated and reserved from the assets of the insurer as security for the payment of indemnity until all applicable statutes of limitation have run or all actual or threatened actions against the commissioner or an employee have been completely and finally resolved, and all obligations of the insurer and the commissioner under this section have been satisfied.

(d) In lieu of segregation and reserving of funds, the commissioner may obtain a surety bond or make other arrangements that will enable the commissioner to secure fully the payment of all obligations under this section.

(4) If a legal action against an employee for which indemnity may be available under this section is settled before final adjudication on the merits, the insurer shall pay the settlement amount on behalf of the employee, or indemnify the employee for the settlement amount, unless the commissioner determines:

(a) That the claim did not arise out of or by reason of the employee's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the employee.

(5) In a legal action in which the commissioner is a defendant, that portion of a settlement relating to the alleged act or omission of the commissioner is subject to the approval of the court before which the delinquency proceeding is pending. The court may not approve that portion of the settlement if it determines:

(a) That the claim did not arise out of or by reason of the commissioner's duties or employment; or

(b) That the claim was caused by the intentional or willful and wanton misconduct of the commissioner.

(6) Nothing in this section removes or limits an immunity, indemnity, benefit of law, right, or defense otherwise available to the commissioner, an employee, or any other person, not an employee under subsection (1)(b) of this section, who is employed by or in the office of the commissioner or otherwise employed by the state.

~~((7)(a) Subsection (2) of this section applies to any suit based in whole or in part on an alleged act or omission that takes place on or after July 25, 1993.~~

~~(b) No legal action lies against the commissioner or an employee based in whole or in part on an alleged act or omission that took place before July 25, 1993, unless suit is filed and valid service of process is obtained within twelve months after July 25, 1993.~~

~~(c) Subsections (3), (4), and (5) of this section apply to a suit that is pending on or filed after July 25, 1993, without regard to when the alleged act or omission took place.))~~

**Sec. 1324.** RCW 21.20.880 and 2014 c 144 s 3 are each amended to read as follows:

(1) Any offer or sale of a security is exempt from RCW 21.20.040 through 21.20.300 and 21.20.327, except as expressly provided, if:

(a) The offering is first declared exempt by the director after:

(i) The issuer files the offering with the director; or

(ii) A portal working in collaboration with the director files the offering with the director on behalf of the issuer under RCW 21.20.883;

(b) The offering is conducted in accordance with the requirements of section 3(a)(11) of the securities act of 1933 and

securities and exchange commission rule 147, 17 C.F.R. Sec. 230.147;

(c) The issuer is an entity organized and doing business in the state of Washington;

(d) Each investor provides evidence or certification of residency in the state of Washington at the time of purchase;

(e) The issuer files with the director an escrow agreement either directly or through a portal providing that all offering proceeds will be released to the issuer only when the aggregate capital raised from all investors equals or exceeds the minimum target offering, as determined by the director;

(f) The aggregate purchase price of all securities sold by an issuer pursuant to the exemption provided by this section does not exceed one million dollars during any twelve-month period;

(g) The aggregate amount sold to any investor by one or more issuers during the twelve-month period preceding the date of the sale does not exceed:

(i) The greater of two thousand dollars or five percent of the annual income or net worth of the investor, as applicable, if either the annual income or the net worth of the investor is less than one hundred thousand dollars; or

(ii) Ten percent of the annual income or net worth of the investor, as applicable, up to one hundred thousand dollars, if either the annual income or net worth of the investor is one hundred thousand dollars or more;

(h) The investor acknowledges by manual or electronic signature the following statement conspicuously presented at the time of sale on a page separate from other information relating to the offering: "I acknowledge that I am investing in a high-risk, speculative business venture, that I may lose all of my investment, and that I can afford the loss of my investment";

(i) The issuer reasonably believes that all purchasers are purchasing for investment and not for sale in connection with a distribution of the security; and

(j) The issuer and investor provide any other information reasonably requested by the director.

(2) Attempted compliance with the exemption provided by this section does not act as an exclusive election. The issuer may claim any other applicable exemption.

(3) For as long as securities issued under the exemption provided by this section are outstanding, the issuer shall provide a quarterly report to the issuer's shareholders and the director by making such report publicly accessible, free of charge, at the issuer's internet web site address within forty-five days of the end of each fiscal quarter. The report must contain the following information:

(a) Executive officer and director compensation, including specifically the cash compensation earned by the executive officers and directors since the previous report and on an annual basis, and any bonuses or other compensation, including stock options or other rights to receive equity securities of the issuer or any affiliate of the issuer, received by them; and

(b) A brief analysis by management of the issuer of the business operations and financial condition of the issuer.

(4) Securities issued under the exemption provided by this section may not be transferred by the purchaser during a one-year period beginning on the date of purchase, unless the securities are transferred:

(a) To the issuer of the securities;

(b) To an accredited investor;

(c) As part of a registered offering; or

(d) To a member of the family of the purchaser or the equivalent, or in connection with the death or divorce or other similar circumstances, in the discretion of the director.

(5) The director shall adopt disqualification provisions under which this exemption shall not be available to any person or its predecessors, affiliates, officers, directors, underwriters, or other related persons. The provisions shall be substantially similar to the disqualification provisions adopted by the securities and exchange commission pursuant to the requirements of section 401(b)(2) of the Jobs act of 2012 or, if none, as adopted in Rule 506 of Regulation D. Notwithstanding the foregoing, this exemption shall become available on June 12, 2014.

(6) Subject to RCW 21.20.450, the director may adopt, amend, or repeal rules to implement this section and RCW 21.20.883, including the establishment of filing and transaction fees sufficient to cover the costs of administering RCW 21.20.883 and this section.

NEW SECTION. Sec. 1325. RELATING TO GOVERNMENT OPERATIONS & SECURITY. The following sections are decodified:

(1) RCW 29A.04.903 (Effective date—2003 c 111);

(2) RCW 29A.04.905 (Effective date—2004 c 271);

(3) RCW 35.98.020 (Title, chapter, section headings not part of law);

(4) RCW 35.98.050 (Emergency—1965 c 7);

(5) RCW 35A.90.030 (Title, chapter, section headings not part of law);

(6) RCW 35A.90.040 (Effective date—1967 ex.s. c 119);

(7) RCW 42.56.901 (Part headings not law—2005 c 274);

(8) RCW 42.56.902 (Effective date—2005 c 274); and

(9) RCW 42.56.903 (Effective date—2006 c 209).

NEW SECTION. Sec. 1326. RELATING TO GOVERNMENT OPERATIONS & SECURITY. RCW 35.13A.0301 (Assumption of water-sewer district before July 1, 1999—Limitations) and 1998 c 326 s 3 are each repealed.

NEW SECTION. Sec. 1327. RELATING TO HEALTH CARE. RCW 71A.10.805 (Headings in Title 71A RCW not part of law) is decodified.

NEW SECTION. Sec. 1328. RELATING TO HEALTH CARE. The following acts or parts of acts are each repealed:

(1) RCW 41.05.019 (Direct patient-provider primary care practices—Plan) and 2011 1st sp.s. c 8 s 2;

(2) RCW 41.05.230 (Multicultural health care technical assistance program) and 1993 c 492 s 272;

(3) RCW 41.05.655 (School district health benefits—Reports) and 2012 2nd sp.s. c 3 s 6;

(4) RCW 70.22.005 (Transfer of duties to the department of health) and 1989 1st ex.s. c 9 s 246;

(5) RCW 70.47A.010 (Finding—Intent) and 2007 c 260 s 1 & 2006 c 255 s 1;

(6) RCW 70.47A.020 (Definitions) and 2011 c 287 s 1, 2008 c 143 s 1, 2007 c 260 s 2, & 2006 c 255 s 2;

(7) RCW 70.47A.030 (Health insurance partnership established—Administrator duties) and 2011 c 287 s 2, 2009 c 257 s 1, 2008 c 143 s 2, 2007 c 259 s 58, & 2006 c 255 s 3;

(8) RCW 70.47A.040 (Applications for premium subsidies) and 2009 c 257 s 2, 2008 c 143 s 3, 2007 c 260 s 6, & 2006 c 255 s 4;

(9) RCW 70.47A.050 (Enrollment to remain within appropriation) and 2011 c 287 s 3, 2007 c 260 s 12, & 2006 c 255 s 5;

(10) RCW 70.47A.060 (Rules) and 2007 c 260 s 13 & 2006 c 255 s 6;

(11) RCW 70.47A.070 (Reports) and 2009 c 257 s 3, 2008 c 143 s 4, & 2006 c 255 s 7;

(12) RCW 70.47A.080 (Health insurance partnership account) and 2007 c 260 s 14 & 2006 c 255 s 8;

(13)RCW 70.47A.090 (State children's health insurance program—Federal waiver request) and 2006 c 255 s 9;

(14)RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;

(15)RCW 70.47A.110 (Health insurance partnership board—Duties) and 2011 c 287 s 4, 2008 c 143 s 5, & 2007 c 260 s 5;

(16)RCW 70.47A.901 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 152; and

(17)RCW 71A.20.190 (Developmental disability service system task force) and 2015 c 225 s 111 & 2011 1st sp.s. c 30 s 8.

**Sec. 1329.** RCW 43.70.900 and 2015 1st sp.s. c 4 s 31 are each amended to read as follows:

**SECTION 24 CONFORMING AMENDMENT.**

All references to the secretary or department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.080, 18.104.005, 70.08.005, (~~(70.22.005,)~~) 70.24.005, 70.40.005, 70.41.005, and 70.54.005.

**NEW SECTION. Sec. 1330.** RELATING TO HIGHER EDUCATION. The following acts or parts of acts are each repealed:

(1)RCW 28B.65.010 (Legislative findings) and 1983 1st ex.s. c 72 s 2;

(2)RCW 28B.65.020 (Definitions) and 1983 1st ex.s. c 72 s 3;

(3)RCW 28B.65.030 (Washington state high-technology education and training program established—Goals) and 1983 1st ex.s. c 72 s 4;

(4)RCW 28B.65.040 (Washington high-technology coordinating board created—Members—Travel expenses) and 2012 c 229 s 539 & 1995 c 399 s 29;

(5)RCW 28B.65.050 (Board—Duties—Rules—Termination of board) and 2012 c 229 s 540, 1998 c 245 s 22, & 1995 c 399 s 30;

(6)RCW 28B.65.060 (Board—Staff support) and 1995 c 399 s 31, 1985 c 381 s 3, & 1983 1st ex.s. c 72 s 7;

(7)RCW 28B.65.070 (Board—Solicitation of private and federal support, gifts, conveyances, etc.) and 1983 1st ex.s. c 72 s 8;

(8)RCW 28B.65.080 (Consortium and baccalaureate degree training programs—Board recommendations—Requirements—Coordination) and 1983 1st ex.s. c 72 s 9;

(9)RCW 28B.65.110 (Statewide off-campus telecommunications system—Establishment by Washington State University for education in high-technology fields);

(10)RCW 28B.65.900 (Short title—1983 1st ex.s. c 72) and 1983 1st ex.s. c 72 s 1; and

(11)RCW 28B.65.905 (Effective date—1983 1st ex.s. c 72) and 1983 1st ex.s. c 72 s 18.

**NEW SECTION. Sec. 1331.** RELATING TO HUMAN SERVICES, MENTAL HEALTH & HOUSING. The following sections are decodified:

(1) RCW 10.77.900 (Savings—Construction—1973 1st ex.s. c 117);

(2) RCW 10.77.920 (Chapter successor to chapter 10.76 RCW);

(3) RCW 10.77.930 (Effective date—1973 1st ex.s. c 117);

(4) RCW 71.05.910 (Construction—1973 1st ex.s. c 142);

(5) RCW 71.05.920 (Section headings not part of the law);

(6) RCW 71.05.930 (Effective date—1973 1st ex.s. c 142);

(7) RCW 71.24.900 (Effective date—1967 ex.s. c 111);

(8) RCW 71.34.901 (Effective date—1985 c 354);

(9) RCW 74.14B.900 (Captions); and

(10) RCW 74.18.903 (Effective dates—1983 c 194).

**NEW SECTION. Sec. 1332.** RELATING TO HUMAN SERVICES, MENTAL HEALTH & HOUSING. The following acts or parts of acts are each repealed:

(1)RCW 2.56.031 (Juvenile offender information—Plan) and 2010 1st sp.s. c 7 s 61 & 1993 c 415 s 2;

(2)RCW 10.77.810 (Joint legislative audit and review committee assessment—Report) and 2012 c 256 s 9;

(3)RCW 10.77.820 (Washington state institute for public policy study—Report) and 2012 c 256 s 10;

(4)RCW 71.24.055 (Children's mental health services—Children's access to care standards and benefit package—Recommendations to legislature) and 2014 c 225 s 47 & 2007 c 359 s 4;

(5)RCW 74.12.901 (Federal waivers and legislation—1994 c 299) and 1994 c 299 s 39;

(6)RCW 74.12A.030 (Federal waiver—Governor to seek) and 1993 c 312 s 12; and

(7)RCW 74.13.017 (Accreditation—Completion date) and 2003 c 207 s 8 & 2001 c 265 s 2.

**NEW SECTION. Sec. 1333.** RELATING TO LAW & JUSTICE. The following sections are decodified:

(1) RCW 5.45.920 (Repeal of inconsistent provisions); and

(2) RCW 46.61.990 (Recodification of sections—Organization of chapter—Construction).

**NEW SECTION. Sec. 1334.** RELATING TO LAW & JUSTICE. The following acts or parts of acts are each repealed:

(1)RCW 2.56.250 (Revocation of concealed pistol licenses—Information transmittal—Work group) and 2010 c 274 s 601;

(2)RCW 9.04.040 (Advertising cures of lost sexual potency—Evidence) and 1921 c 168 s 2; and

(3)RCW 26.50.800 (Recidivism study) and 2012 c 223 s 10.

**NEW SECTION. Sec. 1335.** RELATING TO LAW & JUSTICE. RCW 42.32.030 is recodified as a section in chapter 42.30 RCW.

**Sec. 1336.** RCW 29A.04.510 and 2003 c 111 s 149 are each amended to read as follows:

**SECTION 31 CONFORMING AMENDMENT.**

(1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:

(a) The secretary of state or the secretary's designee;

(b) The state director of elections or the director's designee;

(c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates, each appointee and alternate to serve at the pleasure of the association;

(d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;

(e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and

(f) One representative from each major political party, designated by and serving at the pleasure of the chair of the party's state central committee.

(2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the Open Public Meetings Act, and RCW 42.32.030 (as recodified by this act) regarding minutes of meetings, apply to the meetings of the board.

(3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

**Sec. 1337.** RCW 35A.39.010 and 1995 c 21 s 2 are each amended to read as follows:

**SECTION 31 CONFORMING AMENDMENT.**

Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi-judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 (as recodified by this act) and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

**Sec. 1338.** RCW 44.05.080 and 2011 c 60 s 42 are each amended to read as follows:

**SECTION 31 CONFORMING AMENDMENT.**

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030 (as recodified by this act);

(6) Be subject to the provisions of RCW 42.17A.700;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

**NEW SECTION. Sec. 1339.** RELATING TO NATURAL RESOURCES & PARKS. The following sections are decodified:

(1) RCW 77.15.902 (Savings—1998 c 190);

(2) RCW 77.50.900 (Purpose—2000 c 107);

(3) RCW 77.65.900 (Effective date—1989 c 316); and

(4) RCW 77.105.900 (Effective date—1993 sp.s. c 2 §§ 7, 60, 80, and 82-100).

**NEW SECTION. Sec. 1340.** RELATING TO NATURAL RESOURCES & PARKS. The following acts or parts of acts are each repealed:

(1) RCW 43.30.8351 (Progress report) and 2009 c 163 s 3;

(2) RCW 76.01.080 (Lacey compound—Light industrial facilities/land—Sale or exchange) and 2001 c 189 s 1;

(3) RCW 76.01.090 (Proposal for exchange or sale—Lacey compound site) and 2001 c 189 s 2;

(4) RCW 76.09.380 (Report to the legislature—Emergency rules—Permanent rules) and 1999 sp.s. c 4 s 205;

(5) RCW 77.12.605 (Whidbey Island game farm—Sale of property) and 1999 c 205 s 1;

(6) RCW 77.12.710 (Game fish production—Double by year 2000) and 1998 c 245 s 159, 1995 c 399 s 208, 1993 sp.s. c 2 s 70, & 1990 c 110 s 2;

(7) RCW 79A.20.005 (Findings) and 1992 c 153 s 2;

(8) RCW 79A.20.010 (Definitions) and 1992 c 153 s 3;

(9) RCW 79A.20.030 (Allocation and distribution of moneys) and 1994 c 264 s 30 & 1992 c 153 s 5; and

(10) RCW 79A.20.900 (Short title) and 1992 c 153 s 1.

**Sec. 1341.** RCW 77.125.040 and 2001 c 86 s 4 are each amended to read as follows:

**RELATING TO NATURAL RESOURCES & PARKS.**

Rules to implement this chapter shall be adopted no sooner than thirty days following the end of the 2002 regular legislative session. ~~((The director shall provide a written report to the appropriate legislative committees by January 1, 2003, on the progress of the program.))~~

**NEW SECTION. Sec. 1342.** RELATING TO TRADE & ECONOMIC DEVELOPMENT. The following sections are decodified:

(1) RCW 43.31A.400 (Economic assistance authority abolished—Transfer of duties to department of revenue);

(2) RCW 43.63A.902 (Headings—1984 c 125); and

(3) RCW 43.63A.903 (Effective date—1984 c 125).

**NEW SECTION. Sec. 1343.** RELATING TO TRADE & ECONOMIC DEVELOPMENT. The following acts or parts of acts are each repealed:

(1) RCW 43.31.088 (Business assistance center—ISO-9000 quality standards) and 1994 c 140 s 2;

(2) RCW 43.31.522 (Marketplace program—Definitions) and 2009 c 565 s 29, 2005 c 136 s 17, 1993 c 280 s 46, 1990 c 57 s 2, & 1989 c 417 s 2;

(3) RCW 43.31.524 (Marketplace program—Generally) and 1993 c 280 s 47, 1990 c 57 s 3, & 1989 c 417 s 3;

(4) RCW 43.31.800 (State international trade fairs—"Director" defined) and 2009 c 565 s 30, 1993 c 280 s 52, 1987 c 195 s 4, & 1965 c 148 s 2;

(5) RCW 43.31.805 (State trade fair fund) and 1998 c 345 s 3;

(6) RCW 43.31.810 (State international trade fairs—State aid eligibility requirements) and 1987 c 195 s 5, 1975 1st ex.s. c 292 s 3, & 1965 c 148 s 3;

(7) RCW 43.31.820 (State international trade fairs—Application for funds) and 1987 c 195 s 6, 1975 1st ex.s. c 292 s 4, & 1965 c 148 s 4;

(8) RCW 43.31.830 (State international trade fairs—Certification of fairs—Allotments—Division and payment from state trade fair fund) and 1993 c 280 s 53, 1987 c 195 s 7, 1975 1st ex.s. c 292 s 5, & 1965 c 148 s 5;

(9) RCW 43.31.832 (State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Expenditure) and 1985 c 466 s 34, 1981 2nd ex.s. c 2 s 1, 1975 1st ex.s. c 292 s 8, & 1972 ex.s. c 93 s 2;

(10) RCW 43.31.833 (State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction) and 1987 c 195 s 8, 1985 c 466 s 35, & 1972 ex.s. c 93 s 3;

(11) RCW 43.31.834 (State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction) and 1985 c 466 s 36 & 1972 ex.s. c 93 s 4;

(12)RCW 43.31.840 (State international trade fairs—Post audit of participating fairs—Reports) and 1993 c 280 s 54, 1975 1st ex.s. c 292 s 6, & 1965 c 148 s 6;

(13)RCW 43.31.850 (State international trade fairs—State international trade fair defined) and 1987 c 195 s 9, 1975 1st ex.s. c 292 s 7, & 1965 c 148 s 8;

(14)RCW 43.374.005 (Finding—Intent—Purpose) and 2010 1st sp.s. c 13 s 1; and

(15)RCW 43.374.020 (Washington global health technologies and product development account) and 2010 1st sp.s. c 13 s 3.

**NEW SECTION. Sec. 1344. RELATING TO TRANSPORTATION.** The following acts or parts of acts are each repealed:

(1)RCW 47.01.141 (Biennial report) and 1987 c 505 s 49, 1984 c 7 s 75, 1977 c 75 s 68, & 1973 2nd ex.s. c 12 s 1;

(2)RCW 47.01.321 (Skills bank—Report) and 2003 c 363 s 203;

(3)RCW 47.01.350 (Ferry grant program) and 2008 c 45 s 1, 2007 c 223 s 2, & 2006 c 332 s 4;

(4)RCW 47.01.360 (Backup plan for passenger-only ferry service between Vashon and Seattle) and 2006 c 332 s 6;

(5)RCW 47.01.400 (Alaskan Way viaduct, Seattle Seawall, and state route No. 520 improvements—Expert review panel—Governor's finding) and 2006 c 311 s 28;

(6)RCW 47.01.405 (State route No. 520 improvements—Project impact plan—Mediator, duties) and 2007 c 517 s 2;

(7)RCW 47.01.406 (State route No. 520 improvements—Review of project design plans—Goals) and 2007 c 517 s 3;

(8)RCW 47.01.410 (State route No. 520 improvements—Multimodal transportation plan) and 2007 c 517 s 6;

(9)RCW 47.01.418 (State route No. 520 improvements—Work group, subgroups—Corridor projects) and 2009 c 472 s 3;

(10)RCW 47.60.645 (Passenger ferry account) and 2009 c 8 s 504, 2008 c 45 s 2, 2006 c 332 s 1, & 1995 2nd sp.s. c 14 s 558;

(11)RCW 47.78.010 (High capacity transportation account) and 1997 c 457 s 513, 1991 sp.s. c 13 ss 66, 121, 1990 c 43 s 47, & 1987 c 428 s 1;

(12)RCW 82.44.180 (Transportation fund—Deposits and distributions) and 2013 c 251 s 9;

(13)RCW 82.80.040 (Street utility—Establishment) and 1991 c 141 s 1;

(14)RCW 82.80.050 (Street utility—Charges, credits) and 2006 c 301 s 5, 2000 c 103 s 21, & 1991 c 141 s 2; and

(15)RCW 82.80.060 (Use of other proceeds by utility) and 1991 c 141 s 3.

**Sec. 1345.** RCW 46.18.060 and 2016 c 36 s 4, 2016 c 16 s 4, and 2016 c 15 s 4 are each reenacted and amended to read as follows:

**RELATING TO TRANSPORTATION.**

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

~~((3) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2015. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the former special license plate review board before February 15, 2005.~~

~~(4) The limitations under subsection (3) of this section do not apply to the following special license plates:~~

~~(a) 4 H license plates created under RCW 46.18.200;~~

~~(b) Breast cancer awareness license plates created under RCW 46.18.200;~~

~~(c) Gold star license plates created under RCW 46.18.245;~~

~~(d) Music Matters license plates created under RCW 46.18.200;~~

~~(e) Seattle Seahawks license plates created under RCW 46.18.200;~~

~~(f) Seattle Sounders FC license plates created under RCW 46.18.200;~~

~~(g) Seattle University license plates created under RCW 46.18.200;~~

~~(h) State flower license plates created under RCW 46.18.200;~~

~~(i) Volunteer firefighter license plates created under RCW 46.18.200;~~

~~(j) Washington farmers and ranchers license plates created under RCW 46.18.200;~~

~~(k) Washington state wrestling license plates created under RCW 46.18.200;~~

~~(l) Washington tennis license plates created under RCW 46.18.200.)~~

**Sec. 1346.** RCW 47.06.110 and 2005 c 319 s 124 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

The state-interest component of the statewide multimodal transportation plan shall include a state public transportation plan that:

(1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;

(2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;

(3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;

(4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;

(5) Recommends criteria, consistent with the goals identified in subsection (2) of this section (~~and with RCW 82.44.180 (2) and (3)~~), for existing federal authorizations administered by the department to transit agencies; and

(6) Recommends a statewide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of (~~community, trade, and economic development~~) commerce, social and health services, and ecology, the office of the superintendent of public instruction,

the office of the governor, and the office of financial management.

The department shall submit to the senate and house transportation committees by December 1st of each year, reports summarizing the plan's progress.

**Sec. 1347.** RCW 82.42.090 and 1995 c 170 s 1 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 shall be transmitted to the state treasurer and shall be credited to the aeronautics account hereby created in the (~~transportation fund of the~~) state treasury. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund.

**Sec. 1348.** RCW 82.80.070 and 2005 c 319 s 139 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010(~~(s)~~) and 82.80.030(~~—and 82.80.050~~) (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high capacity transit improvements and programs; and planning, design, and acquisition of right-of-way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a

portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

- (a) First, the project serves a multijurisdictional function;
- (b) Second, it is necessitated by existing or reasonably foreseeable congestion;
- (c) Third, it has the greatest person-carrying capacity;
- (d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and
- (e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.120 RCW.

**NEW SECTION. Sec. 1349.** SECTION 40 CONFORMING REPEALERS. The following acts or parts of acts are each repealed:

(1)RCW 82.14.046 (Sales and use tax equalization payments from local transit taxes) and 1998 c 321 s 37, 1995 c 298 s 1, & 1994 c 241 s 2; and

(2)RCW 82.50.510 (Remittance of tax to state—Distribution to cities, towns, counties, and schools) and 1998 c 321 s 24, 1991 c 199 s 227, 1990 c 42 s 322, 1975-'76 2nd ex.s. c 75 s 1, & 1971 ex.s. c 299 s 66.

**NEW SECTION. Sec. 1350.** RELATING TO WAYS & MEANS. The following sections are decodified:

- (1) RCW 43.41.035 (Office of program planning and fiscal management redesignated office of financial management);
- (2) RCW 43.41.901 (Construction—1977 ex.s. c 270);
- (3) RCW 43.41.940 (Central budget agency abolished);
- (4) RCW 43.41.950 (Saving—1969 ex.s. c 239);
- (5) RCW 43.41.981 (Transfer of certain powers, duties, functions, and assets of the department of personnel); and
- (6) RCW 43.88.910 (Effective date—1975 1st ex.s. c 293)."



## ROLL CALL

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "amending RCW 43.88.0301, 43.320.017, 70.95.532, 80.01.080, 48.17.563, 48.18A.035, 48.25.140, 48.29.015, 48.31.115, 21.20.880, 43.70.900, 29A.04.510, 35A.39.010, 44.05.080, 77.125.040, 47.06.110, 82.42.090, and 82.80.070; reenacting and amending RCW 46.18.060; recodifying RCW 42.32.030; decodifying RCW 43.88.910, 43.105.902, 43.105.903, 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.016, 43.320.901, 15.15.900, 15.49.920, 15.49.950, 15.51.900, 15.54.930, 15.58.900, 15.58.901, 15.58.943, 41.58.900, 41.58.901, 50.06.010, 50.13.010, 50.13.910, 50.38.900, 50.38.902, 50.60.902, 50.65.905, 50.70.902, 50.98.080, 69.50.545, 69.50.606, 69.50.607, 28A.315.075, 43.215.903, 43.215.905, 48.20.322, 48.23.520, 29A.04.903, 29A.04.905, 35.98.020, 35.98.050, 35A.90.030, 35A.90.040, 42.56.901, 42.56.902, 42.56.903, 71A.10.805, 10.77.900, 10.77.920, 10.77.930, 71.05.910, 71.05.920, 71.05.930, 71.24.900, 71.34.901, 74.14B.900, 74.18.903, 5.45.920, 46.61.990, 77.15.902, 77.50.900, 77.65.900, 77.105.900, 43.31A.400, 43.63A.902, 43.63A.903, 43.41.035, 43.41.901, 43.41.940, 43.41.950, 43.41.981, and 43.88.910; repealing RCW 66.08.230, 66.08.250, 66.12.020, 69.50.1011, 28A.305.900, 28A.305.901, 28A.400.201, 28A.630.005, 70.94.505, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.900, 70.95N.270, 70.104.070, 70.104.090, 70.105A.035, 70.220.060, 80.36.901, 70.104.100, 30A.24.080, 31.04.185, 31.04.501, 31.45.095, 48.102.190, 35.13A.0301, 41.05.019, 41.05.230, 41.05.655, 70.22.005, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, 70.47A.901, 71A.20.190, 28B.65.010, 28B.65.020, 28B.65.030, 28B.65.040, 28B.65.050, 28B.65.060, 28B.65.070, 28B.65.080, 28B.65.110, 28B.65.900, 28B.65.905, 2.56.031, 10.77.810, 10.77.820, 71.24.055, 74.12.901, 74.12A.030, 74.13.017, 2.56.250, 9.04.040, 26.50.800, 43.30.8351, 76.01.080, 76.01.090, 76.09.380, 77.12.605, 77.12.710, 79A.20.005, 79A.20.010, 79A.20.030, 79A.20.900, 43.31.088, 43.31.522, 43.31.524, 43.31.800, 43.31.805, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.833, 43.31.834, 43.31.840, 43.31.850, 43.374.005, 43.374.020, 47.01.141, 47.01.321, 47.01.350, 47.01.360, 47.01.400, 47.01.405, 47.01.406, 47.01.410, 47.01.418, 47.60.645, 47.78.010, 82.44.180, 82.80.040, 82.80.050, 82.80.060, 82.14.046, and 82.50.510; repealing 2009 c 548 s 302 and 2010 c 236 s 6 (uncodified); and adding a new section to chapter 42.30 RCW.

Senator Fortunato spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 280 by Senator Fortunato to Senate Bill No. 5316.

The motion by Senator Fortunato carried and floor striking amendment no. 280 was adopted by voice vote.

## MOTION

On motion of Senator Fortunato, the rules were suspended, Engrossed Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Hunt, McCoy and Wellman

ENGROSSED SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, by Senate Committee on Law & Justice (originally sponsored by Senators Padden and O'Ban)

Concerning the department of corrections.

The bill was read on Third Reading.

## MOTION

On motion of Senator Padden, the rules were suspended and Engrossed Substitute Senate Bill No. 5294 was returned to second reading for the purpose of amendment.

## MOTION

Senator Padden moved that the following floor striking amendment no. 286 by Senators Padden and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1351.** The legislature finds that serious allegations arose in 2016 against the department of corrections regarding the department's early release error. The governor's office and senate engaged in investigations that resulted in reports with recommendations to address the matter. The purpose of this act is to implement the legislative recommendations contained in those reports. These reforms will assist in strengthening public safety as well as procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

## PART 1

## CREATING THE DEPARTMENT OF CORRECTIONS OMBUDS

**NEW SECTION. Sec. 1352.** Subject to the availability of amounts appropriated for this specific purpose, the office of the corrections ombuds is created for the purpose of providing information to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates; providing technical assistance to support inmate self-advocacy; identifying systemic issues and responses for the

governor and the legislature to act upon; reporting to the legislature; and ensuring compliance with relevant statutes, rules, and policies pertaining to conditions of correctional facilities, services, and treatment of inmates under the jurisdiction of the department.

**NEW SECTION. Sec. 1353.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse" means any act or failure to act by a department employee, subcontractor, or volunteer which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an inmate.

(2) "Corrections ombuds" or "ombuds" means the corrections ombuds, staff of the corrections ombuds, and volunteers with the office of the corrections ombuds.

(3) "Council" means the ombuds advisory council established in section 4(1) of this act.

(4) "Department" means the department of corrections.

(5) "Inmate" means a person committed to the physical custody of the department, including persons residing in a correctional institution or facility and persons received from another state, another state agency, a county, or the federal government.

(6) "Neglect" means a negligent act or omission by any department employee, subcontractor, or volunteer which caused, or may have caused, injury or death to an inmate.

(7) "Office" means the office of the corrections ombuds.

(8) "Organization" means the private nonprofit organization that operates the office of the corrections ombuds.

**NEW SECTION. Sec. 1354.** (1) Subject to the availability of amounts appropriated for this specific purpose, no later than August 1, 2017, the governor shall convene an ombuds advisory council with several purposes in support of the ombuds function. The council shall participate in a priority setting process for the purpose of developing priority recommendations to the ombuds, review data collected by the ombuds, review reports issued by the ombuds prior to their release, and make recommendations to the ombuds regarding the accomplishment of its purposes. The council also has authority to issue its own reports and recommendations. The council must biannually review the ombuds' performance, including its compliance with its internal bylaws and other adopted standards of practice, reporting to the governor and the legislature regarding its findings. The council must provide the legislature with recommendations regarding the ombuds budget and changes in the law that would enhance the effectiveness of the ombuds.

(2) The council initially consists of the following four members:

(a) The majority leader and minority leader in the senate shall appoint one member from each of their respective caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(3) The remaining council members consist of the following members, appointed by the governor, and subject to senate confirmation:

(a) Two former inmates who have successfully reintegrated into the community and are no longer in the custody of the department;

(b) Two family members of current inmates;

(c) One expert with significant criminal justice or correctional experience who is not an employee or contractor with the state of Washington;

(d) A community member with extensive knowledge and experience in issues related to racial, ethnic, or religious diversity within the correctional system;

(e) A community member with extensive knowledge and experience in the accommodation needs of individuals with disabilities;

(f) Two former department of corrections employees;

(g) A current department of corrections chaplain; and

(h) A community member with dispute resolution training who has experience working in the criminal justice or corrections field.

(4) The council also includes:

(a) The department staff serving as the internal ombuds, if any;

(b) A bargaining unit representative; and

(c) A representative of the governor's office.

(5) After the full membership is attained, the council shall develop a process for replacing members in case of resignation or expiration of terms. The council must meet at least once a year.

(6) Councilmembers serve a term of two years, except that the council shall create and implement a system of staggered terms, and no member other than the department staff serving as the internal ombuds may serve more than two consecutive terms. The council shall convene at least quarterly. Councilmembers serve without compensation, except that funds appropriated for the implementation of this chapter may be used to reimburse members who are not employees of Washington state for expenses necessary to the performance of their duties.

**NEW SECTION. Sec. 1355.** (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the office of the corrections ombuds. The contract must last for a period of two years and may be renewed at the end of the term. The department of commerce shall select an organization that possesses, directly or through subcontracts, significant legal expertise, competence with mediation and alternative dispute resolution, and experience working within criminal justice and correctional environments. Other relevant experience may include, but is not limited to, addressing issues relating to chemical dependency treatment, disability and disability-related accommodation, respect for racial, ethnic, and religious diversity, and other civil rights and conditions issues. The selected organization must have experience and the capacity to communicate effectively regarding criminal justice issues with policymakers, stakeholders, and the general public, and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The organization must be an objective and neutral entity that will impartially investigate complaints.

(4) The organization is subject to financial and other audits by the state auditor's office, and its employees must abide by the provisions of chapter 42.52 RCW.

**NEW SECTION. Sec. 1356.** (1) The ombuds shall:

(a) Establish priorities for use of the limited resources appropriated to implement this chapter;

(b) Develop policies for responding to records requests from the public. These policies shall be similar in scope to the requirements in the public records act except that identifying information about complainants or witnesses must be protected and nondisclosable unless the complainant or witness waives confidentiality;

(c) Maintain a statewide toll-free telephone number, a collect telephone number, a web site, and a mailing address for the receipt of complaints and inquiries;

(d) Provide information, as appropriate, to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates;

(e) Provide technical assistance to support inmate participation in self-advocacy;

(f) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies with a view toward the appropriate health, safety, welfare, and rehabilitation of inmates;

(g) Monitor and participate in legislative and policy developments affecting correctional facilities;

(h) Establish a statewide uniform reporting system to collect and analyze data related to complaints regarding the department;

(i) Establish procedures to receive, investigate, and resolve complaints;

(j) Submit annually to the council, the governor's office, and the legislature, by November 1st of each year, a report analyzing the work of the office, including any recommendations; and

(k) Adopt and comply with rules, policies, and procedures necessary to implement this chapter.

(2)(a) The ombuds may initiate and attempt to resolve an investigation upon his or her own initiative, or upon receipt of a complaint from an inmate, a family member, a representative of an inmate, a department employee, or others, regarding:

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

(v) Alleged violations of law by the department that may adversely affect the health, safety, welfare, and rights of inmates.

(b) Prior to filing a complaint with the ombuds, a person shall have reasonably pursued resolution of the complaint through the internal grievance, administrative, or appellate procedures with the department. However, in no event may an inmate be prevented from filing a complaint more than ninety business days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c) The ombuds may decline to investigate any complaint as provided by the rules adopted under this chapter.

(d) If the ombuds does not investigate a complaint, the ombuds shall notify the complainant of the decision not to investigate and the reasons for the decision.

(e) The ombuds may not investigate any complaints relating to an inmate's underlying criminal conviction.

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department.

(g) The ombuds may refer complainants and others to appropriate resources, agencies, or departments.

(h) The ombuds may not levy any fees for the submission or investigation of complaints.

(i) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 8 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state their recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

(i) Consider the matter further;

(ii) Modify or cancel any action;

(iii) Alter a rule, practice, or ruling;

(iv) Explain in detail the administrative action in question;

(v) Rectify an omission; or

(vi) Take any other action.

(j) If the ombuds so requests, the department must, within the time specified, inform the ombuds about any action taken on the recommendations or the reasons for not complying with the recommendations.

(k) If the ombuds believes, based on the investigation, that there has been or continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the ombuds must report the finding to the governor and the appropriate committees of the legislature.

(l) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

(3) This chapter does not require inmates to file a complaint with the ombuds in order to exhaust available administrative remedies for purposes of the prison litigation reform act of 1995, P.L. 104-134.

**NEW SECTION. Sec. 1357.** (1) The department must permit the ombuds to enter and inspect, at any reasonable time, any correctional facility for the purpose of carrying out its duties under this chapter. The ombuds may inspect, view, photograph, and video record all areas of the facility that are used by inmates or are accessible to inmates. Before releasing any photographs or video recordings taken within a correctional facility, the ombuds must consult with the department concerning any safety or security issues.

(2) The department must allow the ombuds reasonable access to:

(a) Inmates, which includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person; and

(b) Department employees, or other persons, who might be reasonably believed to have knowledge of the incident under investigation, which includes the opportunity to interview those individuals.

(3) Upon the ombuds' request, the department shall grant the ombuds the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombuds considers necessary in an investigation of a complaint filed under this chapter, and must assist the ombuds in obtaining the necessary releases of documents that are specifically restricted or privileged for use by the ombuds.

(4) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must provide the ombuds with access to the requested documentation not later than twenty business days after the ombuds' written request for the records.

(5) A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombuds must provide the ombuds with access to such records.

(6) The department may not hinder the lawful actions of the ombuds or employees of the office, or willfully refuse to comply with lawful demands of the office.

(7) The ombuds must work with the department to minimize disruption to the operations of the department due to ombuds activities, and must comply with the department's security clearance processes, provided these processes do not impede the activities outlined in this chapter.

**NEW SECTION. Sec. 1358.** (1) Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

(2) The office shall establish confidentiality rules and procedures for all information maintained by the office.

(3) The office shall preserve the confidentiality of information obtained while providing services, including general information, technical assistance, and investigations, to individuals, including inmates, family members and representatives of inmates, department employees, and others. Confidential information may not be disclosed unless the individual gives informed consent, the disclosure is impliedly authorized in order to carry out ombuds services, or the disclosure is authorized by subsection (4) of this section.

(4) To the extent the ombuds reasonably believes necessary, the ombuds:

(a) Must reveal information obtained in the course of providing ombuds services to prevent reasonably certain death or substantial bodily harm; and

(b) May reveal information obtained in the course of providing ombuds services to prevent the commission of a crime.

(5) If the ombuds receives personally identifying information about individual corrections staff during the course of an investigation that the ombuds determines is unrelated or unnecessary to the subject of the investigation or recommendation for action, the ombuds will not further disclose such information. If the ombuds determines that such disclosure is necessary to an investigation or recommendation, the ombuds will contact the staff member as well as the bargaining unit representative before any disclosure.

**NEW SECTION. Sec. 1359.** (1) A civil action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

**PART 2**

**DEPARTMENT OF CORRECTIONS**

**Sec. 1360.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The ~~((system should))~~ highest duty of the department and the secretary is to ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

(5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

(6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

(7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

(8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

(9) The system should meet those national standards which the state determines to be appropriate.

**NEW SECTION. Sec. 1361.** A new section is added to chapter 72.09 RCW to read as follows:

To ensure public safety and the administration of justice, if the department has actual knowledge or reason to believe that a computer calculation error is or has caused an error in the calculation of the release date for any prisoner, the department shall immediately manually calculate the release date of that prisoner as well as the release dates of any similarly sentenced prisoners.

**NEW SECTION. Sec. 1362.** A new section is added to chapter 72.09 RCW to read as follows:

On December 1st of each year, and in compliance with RCW 43.01.036, the department must submit a report to the governor and relevant policy and fiscal committees of the legislature that details any information technology backlog at the department along with specific requirements and plans to address such backlog.

**PART 3  
JOINT LEGISLATIVE AUDIT AND REVIEW  
COMMITTEE**

**NEW SECTION. Sec. 1363.** (1) Pursuant to chapter 43.09 RCW, the joint legislative audit and review committee must conduct a performance audit of the information technology and records related units at the department of corrections, including:

(a) The administrative structure of the units, including whether the units should be restructured to respond efficiently to changes in sentencing laws and other emergent issues;

(b) The sufficiency of staffing levels and expertise at each of the units; and

(c) An evaluation of the advance corrections project's impact on workload and staff resources at each of the units.

(2) The joint legislative audit and review committee shall report its findings to the governor and relevant policy and fiscal committees of the legislature by December 1, 2018.

**PART 4  
SENTENCING REFORM**

**NEW SECTION. Sec. 1364.** A new section is added to chapter 9.94A RCW to read as follows:

In consultation with the administrative office of the courts, superior court judges' association, Washington association of prosecuting attorneys, Washington association of criminal defense lawyers, Washington public defender association, and Washington association of county clerks, the department shall develop a mandatory sentencing elements worksheet. The worksheet shall be used to identify and record the elements of the court's order that are required by the department to calculate an offender's confinement term, and community custody term when ordered. The Washington administrative office of the courts must include the mandatory sentencing elements worksheet in a specific section within its felony judgment and sentence forms.

**Sec. 1365.** RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. In addition, each felony judgment and sentence document must contain in a specific section the mandatory sentencing elements worksheet developed by the department of corrections in section 14 of this act. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The caseload forecast council shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section.

(3) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the caseload forecast council as required in subsection (2) of this section, the caseload forecast council shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the caseload forecast council.

**Sec. 1366.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to read as follows:

(1) A sentence within the standard sentence range, under RCW 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For

purposes of this section, a sentence imposed on a first-time offender under RCW 9.94A.650 shall also be deemed to be within the standard sentence range for the offense and shall not be appealed.

(2) A sentence outside the standard sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the standard sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing court are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard sentence range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing courts and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law or to address a missing, incomplete, or illegible mandatory sentencing elements section required pursuant to RCW 9.94A.480(1). Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

**NEW SECTION. Sec. 1367.** (1) Subject to the availability of amounts appropriated for this specific purpose, the sentencing guidelines commission shall contract for the services of one or more external consultants to evaluate the state's sentencing laws and practices. The consultant must have demonstrated experience in conducting significant research studies and demonstrated successful experience in evaluating sentencing systems or practices. The evaluation must include:

(a) Recommendations for changing and improving sentencing laws and practices to:

(i) Reduce complexity and implementation challenges;

(ii) Reduce unwarranted disparity;

(iii) Increase postconviction review;

(iv) Reduce costs to taxpayers;

(v) Promote fairness and equity;

(vi) Reduce unintended and unnecessary impacts on the community; and

(vii) Achieve the intended purposes of sentencing as set forth in RCW 9.94A.010;

(b) Recommendations for:

(i) A phased prospective and retroactive implementation of any proposed changes; and

(ii) Establishing an ongoing review of sentencing laws and practices; and

(c) An assessment of:

(i) Sentence lengths among different categories of offenders;

(ii) Whether those sentences conform to current research literature on the relationship between sentence lengths and recidivism;

(iii) Sentencing changes adopted by the legislature since 1981, including frequency, nature, and impact;

(iv) Disparity in sentencing laws between similarly situated offenders, including the rationale for such disparities;

(v) The impact of the elimination of the parole system; and

(vi) The state's sentencing laws and practices as compared to other states and other sentencing models.

(2) The consultant shall work cooperatively with the sentencing guidelines commission members to obtain any additional recommendations or input consistent with the purposes of this section. Recommendations from the sentencing guidelines commission shall be included in the consultant's final report.

(3) The consultant shall complete its evaluation and submit a report to the commission, the joint legislative task force on criminal sentencing under section 18 of this act, the appropriate committees of the legislature, and the governor by September 1, 2018. The contract for services must include a requirement for three briefings before the legislature to take place during the 2018 interim and 2019 regular legislative session, including for the joint legislative task force on sentencing, the house of representatives, and the senate.

(4) This section expires July 1, 2019.

**NEW SECTION. Sec. 1368.** (1) A joint legislative task force to simplify criminal sentencing is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the:

(i) Washington association of sheriffs and police chiefs;

(ii) Washington state patrol;

(iii) Caseload forecast council;

(iv) Washington association of prosecuting attorneys;

(v) Washington association of criminal defense attorneys or the Washington defender association;

(vi) Washington state association of counties;

(vii) Office of the attorney general;

(viii) American civil liberties union of Washington;

(ix) Sentencing guidelines commission;

(x) Department of corrections;

(xi) Superior court judges' association; and

(xii) Administrative office for the courts.

(3) The task force shall review sentencing laws after consideration of the study under section 17 of this act and the consultant's recommendations. The task force shall develop recommendations to reduce sentencing implementation complexities and errors, improve the effectiveness of the sentencing system, and promote public safety. The task force must consider recommendations that:

(a) Reduce sentencing complexity while reducing punishment;

(b) Reduce sentencing complexity while increasing punishment; and

(c) Reduce sentencing complexity and do not either reduce or increase punishment under existing law.

(4) The legislative membership shall convene the initial meeting of the task force no later than September 2018.

(5) The task force shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2019.

(6) Staff support for the task force must be provided by the senate committee services and the house office of program research.

(7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(9) This section expires July 1, 2020.

#### PART 5

#### GENERAL PROVISIONS

**Sec. 1369.** RCW 49.60.210 and 2011 1st sp.s. c 42 s 25 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2)(a) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

(b) A settlement of any cause of action brought by an employee under this subsection may not contain a provision prohibiting the employee from future work in state government unless the government agency has a significant ongoing concern for the public health, safety, or welfare as a result of the person's future employment.

(3) It is an unfair practice for any employer, employment agency, labor union, government agency, government manager, or government supervisor to discharge, expel, discriminate, or otherwise retaliate against an individual assisting with an office of fraud and accountability investigation under RCW 74.04.012, unless the individual has willfully disregarded the truth in providing information to the office.

**NEW SECTION. Sec. 1370.** In the contract for the next regularly scheduled performance audit under RCW 42.40.110 following the effective date of this section, the office of financial management must require the audit to review the ability of department of corrections employees to use the state employee whistleblower program. The audit must include findings and recommendations, including possible changes to improve the effectiveness of the whistleblower program.

**NEW SECTION. Sec. 1371.** Sections 2 through 9 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "error;" strike the remainder of the title and insert "amending RCW 72.09.010, 9.94A.480, 9.94A.585, and 49.60.210; adding new sections to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing expiration dates."

Senators Padden and Pedersen spoke in favor of adoption of the striking amendment.

Senator Liias spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 286 by Senators Padden and Pedersen to Engrossed Substitute Senate Bill No. 5294.

The motion by Senator Padden carried and floor striking amendment no. 286 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5294.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5294 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Keiser, Liias, Nelson, Ranker and Takko

Excused: Senators Hunt, McCoy and Wellman

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5614, by Senators Darneille, Hasegawa and Kuderer

Concerning diversion agreements and counsel and release agreements.

The bill was read on Third Reading.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5614.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Honeyford, Padden, Pearson, Schoesler and Short

Excused: Senators Hunt, McCoy and Wellman

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Transportation (originally sponsored by Senators O'Ban, Angel, Miloscia, Becker, Padden, Honeyford, King and Fortunato)

Modifying the election and authority of regional transit authority board members.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Fain, the rules were suspended and Substitute Senate Bill No. 5001 was returned to second reading for the purpose of amendment.

#### MOTION

Senator Hobbs moved that the following floor striking amendment no. 283 by Senators Hobbs and Liias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1372.** (1) A regional transit authority shall convene a work group comprised of at least ten board members of the regional transit authority and independent subject matter experts to evaluate potential improvements to board composition, governance, and membership. The work group shall review at least the following:

(a) The costs, benefits, and operational changes of having a directly elected board, including any impacts to perceived credit worthiness;

(b) The appropriate number of directly elected board members; and

(c) Any methods to improve representation without utilizing a directly elected board.

(2) The work group must submit a report of its review to the joint transportation committee by December 1, 2017."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "convening a regional transit authority work group; and creating a new section."

Senators Hobbs and Liias spoke in favor of adoption of the striking amendment.

Senator O'Ban spoke against adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 283 by Senators Hobbs and Liias to Substitute Senate Bill No. 5001.

The motion by Senator Hobbs did not carry and floor striking amendment no. 283 was not adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Fortunato spoke in favor of passage of the bill.

Senators Liias, Pedersen and Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5001.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Hobbs, Keiser, Kuderer, Liias, Mullet, Nelson, Pedersen, Ranker, Saldaña, Takko and Van De Wege

Excused: Senators Hunt, McCoy and Wellman

SUBSTITUTE SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5893, by Senators O'Ban, Rossi, Becker, Rivers, Miloscia, King, Bailey, Braun, Wilson, Walsh, Zeiger, Angel, Warnick, Brown, Honeyford, Fortunato, Pearson, Padden, Fain, Schoesler and Hawkins

Concerning the administration of motor vehicle excise taxes by regional transit authorities.

The bill was read on Third Reading.

MOTION

On motion of Senator O'Ban, the rules were suspended and Engrossed Senate Bill No. 5893 was returned to second reading for the purpose of amendment.

MOTION

Senator Liias moved that the following floor striking amendment no. 281 by Senator Liias be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1373. A new section is added to chapter 82.44 RCW to read as follows:

If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 2 of this act, the department must clearly indicate, when notifying taxpayers of the expected tax due and when collecting the tax: The amount of tax owed under current law, the amount of any credit applied, and the net result.

NEW SECTION. Sec. 1374. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented by December 31, 2017.

(2) Under the market value adjustment program, the authority must provide a credit against the motor vehicle excise tax due in an amount equal to the tax due calculated using the vehicle valuation schedule in chapter 82.44 RCW as it existed on January 1, 1996, less the tax otherwise due calculated using the vehicle valuation schedule in RCW 82.44.035, if the resulting difference is positive. The credit applies only to the motor vehicle excise tax authorized in RCW 81.104.160(1).

(3) The program may be funded by any resources available to the authority including, but not limited to:

- (a) Unrestricted tax proceeds or other revenues; and
- (b) Savings from the delivery of projects.

(4) The program must provide credit retroactive to the date that the authority first imposed the tax under RCW 81.104.160(1). The authority, in consultation with the department of licensing, must develop a system to issue refunds of credits with respect to vehicles for which the registrations were renewed before January 1, 2018.

(5)(a) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2016 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(i) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(ii) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(iii) Revising project contingency budgets, if practicable.

(b) If, when implementing the program, the authority is not able to deliver projects according to the system and financing plan approved by the authority's voters in 2016, the authority must identify savings and cost reductions in the following priority order: First, from parking facility projects; second, from commuter rail projects; third, from transit bus-related projects; and fourth, from light rail projects.

(6) Until the plan has been completed, the authority must submit an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent



to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

**NEW SECTION. Sec. 1375.** Section 1 of this act applies to registrations that are due or become due on or after January 1, 2018.

**NEW SECTION. Sec. 1376.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "tax" strike the remainder of the title and insert "; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency."

Senator Liias spoke in favor of adoption of the striking amendment.

Senator Baumgartner spoke against adoption of the striking amendment.

Senator Liias demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

#### MOTION

On motion of Senator Mullet, Senator Saldaña was excused.

The President Pro Tempore declared the question before the Senate to be the adoption of the floor striking amendment no. 281 by Senator Liias to Engrossed Senate Bill No. 5893.

#### ROLL CALL

The Secretary called the roll on the adoption of the 281 amendment by Senator Liias and the 281 amendment was not adopted by the following vote: Yeas, 20; Nays, 25; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Keiser, Kuderer, Liias, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Takko and Van De Wege

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Hunt, McCoy, Saldaña and Wellman

#### MOTION

Senator O'Ban moved that the following floor striking amendment no. 282 by Senators O'Ban and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1377.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if the authority has implemented a market value adjustment program as directed in section 2 of this act.

(3) Any contract entered into under this section must provide that the department will receive amounts sufficient to fully cover the costs applicable to the tax collection and market value adjustment process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any unforeseen future administrative costs will be borne by the regional transit authority.

(4) If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 2 of this act, the department must clearly indicate, when notifying taxpayers of the expected tax due and when collecting the tax: The amount of tax owed under current law, the amount of any credit applied, and the net result.

**NEW SECTION. Sec. 1378.** A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented by December 31, 2017.

(2) Under the market value adjustment program, the authority must provide a credit against the total motor vehicle excise tax due in an amount equal to the tax due calculated using the vehicle valuation schedule in effect on the effective date of this section, less an amount calculated using an assumed motor vehicle excise tax of 0.5 percent and the value of a motor vehicle based on base model Kelley blue book values or national automobile dealers association values, whichever is lower, if the resulting difference is positive.

(3) Except for the property tax authorized in RCW 81.104.175 and for project schedule adjustments, the program may be funded by any resources available to the authority.

(4) The program must provide credit retroactive to the date that the authority first imposed the tax under RCW 81.104.160(1). The authority, in consultation with the department of licensing, must develop a system to issue refunds of credits with respect to vehicles for which the registrations were renewed before January 1, 2018.

(5) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2016 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(a) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(b) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(c) Revising project contingency budgets, if practicable.

(6) Until the plan has been completed, the authority must submit an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

**NEW SECTION. Sec. 1379.** This act must be construed to preclude a regional transit authority from defeasing any outstanding bond obligations.

NEW SECTION. **Sec. 1380.** Section 2 of this act applies to vehicle registrations that are due or become due on or after January 1, 2018.

NEW SECTION. **Sec. 1381.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "values;" strike the remainder of the title and insert "amending RCW 82.44.135; adding a new section to chapter 81.112 RCW; creating new sections; and declaring an emergency."

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 282 by Senators O'Ban and Rossi to Engrossed Senate Bill No. 5893.

The motion by Senator O'Ban carried and floor striking amendment no. 282 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Zeiger spoke in favor of passage of the bill.

Senators Liias, Frockt and Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Erickson, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Keiser, Kuderer, Liias, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Takko and Van De Wege

Excused: Senators Hunt, McCoy, Saldaña and Wellman

SECOND ENGROSSED SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5866, by Senators Brown, Hobbs, Braun, Mullet, Frockt and Warnick

Creating a tax court for the state of Washington.

MOTION

On motion of Senator Brown, Second Substitute Senate Bill No. 5866 was substituted for Senate Bill No. 5866 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following floor amendment no. 287 by Senators Frockt, Hobbs, Mullet and Palumbo be adopted:

On page 9, line 16, after ""(iv)(A)" strike "Except as provided in (d) of this subsection, appeals" and insert "Appeals"

On page 10, beginning on line 1 strike all of subsection (d)

Reletter the remaining subsection consecutively and correct any internal references accordingly.

On page 13, line 18, after "tax" strike "division of the court of appeals" and insert "court"

On page 17, line 21, after "provided in" strike "sections 108 and 109" and insert "section 108"

On page 20, line 23, after "section" strike "pr" and insert "or"

Senators Frockt and Brown spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 287 by Senators Frockt, Hobbs, Mullet and Palumbo on page 9, line 16 to Second Substitute Senate Bill No. 5866.

The motion by Senator Frockt carried and floor amendment no. 287 was adopted by voice vote.

MOTION

Senator Brown moved that the following floor amendment no. 285 by Senator Brown be adopted:

On page 11, beginning on line 2, after "city" strike all material through "persons" on line 3 and insert "that is the state capital"

On page 13, line 18, after "tax" strike "division of the court of appeals" and insert "court"

On page 17, line 21, after "provided in" strike "sections 108 and 109" and insert "section 108"

On page 20, line 23, after "section" strike "pr" and insert "or"

Senator Brown spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 285 by Senator Brown on page 11, line 2 to Second Substitute Senate Bill No. 5866.

The motion by Senator Brown carried and floor amendment no. 285 was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5866 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5866.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5866 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Liias, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Conway, Darneille, Hasegawa, Kuderer, Nelson, Pedersen, Ranker, Rolfes, Takko and Van De Wege

Excused: Senators Hunt, McCoy, Saldaña and Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

ENGROSSED SENATE BILL NO. 5891, by Senators Zeiger and Conway

Eliminating the use of the high school science assessment as a graduation prerequisite. (REVISED FOR ENGROSSED: Delaying the use of the high school science assessment as a graduation prerequisite.)

The bill was read on Third Reading.

#### MOTION

On motion of Senator Zeiger, the rules were suspended and Engrossed Senate Bill No. 5891 was returned to second reading for the purpose of amendment.

#### MOTION

Senator Zeiger moved that the following floor amendment no. 284 by Senator Zeiger be adopted:

On page 7, line 2, after "2017" strike "and subsequent graduating classes"

Senators Zeiger and Rolfes spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 284 by Senator Zeiger on page 7, line 2 to Engrossed Senate Bill No. 5891.

The motion by Senator Zeiger carried and floor amendment no. 284 was adopted by voice vote.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, Second Engrossed Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Rolfes, Ranker and Chase spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5891.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger  
Excused: Senators Hunt, McCoy, Saldaña and Wellman

SECOND ENGROSSED SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5303, by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Rolfes, Chase, Hawkins, Warnick, Bailey and Ranker)

Concerning aquatic invasive species management.

The bill was read on Third Reading.

Senators Honeyford, Chase and Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5303.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger  
Excused: Senators Hunt, McCoy, Saldaña and Wellman

SUBSTITUTE SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

THIRD SUBSTITUTE SENATE BILL NO. 5558, by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, O'Ban and Angel)

Issuing a two-year identicard for offenders released from prison facilities.

The bill was read on Third Reading.

Senators Darneille and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Third Substitute Senate Bill No. 5558.

## ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5558 and the passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Lias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Frockt and Hasegawa

Excused: Senators Hunt, McCoy, Saldaña and Wellman

THIRD SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 5741, by Senator King

Clarifying the collection of fuel taxes within tribal jurisdictions. (REVISED FOR ENGROSSED: Clarifying the collection of fuel taxes on motor vehicle fuel sold by businesses owned or operated by a tribe or member of the tribe. )

The bill was read on Third Reading.

Senator King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5741.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5741 and the passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Lias, Miloscia, Mullet, O'Ban, Padden,

Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Chase, Cleveland, Nelson and Van De Wege

Excused: Senators Hunt, McCoy, Saldaña and Wellman

ENGROSSED SENATE BILL NO. 5741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Rolfes, Senator Palumbo was excused.

## THIRD READING

SENATE BILL NO. 5442, by Senators Fortunato and Pedersen

Concerning expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities.

The bill was read on Third Reading.

Senator Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5442.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5442 and the passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Lias, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Hunt, McCoy, Palumbo, Saldaña and Wellman

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5729, by Senate Committee on State Government (originally sponsored by Senators Lias, Miloscia and Kuderer)

Concerning legislative technology. Revised for 1st Substitute: Concerning legislative technology. (REVISED FOR ENGROSSED: Concerning making nonsubstantive changes to statutes affecting legislative technology administration. )

The bill was read on Third Reading.

May 2, 2017

Senators Liias and Miloscia spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5729.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5729 and the passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Excused: Senators Hunt, McCoy, Palumbo, Saldaña and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

## MESSAGES FROM THE HOUSE

May 2, 2017

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8404, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

May 2, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1056,  
ENGROSSED HOUSE BILL NO. 1309,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1440,

HOUSE BILL NO. 1452,  
ENGROSSED HOUSE BILL NO. 1506,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
HOUSE BILL NO. 1571,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,  
HOUSE BILL NO. 1630,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1661,

SECOND SUBSTITUTE HOUSE BILL NO. 1777,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1783,

ENGROSSED HOUSE BILL NO. 1958,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL  
NO. 1886,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 2143,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

## PERSONAL PRIVILEGE

Senator Conway: "Thank you Mr. President. I think, I know I was actually stunned this weekend, when I heard of the death of our past governor, Mike Lowry. I did not expect it. I think none of us expected that we were going to be losing a leader in this state, a well-known leader in this state for almost three decades. You know I had the, when I first entered the Legislature, Mike Lowry was Governor. There is probably not many of us here, I know that some were here in the Legislature at the time, but actually I began my service in the Legislature with Mike Lowry. And you know I can't help but think, and I have worked with many governors in the many years I have been here, but I can't think of a governor that was more easy to work with than Mike Lowry, because Mike Lowry really liked people. And he was, probably I think as I have been standing here thinking today about what I can say, I think I remember his campaign button, *I like Mike*. And I think almost everyone in this state, they may not have agreed with him all the time but you could not dislike Mike Lowry. He was a good man. And I know that as I have looked at the articles that have come out in the newspapers recently about Mike, I just wanted to add my perspective to this. You know I entered the Legislature and I think in his four year term, remember one term governor here, there was a lot of major legislation that passed this state. And one that I actually worked on when I entered was working with, working on the issue that actually began the human rights struggle for gay people in our state. For Cal Anderson, I know that hasn't been said in these papers, but working with Cal Anderson in the House we began the issue of bringing civil rights to gay people in our state. And that is a major change that Mike Lowry as Governor supported. And I know that a lot has been said, I actually said on the floor of the House when we passed the health care reform bill, with Denny Dellwo being the Chair of the Health Care Committee, and I know that we all think, 'Well, it was a failure,' and 'We did repeal much of it,' but this is the thorniest issue of our times, health care, look what it is doing right now in Washington D. C. As we, once again, struggle to figure out how to do, how can we guarantee access and how can we guarantee affordability in our state, and it took courage from Mike to allow the Legislature to move forward with that bill at that time. And I also think, you know one of my first special sessions of the Legislature was in October of '95 when Mike Lowry called us back into special session to do what? To pass a bill to build a baseball stadium, Safeco Field. So Mike Lowry was really instrumentally in so many ways in the history of this Legislature and this state and so I think I share feelings with many of you here of our condolences to his family, because it is a shock to me. I had no idea that we were going to lose Mike Lowry. Mike was a man that seemed like he would live forever. He was a bundle of energy and truly a loving person. So to his family, I extend my condolences and recognition that we have lost a very good man in Mike Lowry. Thank you."

## PERSONAL PRIVILEGE

Senator Padden: “Thank you and I thank the gentleman from the 29<sup>th</sup> Legislative District for his point of personal privilege. I was over in the other body in 1992 when Governor Lowry became Governor. And you know we have had a lot of different governors, and all governors to one extent or another are politicians. Some will say one thing and do something else, but not with Governor Lowry. You knew exactly where he stood on every issue and he was very forthright, very honest fellow. He was proud of his roots from Eastern Washington, from Whitman County. I remember I got appointed Judge in 1995 and Governor Lowry seemed very enthusiastic to see me move on from the Legislature. We had a very nice conversation, but we’ll miss him and I obviously did not agree with him on very much, but I did always respect that he was a man of his word.”

## PERSONAL PRIVILEGE

Senator Frockt: “Thank you Mr. President. I want to thank Senator Conway for beginning this and there will probably be a few other comments but I just wanted to mention, I obviously wasn’t here and didn’t serve with Governor Lowry, I didn’t even live in this state when he was Governor, I moved here in roughly 1997, I guess right as he was ending. But I only knew of him by history and talking to other people, but I did get a chance to get to know him a little bit in the early part of my career at various things. He would be at various political events in my district and I just wanted to say how sad and sorry I was for his loss as well. He was an exceptionally warm person. I didn’t even know that he knew who I was when I was elected to the House and when I first came into the Senate. He came up to me on several occasions and just said ‘I have been following what you are doing, you are doing a good job’ and I can not begin to tell you how much that made me feel positive about the work I was doing, that a former governor that didn’t even know me, I am not a native of Washington, would take a couple of minutes and say something like that to me. It really meant a lot. I know it sounds corny, but it is really true. So it just struck me, he was a really good person. I know there were ups and downs in his career, but I think anybody that serves in this office as governor and ascends to this high office within our state, regardless of party, regardless of ideology, we owe all of them a great deal of gratitude for their service and what they did for our state. And I would note, that when they were doing the eulogies for him and sort of talking about his career, he had a very significant impact in American history in introducing, as I understand it, in the U.S. Congress, the first bill for remediation for our Japanese-American citizens who were wrongfully interned during World War II. That is historic and something that will go down in the history books forever, and I think we owe him a great deal of gratitude. Thank you Mr. President.”

## REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Sheldon: “If the body would allow me to make a remark. I certainly enjoyed serving with Governor Lowry in 1992. Now the Democrats won’t believe this but I was the House Assistant Majority Leader and worked very closely with him on a bill that allowed individuals who were on unemployment to receive their unemployment while they were going to community college to retrain. And I think that was something that was brought up during the spotted owl and all the layoffs we had had in the timber industry and other industries, but I remember him too as a warm person, fun to talk to, he sure knew politics, and he liked to talk about that a lot. One remembrance was his first State of the State address. I think it was the first

one in 1993 and Speaker Brian Ebersole introduced him at the Joint Session in the House and he said, Representative Ebersole said ‘Now Governor we have cleared the rostrum of all the pitchers here. There is nothing you can tip over, so you just go ahead and make your speech.’ Because if somebody could flail his arms, his head, he would flail his leg if he could, when he was speaking. He was just a dynamic person and we certainly send all of our condolences to his family because he was a one of a kind and I always think about the Mariners bill and he worked very hard with Senator Gordon to bring that together. And it was a special session for just three days and of course Ken Griffey had a lot to do with it and getting us to the playoffs but that was quite an accomplishment to build that stadium and not everybody was for it but it was certainly quite an accomplishment and we look back about it now, I think a lot of good feelings. Thank you.”

## PERSONAL PRIVILEGE

Senator Chase: “Thank you Mr. President. I also want to add my words of remembrance of Mike Lowry. Mike and I began working together in 1968. Truly. He was in the YDs, I was in the YDs. You know we had a lot of fun. This was for Young Democrats. He was an active member and he worked for Senator Martin Durkin at the time, I don’t know some of you may remember him. But Mike had, throughout his entire life, he always worked on the side of social justice. And I will have to admit that we always took advantage of that over the years because he was in a position of power, he could help some of our concerns, he always was warm and welcoming and enthusiastic. You know Mr. President, when you said how he waved his arms around, you really had to duck because when he made a speech, he was all over the place. But when he became Governor, he continued in that wonderful, wonderful vein of caring about people, about caring about the little people. He, something a lot of people might not know, he was extremely active in justice for farm workers. And in justice for the environment, he even started on his farm that he has over in eastern Washington, a little poplar stand where he was trying to grow poplars for a project to manufacture something, I don’t remember now what it was, what he wanted, but it was quick growing. And so he took a lot of his property and planted trees, so he had a consistent record and he will be missed. I know that Mary and Diane are hurting and they do miss him. And we all of us, join in in offering our condolences and our best wishes to them as they move through these next days. Thank you Mr. President.”

EDITOR’S NOTE: Former Washington State Governor and U.S. Congressman Mike Lowry passed away Monday, May 1, 2017 from complications related to a stroke at age 78. He was elected to the King County Council in 1975, began serving in the U.S. House of Representatives in 1979, where he spent the next 10 years. Governor Lowry was Governor from 1993 to 1997.

## MOTION

At 5:30 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o’clock a.m. Friday, May 5, 2017.

TIM SHELTON, President Pro Tempore of the Senate  
HUNTER G. GOODMAN, Secretary of the Senate

**TWELFTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, May 5, 2017

The Senate was called to order at 11:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Hawkins, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

May 2, 2017  
SB 5933 Prime Sponsor, Senator Rivers: Concerning the acquisition of marijuana seeds for certain qualifying patients and designated providers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Conway; Fain; Keiser and Mullet.

MINORITY recommendation: Do not pass. Signed by Senators O'Ban and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Referred to Committee on Rules for second reading.

May 2, 2017  
SB 5934 Prime Sponsor, Senator Padden: Concerning convicted persons. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5934 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Angel and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

Referred to Committee on Rules for second reading.

May 2, 2017  
SGA 9033 TIMOTHY W LYNCH, appointed on November 13, 2013, for the term ending January 19, 2018, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

May 2, 2017  
SGA 9128 CHERYL C. ADAMS, reappointed on January 28, 2016, for the term ending January 19, 2020, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

May 2, 2017  
SGA 9129 JUDY GUENTHER, appointed on May 5, 2015, for the term ending January 19, 2019, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

May 2, 2017  
SGA 9130 JERRIE L ALLARD, appointed on January 28, 2016, for the term ending January 19, 2020, as Member of the Pharmacy Quality Assurance Commission. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Bailey; Conway; Fain; Keiser; Mullet; O'Ban and Walsh.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Hawkins, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Hawkins, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

May 04, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 4, 2017, Governor Insee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5100  
Relating to financial literacy information for students at institutions of higher education.

Second Substitute Senate Bill No. 5107  
Relating to creating a local pathway for local governments, school districts, institutions of higher education, and nonprofit organizations to provide more high quality early learning opportunities by reducing barriers and increasing efficiency.

Engrossed Senate Bill No. 5234  
Relating to a systemwide credit policy regarding AP exams.

Second Substitute Senate Bill No. 5258  
Relating to creating the Washington academic, innovation, and mentoring program.

Senate Bill No. 5274  
Relating to defining salary for purposes of the Washington state patrol retirement system.

Second Substitute Senate Bill No. 5285  
Relating to conducting a workforce study of employment opportunities in the agriculture, environment, outdoor recreation, and natural resources economic sectors intended to provide educators with the information needed for informing students about employment opportunities in the studied fields.

Substitute Senate Bill No. 5327  
Relating to court clerks.

Substitute Senate Bill No. 5357  
Relating to establishing a pilot project to license outdoor early learning and child care programs.

Senate Bill No. 5359  
Relating to requiring annual reporting on the implementation of laws to streamline licensing processes for military service members and their spouses.

Senate Bill No. 5391  
Relating to clarifying the powers, duties, and functions of the department of veterans affairs.

Substitute Senate Bill No. 5404  
Relating to sunscreen in schools.

Substitute Senate Bill No. 5644  
Relating to skill center facility maintenance.

Senate Bill No. 5661  
Relating to interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system.

Senate Bill No. 5662

Relating to professional educator standards board membership.

Engrossed Senate Bill No. 5665  
Relating to the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises.

Senate Bill No. 5778  
Relating to modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014.

Senate Bill No. 5849  
Relating to veterans' services.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

May 1, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN MALLOCH, appointed May 1, 2017 for the term beginning July 1, 2017, and ending June 30, 2019, as Member of the Chehalis Board.

Sincerely,  
JAY INSLEE, Governor  
Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9268.

May 4, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GREG DIETZEL, appointed May 4, 2017, for the term ending September 30, 2017, as Member of the Bellevue College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor  
Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9269.

MOTION

On motion of Senator Hawkins, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Hawkins, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING



SB 5935 by Senators Sheldon and Carlyle

AN ACT Relating to enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, 53.08.370, and 53.08.380; amending 2013 2nd sp.s. c 8 s 212 (uncodified); adding a new section to chapter 35.99 RCW; adding new sections to chapter 43.06 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 43.330.400, 43.330.403, 43.330.406, 43.330.409, 43.330.412, 43.330.415, 43.330.418, and 43.330.421; and providing expiration dates.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5936 by Senators Frockt, Miloscia, Ranker and Palumbo

AN ACT Relating to removing the prohibition on planning for a nuclear attack in emergency management plans; amending RCW 38.52.030 and 38.52.170; and reenacting and amending RCW 38.52.010.

Referred to Committee on State Government.

SB 5937 by Senator Baumgartner

AN ACT Relating to the taxation of crossfit facilities with less than three hundred members; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 1046 by House Committee on Education (originally sponsored by Representative MacEwen)

AN ACT Relating to certificates of academic and individual achievement; amending RCW 28A.155.045, 28A.155.170, 28A.230.090, 28A.230.122, 28A.230.125, 28A.655.070, 28A.180.100, 28A.195.010, 28A.200.010, 28A.305.130, 28A.320.208, 28A.415.360, and 28A.600.310; adding a new section to chapter 28A.655 RCW; creating a new section; repealing RCW 28A.600.405, 28A.655.061, 28A.655.063, 28A.655.065, 28A.655.066, and 28A.655.068; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1056 by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Law & Justice.

EHB 1309 by Representatives Steele, Chapman, Kretz and Condotta

AN ACT Relating to removal of land from the current use property tax classification due to certain natural disasters; amending RCW 84.33.145; and reenacting and amending RCW 84.34.108.

Referred to Committee on Ways & Means.

E2SHB 1440 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Stambaugh, Hudgins, Johnson, Ortiz-Self, Stokesbary, Sells, Jinkins, Ryu, Appleton, Pollet, Senn, Peterson, Kilduff, Bergquist, Stanford, Frame, Slatter and Dolan)

AN ACT Relating to establishing a student loan bill of rights; amending RCW 43.320.110, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.145, 31.04.165, 31.04.277, and 31.04.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 28B.77 RCW; adding new sections to chapter 31.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Higher Education.

HB 1452 by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Ways & Means.

EHB 1506 by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew

AN ACT Relating to workplace practices to achieve gender pay equity; amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

ESHB 1508 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew)

AN ACT Relating to promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205, 28A.235.150, and 28A.235.160; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1571 by Representatives Reeves, Muri, Ryu, Kilduff, Sawyer, Steele, Macri, Orwall, Tharinger, Chapman, Stanford, Doglio, Fey, Hudgins, Stonier, Frame, Kloba, Springer, J. Walsh, McBride, Ortiz-Self, Riccelli and Slatter

AN ACT Relating to creating a community care and supportive services program for veterans; adding new sections to chapter 43.60A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government.

**ESHB 1600** by House Committee on Appropriations (originally sponsored by Representatives Santos, Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton)

AN ACT Relating to increasing the career and college readiness of public school students; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 28C.18 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

**HB 1630** by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington homeless client management information system; and amending RCW 43.185C.180.

Referred to Committee on Human Services, Mental Health & Housing.

**E2SHB 1661** by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

AN ACT Relating to creating the department of children, youth, and families; amending RCW 43.215.030, 43.17.010, 43.17.020, 43.06A.030, 43.215.100, 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 28A.150.510, 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051, 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540, 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 28A.225.010, 72.09.337, 72.05.010, 72.05.020, 72.05.130, 28A.225.010, 72.05.154, 72.05.415, 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040,

72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.06A.100, 43.20A.090, 43.06A.060, 43.06A.070, 43.15.020, 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section to chapter 43.06A RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050, 43.215.060, 43.215.065, 43.215.070, 43.215.080, 43.215.090, 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102, 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130, 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137, 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195, 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215, 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230, 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270, 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307, 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335, 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370, 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415, 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440, 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457, 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476, 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502, 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530, 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550, 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900, 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, 43.215.040, and 44.04.220; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services, Mental Health & Housing.

**2SHB 1777** by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

AN ACT Relating to financing early learning facilities to support the needed expansion of early learning classrooms across Washington; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Ways & Means.

**E2SHB 1783** by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri,

Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and Pollet)

AN ACT Relating to legal financial obligations; amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections.

Referred to Committee on Law & Justice.

2ESHB 1886 by House Committee on Education (originally sponsored by Representatives Harris, Santos and Pollet)

AN ACT Relating to the responsibilities of the office of the superintendent of public instruction and the state board of education; amending RCW 28A.305.130, 28A.657.030, 28A.657.050, 28A.657.050, 28A.657.060, 28A.657.090, 28A.657.100, 28A.657.105, 28A.657.080, 28A.150.550, 28A.657.110, 28A.230.093, 28A.655.061, 28A.655.065, 28A.700.070, 28A.150.220, 28A.150.230, 28A.225.010, 28A.150.250, 28A.230.010, 28B.50.250, 28B.50.535, 28B.50.536, 28A.195.010, 28A.195.030, 28A.195.050, 28A.195.060, 28A.310.020, 28A.630.083, 28A.655.180, 28A.655.180, 28A.300.545, 28A.300.020, 28A.305.021, 28A.525.025, and 28A.210.320; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.150 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to chapter 28A.305 RCW; repealing RCW 28A.305.140, 28A.305.141, 28A.305.142, and 28A.305.190; providing an effective date; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

EHB 1958 by Representatives Harmsworth, Young, Rodne and Stanford

AN ACT Relating to regional transit authority property taxes imposed on less than a whole parcel; amending RCW 81.104.175; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

E2SHB 2143 by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)

AN ACT Relating to expanding opportunities for higher education students; amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW.

Referred to Committee on Ways & Means.

ESHB 2200 by House Committee on Technology & Economic Development (originally sponsored by Representatives Hansen, Taylor, Smith, Buys, Harmsworth, Graves, Maycumber, J. Walsh, Kraft, Haler, Condotta, Nealey, Bergquist, Steele, Van Werven, Stonier, Macri, Farrell, Cody, Slatter, Tarleton, Senn, Kagi, Pollet, Frame, Chapman, Dye, Hudgins, Stanford, Reeves, Dent, Hayes, Ryu, Peterson, Sells, Kloba, Santos, Johnson, Fitzgibbon, Holy, Ormsby, Caldier, Sawyer, Wylie, Hargrove, Kilduff, Blake, Orcutt, Gregerson, Young, Appleton, Shea, Koster, Morris, Tharinger, Irwin, Muri, Schmick, Volz, Goodman, Clibborn, McCaslin, Pellicciotti, Doglio, Jinkins, Dolan, Kirby, Sullivan, Lytton, Kretz, Riccelli, Rodne, McBride, McCabe and Pettigrew)

AN ACT Relating to protecting the privacy and security of internet users; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

#### MOTION

On motion of Senator Hawkins, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

At 11:16 a.m., on motion of Senator Hawkins, the Senate adjourned until 12:00 o'clock, noon, Monday, May 8, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

## FIFTEENTH DAY

## NOON SESSION

Senate Chamber, Olympia  
Monday, May 8, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

## MOTION

On motion of Senator Braun, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Braun, the Senate advanced to the third order of business.

## MESSAGE FROM THE STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

**Department of Commerce** – *“Clean Energy Fund”* in accordance with Second Engrossed House Bill No. 1115, report date April 1, 2017;

**Department of Ecology** – *“Yakima River Basin Integrated Water Resource Management Plan - 2016 Cost Estimate and Financing Plan”* pursuant to 90.38.120 RCW, report date April 1, 2017;

**Department of Social & Health Services** – *“Forensic Admissions and Evaluations - Performance Targets 2016, July - September 2016”* pursuant to 10.77.068 RCW, report date February 14, 2017;

**Department of Social & Health Services** – *“Adult Planned Respite”* in accordance with Engrossed Substitute Senate Bill No. 6052, report date January 3, 2017;

**Department of Social & Health Services** - *“Enhanced Respite Services for Children Ages 8 – 18”* in accordance with Engrossed Substitute Senate Bill No. 6052, report date January 3, 2017; and

**Department of Transportation** – *“I-405 Express Toll Lanes: 15 Months of Operation (October 2015 - December 2016)”* in accordance with Engrossed Substitute House Bill No. 2524, report date May 1, 2017.

## MESSAGE FROM THE GOVERNOR

May 05, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 2017, Governor Insee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5035  
Relating to patients' access to investigational medical products.

Senate Bill No. 5049  
Relating to relocation assistance following real property acquisition.

Substitute Senate Bill No. 5077  
Relating to allowing the department of corrections to provide temporary housing assistance to individuals being released from certain corrections centers for women.

Substitute Senate Bill No. 5138  
Relating to metropolitan park districts.

Senate Bill No. 5177  
Relating to requiring long-term care workers to be trained to recognize hearing loss.

Substitute Senate Bill No. 5196  
Relating to including certain cattle feedlots within the statutory exemption for odor or fugitive dust caused by agricultural activity.

Engrossed Substitute Senate Bill No. 5338  
Relating to registration enforcement for off-road vehicles and snowmobiles.

Senate Bill No. 5436  
Relating to expanding patient access to health services through telemedicine by further defining where a patient may receive the service.

Substitute Senate Bill No. 5514  
Relating to rapid health information network data reporting.

Senate Bill No. 5581  
Relating to authorizing public hospital districts to participate in self-insurance risk pools with nonprofit hospitals.

Senate Bill No. 5595  
Relating to maintaining the quarterly average census method for calculating state hospital reimbursements.

Substitute Senate Bill No. 5618  
Relating to arrest of sixteen and seventeen year olds for domestic violence assault.

Senate Bill No. 5635  
Relating to retail theft with special circumstances.

Substitute Senate Bill No. 5713  
Relating to creating the skilled worker outreach, recruitment, and career awareness training program.

Substitute Senate Bill No. 5779 - PV  
Relating to behavioral health integration in primary care.

Engrossed Substitute Senate Bill No. 5808  
Relating to agritourism.

Substitute Senate Bill No. 5815

Relating to the hospital safety net assessment.

MOTION

Engrossed Senate Bill No. 5834  
Relating to licensing of bonded spirits warehouses.

At 12:02 p.m., on motion of Senator Braun, the Senate  
adjourned until 10:25 a.m. Wednesday, May 10, 2017.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

CYRUS HABIB, President of the Senate  
HUNTER G. GOODMAN, Secretary of the Senate

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Wednesday, May 10, 2017

The Senate was called to order at 10:25 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGES FROM THE GOVERNOR

May 08, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5301  
Relating to the inclusion of willful violations of chapters 49.46, 49.48, and 49.52 RCW to the state's responsible bidder criteria.

Engrossed Substitute Senate Bill No. 5470  
Relating to advancing the development of renewable energy by improving the permitting process for geothermal resources exploration.

Substitute Senate Bill No. 5589  
Relating to distillery promotional items and spirit sample sales.

Senate Bill No. 5762  
Relating to financing of the mercury-containing light stewardship program.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

May 08, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 2017, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5030

Relating to human trafficking, prostitution, and commercial sexual abuse of a minor.

Engrossed Substitute Senate Bill No. 5256  
Relating to sexual assault protection orders.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE SECRETARY OF STATE

May 9, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 5779

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 9th day of May, 2017.

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 5, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 7, Substitute Senate Bill No. 5779 entitled:

"AN ACT Relating to behavioral health integration in primary care."

Section 7 of this bill states that subject to appropriation, the Health Care Authority should implement a rate with "the intention that it will increase the availability of behavioral health services and incentivize adoption of the primary care behavioral health model." The section further states that the rate should "provide increased reimbursement to providers for behavioral health services provided to patients in primary care settings." Section 7 is unnecessary because we do not yet know what funding may be required and no budget has identified funding that corresponds to this section of this bill. This section is therefore premature and the agency does not have the capacity to absorb any new potential costs within its current funding.

“This veto does not impact the substance of the bill. I agree that we must increase access to behavioral health services; this is a priority the state has been deeply engaged in for some time. In addition, while I am vetoing Section 7, I am directing the Health Care Authority once the payment code review is done as required in the substance of the bill, to recommend an appropriate reimbursement rate for providers for this work, and report any projected costs to the appropriate committees of the legislature and myself by October 15, 2017, and submit a decision package for consideration as part of next year's supplemental budget.”

For these reasons I have vetoed Section 7 of Substitute Senate Bill No. 5779. With the exception of Section 7, Substitute Senate Bill No. 5779 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 9, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Senate Bill No. 5266

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 9th day of May, 2017.

(Seal) /s/  
MARK NEARY

Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 5, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 5266 entitled:

"AN ACT Relating to theft of rental property."

Engrossed Senate Bill No. 5266 creates a new criminal offense for a person who fails to return rental or lease property at the expiration of the rental or lease period and, after proper notice, fails to return the property within 72 hours and pay the applicable rental charges which have accrued. I have serious concerns with this approach. The bill has the effect of criminalizing debt and would disproportionately affect low-income Washingtonians and their families. These matters could more prudently be handled in a civil setting.

For these reasons I have vetoed Engrossed Senate Bill No. 5266 in its entirety.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MOTION

At 10:27 a.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, May 12, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, May 12, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

May 10, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 10, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5081  
Relating to adoption of the revised uniform law on notarial acts.

Senate Bill No. 5118  
Relating to increasing the personal needs allowance for persons receiving state-financed care.

Substitute Senate Bill No. 5152  
Relating to pediatric transitional care services.

Senate Bill No. 5268  
Relating to notice to the licensee before a concealed pistol license expires.

Senate Bill No. 5336  
Relating to criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.

Engrossed Substitute Senate Bill No. 5388

Relating to the removal of unauthorized persons from certain premises.

Engrossed Substitute Senate Bill No. 5552  
Relating to background checks for firearms sales or transfers, but only with respect to clarifying that the term firearm does not include flare guns and construction tools, clarifying that the term transfer does not include transfers between an entity and its employee or agents for lawful purposes in the ordinary course of business, defining licensed collector and curio or relic, expanding the family member exemption to include loans and parents-in-law and siblings-in-law, providing an ex.

Engrossed Senate Bill No. 5647  
Relating to creating a low-income home rehabilitation revolving loan program.

Senate Bill No. 5691  
Relating to modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person.

Senate Bill No. 5715  
Relating to limiting nursing home direct care payment adjustments to the lowest case mix weights in the reduced physical function groups and authorizing upward adjustments to case mix weights in the cognitive and behavior groups.

Senate Bill No. 5736  
Relating to the expansion of nutrition programs for older adults.

Substitute Senate Bill No. 5806  
Relating to preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MOTION

At 10:02 a.m., on motion of Senator Schoesler, the Senate adjourned until 12:00 o'clock noon Monday, May 15, 2017.

TIM SHELDON, President Pro Tempore of the Senate  
PABLO G. CAMPOS, Deputy Secretary of the Senate



**TWENTY SECOND DAY**

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NOON SESSION

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Senate Chamber, Olympia  
Monday, May 15, 2017

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Mullet, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Mullet, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5938 by Senator Fortunato

AN ACT Relating to clarifying the prohibition of the imposition of a local income tax; amending RCW 36.65.030; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Mullet, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 12:02 p.m., on motion of Senator Mullet, the Senate adjourned until 12:25 p.m. Tuesday, May 16, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**TWENTY THIRD DAY**

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NOON SESSION

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Senate Chamber, Olympia  
Tuesday, May 16, 2017

The Senate was called to order at 12:25 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

May 15, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LISA MARSH, appointed May 12, 2017, for the term ending March 1, 2023, as Member of the Board of Tax Appeals.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9270.

MOTION

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

At 12:26 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, May 19, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**TWENTY SIXTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, May 19, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

MESSAGES FROM THE GOVERNOR

May 16, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2017, Governor Inslee approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5008  
Relating to facilitating compliance with the federal REAL ID act by modifying driver's license and identocard design and fees.

Substitute Senate Bill No. 5018  
Relating to authorizing wheelchair accessible taxicabs access to high occupancy vehicle lanes.

Substitute Senate Bill No. 5046  
Relating to providing public notices of public health, safety, and welfare in a language other than English.

Engrossed Senate Bill No. 5096 - PV  
Relating to transportation funding and appropriations.

Senate Bill No. 5119  
Relating to water-sewer districts.

Engrossed Senate Bill No. 5128  
Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act.

Senate Bill No. 5130  
Relating to increasing marijuana license fees and adding a temporary additional fee on marijuana licenses issued by the Washington state liquor and cannabis board.

Engrossed Substitute Senate Bill No. 5131

Relating to marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, processor wholesale events, certain transfers of plants and seeds, licensing agreements and contracts, residency requirements, and jurisdictional requirements.

Engrossed Substitute Senate Bill No. 5173  
Relating to loss prevention reviews by state agencies.

Engrossed Substitute Senate Bill No. 5198  
Relating to fire suppression methodologies.

Substitute Senate Bill No. 5322  
Relating to patient safeguards in agreements between dentists and third parties that provide support services to dentists.

Senate Bill No. 5331  
Relating to irrigation district administration.

Substitute Senate Bill No. 5346  
Relating to creating a legislative page scholarship program.

Substitute Senate Bill No. 5358  
Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW.

Substitute Senate Bill No. 5402  
Relating to the Cooper Jones bicyclist safety advisory council.

Substitute Senate Bill No. 5435  
Relating to specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.

Senate Bill No. 5454  
Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity and eliminating cross-county restrictions for annexations to a fire protection district.

Substitute Senate Bill No. 5472  
Relating to requiring ballot drop boxes in all communities.

Engrossed Substitute Senate Bill No. 5628  
Relating to fire protection district formation by the legislative authority of a city or town subject to voter approval.

Senate Bill No. 5632  
Relating to organized retail theft.

Substitute Senate Bill No. 5705  
Relating to inspection and review of state contracted behavioral health and recovery agencies.

Substitute Senate Bill No. 5790 - PV  
Relating to the economic development element of the growth management act.

TWENTY SIXTH DAY, MAY 19, 2017

2017 1ST SPECIAL SESSION

Substitute Senate Bill No. 5835  
Relating to promoting healthy outcomes for pregnant women and infants.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

May 17, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2017, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5037 - PV  
Relating to making a fourth driving under the influence offense a felony.

Substitute Senate Bill No. 5289 - PV  
Relating to updating the distracted driving infraction.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Substitute Senate Bill No. 5293

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17<sup>th</sup> day of May, 2017.

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5293 entitled:

"AN ACT Relating to court-based and school-based efforts to promote attendance and reduce truancy."

Engrossed Substitute Senate Bill No. 5293 makes several changes to existing truancy statutes, primarily to address issues resulting from legislative changes to the statutes in the 2015 session. Engrossed Substitute Senate Bill No. 5293 and Second Substitute House Bill No. 1170 were both passed by the Legislature this year and amend several of the same sections of law. The changes cannot all be successfully merged to result in single amendments to the statutes due to conflicting language. A veto will ensure there are not inconsistent amendments to the statutes.

For these reasons I have vetoed Engrossed Substitute Senate Bill No. 5293 in its entirety.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Engrossed Senate Bill No. 5096

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17<sup>th</sup> day of May, 2017.

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 209(9), 215(6), 306(17), 702, 705, and 1303, Engrossed Senate Bill No. 5096 entitled:

"AN ACT Relating to transportation funding and appropriations."

**Section 209(9), pages 21-22, Department of Transportation, Toll Operations and Maintenance** Section 209(9) directs the Department of Transportation's Toll Operations and Maintenance program to study and report to the legislative transportation committees on the potential of converting two staffed tollbooths on the Tacoma Narrows Bridge to unstaffed. No funding was

provided for the study. For this reason, I have vetoed Section 209(9).

**Section 215(6), page 27, Department of Transportation, Highway Maintenance**

Section 215(6) requires the department to create and maintain a separate maintenance budget for the Hood Canal Bridge. The department is not required to maintain separate budgets for other bridges and roads, and this would limit the department's flexibility to manage its budget. For these reasons, I have vetoed Section 215(6).

**Section 306(17), page 43, Department of Transportation, Improvements**

Section 306(17) creates a new I-5/Exit 274 interchange project in Blaine to be funded with \$12,100,000 of Connecting Washington Account-State funds in the 2023-25 biennium. It directs the LEAP transportation document referenced in Section 306(1) to be modified accordingly. The I-5/Exit 274 interchange project in Blaine does not appear in LEAP Transportation Document 2017- 1, nor is there any information about project scope. This LEAP transportation document should not be amended for a project without sufficient information about its scope and cost. For this reason, I have vetoed Section 306(17).

**Section 702, pages 75-76, Settlement Funds Expenditure**

Section 702 provides a legislative finding that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary of the consent decree entered into between the United States, Volkswagen AG, and other parties that settle emission- related claims for certain models of diesel vehicles (commonly referred as the VW Settlement). Accordingly, the section provides that the omnibus capital budget for the Department of Ecology includes necessary provisions to administer the mitigation funds and development of the mitigation plan. The Legislature has not adopted an omnibus capital budget. Therefore, it is not possible to determine at this time what provisions the final capital budget may contain nor whether such provisions will be acceptable. For this reason, I have vetoed Section 702.

I will continue to work with the Legislature to ensure prompt administration of the settlement funds under the terms of the consent decree. I also have directed the departments of Ecology and Transportation to jointly develop the proposed mitigation plan for public comment and submittal to the trustee.

**Section 705, pages 78-79, DUI Fee**

Section 705 amends RCW 46.61.5054. This same statute was amended in two other bills -Section 5 of Senate Bill 5037 and Section 13 of Engrossed Second Substitute House Bill 1614, which I will sign into law on May 16, 2017. The amendment in Engrossed Second Substitute House Bill 1614 renders moot the amendment in Section 705. For this reason, I have vetoed Section 705.

**Section 1303, page 157, Effective Date of Section 705**

Section 1303 enables Section 705 of the transportation budget to take effect if Senate Bill 5037 is enacted by June 30, 2017. Since I am vetoing Section 705, this section is no longer required. For this reason, I have vetoed Section 1303.

For these reasons I have vetoed Sections 209(9), 215(6), 306(17), 702, 705, and 1303 of Engrossed Senate Bill No. 5096.

With the exception of Sections 209(9), 215(6), 306(17), 702, 705, and 1303, Engrossed Senate Bill No. 5096 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Senate Bill No. 5037

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17<sup>th</sup> day of May, 2017.

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Senate Bill No. 5037 entitled:

"AN ACT Relating to making a fourth driving under the influence offense a felony."

Section 5 of this bill increases the \$200 fee assed to alcohol violators by \$50. The revenue is used to fund grants to organizations that operate programs to reduce driving under the influence of alcohol or drugs. This language is nearly identical to Section 13 of Engrossed Second Substitute House Bill 1614, which passed on April 21, 2017, and will soon be signed into law. However, Engrossed Second Substitute House Bill 1614 includes a provision that a minimum of \$300,000 of these grant funds shall support newly established pilot programs for persons with two or more prior offenses in seven years, a preferable approach.

For these reasons I have vetoed Section 5 of Senate Bill No. 5037. With the exception of Section 5, Senate Bill No. 5037 is approved.

Respectfully submitted,

/s/

Jay Inslee  
Governor

TWENTY SIXTH DAY, MAY 19, 2017

2017 1ST SPECIAL SESSION

MESSAGE FROM THE SECRETARY OF STATE

or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Substitute Senate Bill No. 5790

MR. PRESIDENT:

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17th day of May, 2017.

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

Substitute Senate Bill No. 5289

MESSAGE FROM THE GOVERNOR

May 16, 2017

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 17th day of May, 2017.

To the Honorable President and Members,  
The Senate of the State of Washington

(Seal) /s/  
MARK NEARY  
Assistant Secretary of State

Ladies and Gentlemen:

MESSAGE FROM THE GOVERNOR

May 16, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 5790 entitled:

Ladies and Gentlemen:

"AN ACT Relating to the economic development element of the growth management act."

I am returning herewith, without my approval as to Section 5, Substitute Senate Bill No. 5289 entitled:

The Growth Management Act (GMA) provides for a balanced approach between community economic development and the conservation of resource lands, such as farms and forests. Section 3 of this bill undermines that balance by favoring, in certain counties, economic development over the protection of these resource lands.

"AN ACT Relating to updating the distracted driving infraction."

I am committed to supporting economic development across Washington State so all areas and communities thrive. This commitment includes working with legislators and stakeholders on how we better develop the economy of rural and other underserved areas. At the same time, I remain committed to fully supporting the GMA, which has created the framework for thoughtful growth and comprehensive development plans while protecting vital resource lands.

The bill creates a new traffic infraction that prohibits a person from using a personal electronic device while driving a motor vehicle on a public highway. Section 5 creates a delayed implementation date of January 1, 2019. I am vetoing this section because public safety is better served by implementing this bill this year.

During special session, I am willing to consider a more targeted bill that provides some additional flexibility to encourage economic development in rural communities, while maintaining the overall balanced approach within the GMA.

For these reasons I have vetoed Section 5 of Substitute Senate Bill No. 5289. With the exception of Section 5, Substitute Senate Bill No. 5289 is approved.

Over the interim, it would also be helpful to reexamine how we encourage economic development in rural areas. This would be an appropriate topic for the broader review of the GMA as proposed in the Senate and House budgets.

Respectfully submitted,

/s/  
Jay Inslee  
Governor

For these reasons I have vetoed Section 3 of Substitute Senate Bill No. 5790. With the exception of Section 3, Substitute Senate Bill No. 5790 is approved.

MESSAGE FROM THE SECRETARY OF STATE

May 17, 2017

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

Respectfully submitted,

/s/  
Jay Inslee  
Governor

MOTION

MR. PRESIDENT:

On motion of Senator Schoesler, the Senate advanced to the fifth order of business.

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections

INTRODUCTION AND FIRST READING

SB 5939 by Senator Ericksen

AN ACT Relating to promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling; amending RCW 82.16.120, 82.16.130, 82.08.962, 82.08.963, 82.12.962, and 82.12.963; adding new sections to chapter 82.16 RCW; adding new sections to chapter 80.28 RCW; adding a new section to chapter 43.180 RCW; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5940 by Senator Keiser

AN ACT Relating to the presumption of occupational disease for certain employees at the United States department of energy Hanford site; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce, Labor & Sports.

## MOTION

On motion of Senator Schoesler, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

## MOTION

At 10:04 a.m., on motion of Senator Schoesler, the Senate adjourned until 9:45 a.m. Monday, May 22, 2017.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TWENTY NINTH DAY, MAY 22, 2017

2017 1ST SPECIAL SESSION

## TWENTY NINTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Monday, May 22, 2017

The Senate was called to order at 9:46 a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

## MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

## MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

**Department of Agriculture** – “*Pesticide Management Division 2016 Annual Report*” pursuant to 15.58.420 RCW, report date February 1, 2017;

**Department of Commerce** – “*Achieving a Better Life Experience (ABLE), May 2017 Progress Update*” in accordance with Engrossed Substitute House Bill No. 2323, report date May 1, 2017;

**Department of Commerce** – “*Affordable Housing Update 2016 Report*” pursuant to 43.185B.040 RCW, report date March 1, 2017;

**Department of Employment Security** – “*WorkFirst Wage Progression and Returns Report: through first quarter 2016*” pursuant to 74.08A.411 RCW, report date November 30, 2016;

**Department of Employment Security** – “*WorkFirst Wage Progression and Returns Report: through second quarter 2016*” pursuant to 74.08A.411 RCW, report date January 31, 2017;

**Department of Revenue** – “*Local Revitalization Financing Program Report, 2017 Report covering Calendar Year 2016*” pursuant to 82.32.765 RCW, report date May 17, 2017;

**Department of Social & Health Services** – “*WorkFirst Wage Progression and Returns Report, through first quarter 2016*” pursuant to 74.08A.411 RCW, report date November 30, 2016;

**Department of Social & Health Services** – “*WorkFirst Wage Progression and Returns Report, through second quarter 2016*” pursuant to 74.08A.411 RCW, report date January 31, 2017;

**Department of Social & Health Services** – “*Naturalization Services - 2016 Report*” in accordance with Engrossed Substitute Senate Bill No. 6052, report date December 1, 2016;

**Department of Social & Health Services** – “*Refugee and Immigrant Employment Services: Limited English Proficiency (LEP) and Basic Food Employment and Training (BFET), 2016 Report*” in accordance with Engrossed Substitute Senate Bill No. 6052, report date December 1, 2016;

**Department of Social & Health Services** – “*Expansion of Basic Food Employment and Training Program (BFET), 2016 Report*” pursuant to 74.04.535 RCW, report date November 30, 2016;

**Department of Transportation** – “*I-5: JBLM to S. 38th St. HOV Lane Feasibility Study, Summary Report*” in accordance with Engrossed Substitute House Bill No. 2524, report date May 4, 2017;

**Department of Transportation** – “*I-5: JBLM to S. 38th St. HOV Lane Feasibility Study, Technical Report*” in accordance with Engrossed Substitute House Bill No. 2524, report date May 4, 2017;

**Department of Transportation** – “*Capital Projects and Nickel/TPA Projects Quarterly Reports, 2015-17 Biennium Quarter 7*” in accordance with Second Engrossed Substitute House Bill No. 1299, report date May 15, 2017;

**Department of Transportation** – “*Fund Transfers Report, January - March 2017*” in accordance with Engrossed Substitute House Bill No. 2524, report date May 15, 2017;

**Department of Transportation** – “*Fund Transfers Report (Nickel and TPA Accounts), January - March 2017*” in accordance with Engrossed Substitute House Bill No. 2524, report date May 15, 2017.

## MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5941 by Senator Honeyford

AN ACT Relating to prohibiting the use of a mask, hood, or device under certain conditions; adding a new section to chapter 9.91 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

## MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

## MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

## MOTION

Senator Miloscia moved adoption of the following resolution:

SENATE RESOLUTION  
8663

By Senator Miloscia

WHEREAS, 2017 marks the 84th anniversary of the Holodomor, or "murder by starvation," the tragic famine in Ukraine that resulted in the deaths of at least five million men, women, and children; and



WHEREAS, The man-made famine was deliberately caused by the Soviet regime through the confiscation of land, grain, and animals; the blockade of food shipments into the affected areas; and by forcibly preventing the starving population from leaving the region, for the purposes of breaking the resistance of Ukrainian farmers to Soviet authority and destroying Ukraine's national identity; and

WHEREAS, The Holodomor was a genocide committed by Joseph Stalin and the Soviet regime against the people of Ukraine; and

WHEREAS, Until the collapse of the Soviet Union, many denied the existence of the famine because the Soviet Union forbade foreigners from traveling to the Ukrainian countryside during that time and later barred access to government records from the era, and many official records were falsified, lost, or destroyed; and

WHEREAS, The Western journalists and scholars who witnessed the mass starvation and wrote about it were subjected to disparagement and criticism in the West for their reporting of the famine; and

WHEREAS, In 1988, the U.S. Commission on the Ukraine Famine reported to Congress that the victims were "starved to death in a man-made famine" and that "Joseph Stalin and those around him committed genocide against Ukrainians in 1932-1933"; and

WHEREAS, Although the Ukraine famine was one of the most horrific massacres in the 20th century, it remains largely underreported and unknown in the United States and throughout the world; and

WHEREAS, Washington State is now home to the fifth largest Ukrainian-American population in the United States, and Americans with Ukrainian heritage living in Washington State have enriched our state through their leadership and contributions in agriculture, business, academia, government, and the arts; and

WHEREAS, In August 2015, a memorial to the millions who perished in the Ukrainian man-made famine of 1932-33, known as the Holodomor, was erected in Washington D.C., and its dedication ceremony took place on November 7, 2015;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember and honor the millions of victims of the tragic famine that occurred in Ukraine in 1932-1933; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage individual citizens, educators, businesses, groups, organizations, and public institutions to remember the Holodomor on November 26, 2017, with appropriate activities designed to honor the victims and educate residents of Washington State about this tragedy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the U.S. Committee for Ukrainian Holodomor-Genocide Awareness 1932-33, and to the Consulate of Ukraine in Seattle for appropriate distribution.

Senator Miloscia spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

The motion by Senator Miloscia carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced, Valeriy Goloborodko, Honorary Consul of Ukraine in Seattle, Viktor Prokhor, Bishop, Superintendent of National Slavic District Assemblies of God, and Stepan Kasyanyuk, Pastor of Ukrainian Pentecostal Church "Grace", who were seated at the rostrum.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced further guests who were seated in the gallery: Lori Sotelo, Chair of King County Republican Party, Marty McLendon, Chair of Pierce County Republican Party, and Pastor Yuriy Petrus.

#### MOTION

At 9:55 a.m., on motion of Senator Fain, the Senate adjourned until 11:30 a.m. Tuesday, May 23, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**THIRTIETH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Tuesday, May 23, 2017

The Senate was called to order at 11:32 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

**MOTION**

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

May 17, 2017

SGA 9060 RITA E. DILLON, appointed on October 2, 2014, for the term ending October 1, 2018, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Agriculture, Water, Trade & Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnick, Chair; Hawkins, Vice Chair; Chase, Ranking Minority Member; Brown; Honeyford and Takko.

Referred to Committee on Rules for second reading.

May 22, 2017

SGA 9265 J. A. VANDER STOEP, appointed on April 25, 2017, for the term beginning May 1, 2017 and ending June 30, 2020, as Member of the Chehalis Board. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs; Honeyford and Wellman.

Referred to Committee on Rules for second reading.

May 22, 2017

SGA 9268 STEVEN MALLOCH, appointed on May 1, 2017, for the term beginning July 1, 2017 and ending June 30, 2019, as Member of the Chehalis Board. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs; Honeyford and Wellman.

Referred to Committee on Rules for second reading.

**MOTION**

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

**MOTION**

On motion of Senator Fain, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

May 23, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405,  
HOUSE CONCURRENT RESOLUTION NO. 4406,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

**MOTION**

On motion of Senator Fain, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

HCR 4405 by Representatives Sullivan and Kretz  
Returning bills to their house of origin.

Placed on 2<sup>nd</sup> reading.

HCR 4406 by Representatives Sullivan and Kretz  
Adjourning SINE DIE.

Placed on 2<sup>nd</sup> reading.

**MOTION**

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4405 and House Concurrent Resolution No. 4406 were placed on the second reading calendar.

**MOTION**

On motion of Senator Fain, the Senate advanced to the sixth order of business.

**SECOND READING**

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4405.

HOUSE CONCURRENT RESOLUTION NO. 4405 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan and Kretz

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4406.

HOUSE CONCURRENT RESOLUTION NO. 4406 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Fain and without objections, the following measures on the second and third reading calendars were returned to the Committee on Rules:

- SENATE BILL No. 5126,
- SUBSTITUTE SENATE BILL No. 5340,
- SENATE BILL No. 5594,
- SENATE BILL No. 5639,
- SENATE GUBERNATORIAL APPOINTMENT No. 9075,
- SENATE GUBERNATORIAL APPOINTMENT No. 9093,
- SENATE GUBERNATORIAL APPOINTMENT No. 9181,
- SENATE GUBERNATORIAL APPOINTMENT No. 9225,
- and SENATE GUBERNATORIAL APPOINTMENT No. 9259.

MOTION

On motion of Senator Fain, the Journal for the 2017 Special Session of the 65<sup>th</sup> Legislature was approved.

MESSAGE FROM THE HOUSE

May 23, 2017

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4405, the following Senate bills are returned to the Senate:

- SUBSTITUTE SENATE BILL NO. 5001,
- SECOND SUBSTITUTE SENATE BILL NO. 5135,

- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239,
  - SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5294,
  - SUBSTITUTE SENATE BILL NO. 5303,
  - ENGROSSED SENATE BILL NO. 5316,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5431,
  - SENATE BILL NO. 5442,
  - THIRD SUBSTITUTE SENATE BILL NO. 5558,
  - SENATE BILL NO. 5614,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5729,
  - ENGROSSED SENATE BILL NO. 5741,
  - ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5866,
  - SECOND ENGROSSED SENATE BILL NO. 5891,
  - SECOND ENGROSSED SENATE BILL NO. 5893,
- and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Under the provision of House Concurrent Resolution No. 4405, on motion of Senator Fain, the following House measures were returned to the House of Representatives:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,
- HOUSE BILL NO. 1056,
- ENGROSSED HOUSE BILL NO. 1309,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440,
- HOUSE BILL NO. 1452,
- ENGROSSED HOUSE BILL NO. 1506,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,
- HOUSE BILL NO. 1571,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,
- HOUSE BILL NO. 1630,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1661,
- SECOND SUBSTITUTE HOUSE BILL NO. 1777,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783,
- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886,
- ENGROSSED HOUSE BILL NO. 1958,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143,
- and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200.

MESSAGES FROM THE HOUSE

May 23, 2017

MR. PRESIDENT:

The Speaker has signed:

- HOUSE CONCURRENT RESOLUTION NO. 4405,
  - HOUSE CONCURRENT RESOLUTION NO. 4406,
- and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

THIRTIETH DAY, MAY 23, 2017

HOUSE CONCURRENT RESOLUTION NO. 4405,  
HOUSE CONCURRENT RESOLUTION NO. 4406.

2017 1ST SPECIAL SESSION  
CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

MOTION

At 11:43 a.m., on motion of Senator Fain, the 2017 Special Session of the Sixty-Fifth Legislature adjourned SINE DIE.

FIRST DAY

NOON SESSION

Senate Chamber, Olympia  
Tuesday, May 23, 2017

In accordance with Gubernatorial Proclamation 17-09 issued pursuant to Article II, Section 12 and Article III, Section 7 of the Washington State Constitution, the Senate of the 2017 Second Extraordinary Session of the Sixty-Fifth Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol, Olympia at 12:00 o'clock noon, Tuesday, May 23, 2017.

The Senate was called to order at 12:23 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR 17-09

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2017 regular session on April 23, 2017, the 105th day of the session; and

WHEREAS, the Legislature reconvened on April 24, 2017, to continue work on the 2017-2019 biennial operating and critical policy and related bills; and

WHEREAS, the State enters into a new fiscal biennium on July 1, 2017, and State law requires the adoption of a budget providing appropriations for the operation of state government prior to the beginning of the fiscal biennium; and

WHEREAS, work remains to be done with respect to the 2017-19 biennial operating and bills necessary to implement the budget; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Republican Leader, and Senate Democratic Leader, working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Tuesday, May 23, 2017, at 12:00 p.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 23rd day of May, A.D. Two- thousand and Seventeen at Olympia, Washington.

By:

/s/  
Jay Inslee, Governor

(Seal)

BY THE GOVERNOR:

/s/  
Secretary of State

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8405 by Senators Shoesler and Nelson  
Specifying the status of bills, memorials, and resolutions for the 2017 regular, first, and second special sessions of the Sixty-fifth Legislature.

Placed on 2<sup>nd</sup> reading calendar.

MOTION

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8405 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Schoesler and Nelson

Specifying the status of bills, memorials, and resolutions for the 2017 regular, first, and second special sessions of the Sixty-fifth Legislature.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8405.

SENATE CONCURRENT RESOLUTION NO. 8405 having received a majority was adopted by voice vote.

MOTION

At 12:26 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, May 26, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**FOURTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, May 26, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Hunt, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Hunt, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

May 23, 2017

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8405

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

May 25, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,  
HOUSE BILL NO. 1056,

ENGROSSED HOUSE BILL NO. 1309,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,  
HOUSE BILL NO. 1452,

ENGROSSED HOUSE BILL NO. 1506,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,  
HOUSE BILL NO. 1571,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,  
SUBSTITUTE HOUSE BILL NO. 1624,

HOUSE BILL NO. 1630,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1661,

SECOND SUBSTITUTE HOUSE BILL NO. 1777,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 1783,

ENGROSSED HOUSE BILL NO. 1913,

ENGROSSED HOUSE BILL NO. 1958,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 2143,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200,

ENGROSSED HOUSE BILL NO. 2201,

HOUSE BILL NO. 2213,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

On motion of Senator Hunt, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5942 by Senator Conway

Addressing the siting of schools and school facilities outside the urban growth area that serve urban resident students.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Hunt, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 10:02 a.m., on motion of Senator Hunt, the Senate adjourned until 10:00 o'clock a.m. Monday, May 29, 2017.

TIM SHELDON, President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

## SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Monday, May 29, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

## MOTION

On motion of Senator Hunt, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Hunt, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

ESHB 1046 by House Committee on Education (originally sponsored by Representative MacEwen)

AN ACT Relating to certificates of academic and individual achievement; amending RCW 28A.155.045, 28A.155.170, 28A.230.090, 28A.230.122, 28A.230.125, 28A.655.070, 28A.180.100, 28A.195.010, 28A.200.010, 28A.305.130, 28A.320.208, 28A.415.360, and 28A.600.310; adding a new section to chapter 28A.655 RCW; creating a new section; repealing RCW 28A.600.405, 28A.655.061, 28A.655.063, 28A.655.065, 28A.655.066, and 28A.655.068; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

HB 1056 by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Law & Justice.

EHB 1309 by Representatives Steele, Chapman, Kretz and Condotta

AN ACT Relating to removal of land from the current use property tax classification due to certain natural disasters; amending RCW 84.33.145; and reenacting and amending RCW 84.34.108.

Referred to Committee on Ways & Means.

ESHB 1432 by House Committee on Appropriations (originally sponsored by Representatives Robinson, Harris, Jinkins, Pollet, Kilduff, Slatter and Cody)

AN ACT Relating to foundational public health services; amending RCW 43.70.512, 43.70.514, and 43.70.516; adding a new section to chapter 43.70 RCW; repealing RCW 43.70.520; and creating a new section.

Referred to Committee on Ways & Means.

HB 1452 by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter

AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Ways & Means.

EHB 1506 by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew

AN ACT Relating to workplace practices to achieve gender pay equity; amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce, Labor & Sports.

ESHB 1508 by House Committee on Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew)

AN ACT Relating to promoting student health and readiness through meal and nutrition programs; amending RCW 28A.150.205, 28A.235.150, and 28A.235.160; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 1571 by Representatives Reeves, Muri, Ryu, Kilduff, Sawyer, Steele, Macri, Orwall, Tharinger, Chapman, Stanford, Doglio, Fey, Hudgins, Stonier, Frame, Kloba, Springer, J. Walsh, McBride, Ortiz-Self, Riccelli and Slatter

AN ACT Relating to creating a community care and supportive services program for veterans; adding new sections to chapter 43.60A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

ESHB 1600 by House Committee on Appropriations (originally sponsored by Representatives Santos,

SEVENTH DAY, MAY 29, 2017

2017 2ND SPECIAL SESSION

Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton)

AN ACT Relating to increasing the career and college readiness of public school students; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 28C.18 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 1624 by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

AN ACT Relating to working connections child care eligibility for vulnerable children; amending RCW 43.215.135; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1630 by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

AN ACT Relating to allowing minors to consent to share their personally identifying information in the Washington homeless client management information system; and amending RCW 43.185C.180.

Referred to Committee on Ways & Means.

E2SHB 1661 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

AN ACT Relating to creating the department of children, youth, and families; amending RCW 43.215.030, 43.17.010, 43.17.020, 43.06A.030, 43.215.100, 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 28A.150.510, 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051, 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520,

13.40.540, 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 28A.225.010, 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415, 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.06A.100, 43.20A.090, 43.06A.060, 43.06A.070, 43.15.020, 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section to chapter 43.06A RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050, 43.215.060, 43.215.065, 43.215.070, 43.215.080, 43.215.090, 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102, 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130, 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137, 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195, 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215, 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230, 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270, 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307, 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335, 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370, 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415, 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440, 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457, 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476, 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502, 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530, 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550, 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900, 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, 43.215.040, and 44.04.220; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

2SHB 1777 by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

AN ACT Relating to financing early learning facilities to support the needed expansion of early learning classrooms across Washington; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 1783 by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall,



Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and Pollet)

AN ACT Relating to legal financial obligations; amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections.

Referred to Committee on Law & Justice.

EHB 1913 by Representatives Dolan, Van Werven and Haler  
AN ACT Relating to creating a leasehold excise tax exemption for certain leasehold interests in facilities owned or used by schools, colleges, or universities; reenacting and amending RCW 82.29A.130; and creating a new section.

Referred to Committee on Higher Education.

EHB 1958 by Representatives Harmsworth, Young, Rodne and Stanford

AN ACT Relating to regional transit authority property taxes imposed on less than a whole parcel; amending RCW 81.104.175; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 2114 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Pollet)

AN ACT Relating to protecting consumers from charges for out-of-network health services; amending RCW 48.43.005, 48.43.093, and 41.05.017; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

E2SHB 2143 by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)

AN ACT Relating to expanding opportunities for higher education students; amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW.

Referred to Committee on Ways & Means.

ESHB 2200 by House Committee on Technology & Economic Development (originally sponsored by Representatives Hansen, Taylor, Smith, Buys, Harmsworth, Graves, Maycumber, J. Walsh, Kraft, Haler, Condotta, Nealey, Bergquist, Steele, Van Werven, Stonier, Macri, Farrell,

Cody, Slatter, Tarleton, Senn, Kagi, Pollet, Frame, Chapman, Dye, Hudgins, Stanford, Reeves, Dent, Hayes, Ryu, Peterson, Sells, Kloba, Santos, Johnson, Fitzgibbon, Holy, Ormsby, Caldier, Sawyer, Wylie, Hargrove, Kilduff, Blake, Orcutt, Gregerson, Young, Appleton, Shea, Koster, Morris, Tharinger, Irwin, Muri, Schmick, Volz, Goodman, Clibborn, McCaslin, Pellicciotti, Doglio, Jinkins, Dolan, Kirby, Sullivan, Lytton, Kretz, Riccelli, Rodne, McBride, McCabe and Pettigrew)

AN ACT Relating to protecting the privacy and security of internet users; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

EHB 2201 by Representatives Pellicciotti, Slatter, Reeves, Clibborn, Lovick, Ormsby, Pollet, Kilduff, Kloba, Orwall, Sells, Stanford, Wylie and Senn

AN ACT Relating to the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016 by creating a market value adjustment program to provide a credit based on the difference between the vehicle valuation schedule used by the authority to determine the tax amount under current law and the vehicle valuation schedule in RCW 82.44.035 in a manner that limits the delay of the voter approved 2016 plan; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2213 by Representatives Smith, Haler and Morris

AN ACT Relating to state agency collection, use, and retention of biometric identifiers; amending RCW 40.--.--; providing a contingent effective date; and declaring an emergency.

Held at the desk.

#### MOTION

On motion of Senator Hunt, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 2213 which was held at the desk.

#### MOTION

At 10:03 a.m., on motion of Senator Hunt, the Senate adjourned until 9:25 o'clock a.m. Thursday, June 1, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Thursday, June 1, 2017

The Senate was called to order at 9:25 a.m. by the Acting President Pro Tempore, Senator Shoesler presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

May 23, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALEJANDRO J. SANCHEZ, appointed May 9, 2017, for the term ending February 28, 2021, as Member of the Board of Tax Appeals.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9271.

May 23, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL SIEG, appointed May 23, 2017, for the term ending January 19, 2019, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9272.

May 23, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KATHERINE E. WOLF, appointed May 23, 2017, for the term ending January 19, 2021, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9273.

May 31, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOANG-UYEN T. THORSTENSEN, appointed May 30, 2017, for the term ending January 19, 2021, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9274.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 25, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570,  
SECOND ENGROSSED HOUSE BILL NO. 2107,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5943 by Senator Ericksen

AN ACT Relating to cleaning up contaminated sites across Washington; amending RCW 70.105D.030, 70.105D.040, 70.105D.050, 70.105D.060, 70.105D.070, 70.105D.130, 70.105D.100, 43.41.270, 70.105D.090, 70.94.335, 70.95.270, 70.105.116, 77.55.061, 90.48.039, 90.58.355, 70.105D.055, and 70.105D.080; reenacting and amending RCW 70.105D.170 and 70.105D.020; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.105D RCW; decodifying RCW 70.105D.010 and 70.105D.920; repealing RCW 43.21C.036 and 70.105D.900; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

**SB 5944** by Senator Becker

AN ACT Relating to negligent entrustment by rental car agencies; and amending RCW 46.20.220.

Referred to Committee on Law & Justice.

**ESHB 1388** by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

AN ACT Relating to changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health; amending RCW 43.20A.025, 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, 43.20A.897, 74.04.015, 71.05.026, 71.05.026, 71.05.027, 71.05.040, 71.05.100, 71.05.203, 71.05.203, 71.05.214, 71.05.214, 71.05.215, 71.05.240, 71.05.285, 71.05.320, 71.05.320, 71.05.325, 71.05.325, 71.05.330, 71.05.335, 71.05.340, 71.05.340, 71.05.350, 71.05.380, 71.05.435, 71.05.435, 71.05.510, 71.05.520, 71.05.525, 71.05.560, 71.05.560, 71.05.590, 71.05.590, 71.05.590, 71.05.620, 71.05.620, 71.05.720, 71.05.732, 71.05.740, 71.05.745, 71.05.745, 71.05.750, 71.05.750, 71.05.755, 71.05.760, 71.05.801, 71.05.940, 71.24.015, 71.24.030, 71.24.035, 71.24.037, 71.24.045, 71.24.045, 71.24.061, 71.24.100, 71.24.155, 71.24.160, 71.24.215, 71.24.220, 71.24.240, 71.24.300, 71.24.310, 71.24.320, 71.24.330, 71.24.330, 71.24.340, 71.24.350, 71.24.360, 71.24.370, 71.24.380, 71.24.385, 71.24.400, 71.24.405, 71.24.415, 71.24.420, 71.24.430, 71.24.455, 71.24.460, 71.24.470, 71.24.480, 71.24.490, 71.24.500, 71.24.515, 71.24.520, 71.24.525, 71.24.530, 71.24.535, 71.24.540, 71.24.545, 71.24.555, 71.24.565, 71.24.580, 71.24.590, 71.24.595, 71.24.605, 71.24.610, 71.24.615, 71.24.620, 71.24.625, 71.24.630, 71.24.640, 71.24.645, 71.24.650, 71.24.805, 71.24.810, 71.24.850, 71.24.860, 71.24.902, 71.34.010, 71.34.300, 71.34.365, 71.34.375, 71.34.375, 71.34.380, 71.34.385, 71.34.385, 71.34.390, 71.34.395, 71.34.400, 71.34.400, 71.34.405, 71.34.420, 71.34.420, 71.34.600, 71.34.600, 71.34.610, 71.34.630, 71.34.630, 71.34.640, 71.34.720, 71.34.720, 71.34.760, 71.34.760, 71.34.780, 71.34.780, 71.34.780, 71.34.790, 71.36.025, 71.36.040, 71.36.060, 70.96A.011, 70.96A.020, 70.96A.095, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.148, 70.96A.160, 70.96A.180, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.260, 70.96A.265, 70.96A.915, 70.96B.010, 70.96B.020, 70.96B.030, 70.96B.045, 70.96B.050, 70.96B.070, 70.96B.090, 70.96B.140, 41.05.015, 41.05.021, 41.05A.005, 74.09.050, 74.09.055, 74.09.080, 74.09.120, 74.09.160, 74.09.210, 74.09.220, 74.09.230, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.315, 74.09.325, 74.09.522, 74.09.530, 74.09.540, 74.09.730, 74.09.780, 74.64.010, 74.66.010, 70.02.010, 70.02.230, 70.02.240, 70.02.250, 70.02.260, 70.02.340, 70.02.350, 43.70.080, 43.59.030, 48.21.180, 48.44.240, 48.46.350, 69.50.540, 2.30.020, 2.30.030, 9.41.300, 9.94A.703, 10.05.040, 10.05.050, 18.205.080, 18.88A.020, 46.61.5056, 72.09.350, 72.09.370, 72.09.370, 72.09.380, 72.09.381, 72.09.585, and 74.34.020; reenacting and amending RCW 71.05.020, 71.05.020, 71.05.215,

71.05.240, 71.05.320, 71.05.425, 71.05.445, 71.24.025, 71.24.025, 71.24.600, 71.34.020, 71.34.020, 71.34.720, 71.36.010, 70.02.010, 70.02.230, 42.56.270, and 46.61.5055; adding new sections to chapter 71.24 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 71.34 RCW; adding new sections to chapter 74.09 RCW; creating new sections; recodifying RCW 43.20A.025, 43.20A.065, 43.20A.433, 43.20A.890, 43.20A.892, 43.20A.893, 43.20A.894, 43.20A.896, and 43.20A.897; decodifying RCW 71.24.065; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

**ESHB 1570** by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Macri, Robinson, McBride, Kagi, Sawyer, Tharinger, Doglio, Pollet, Ortiz-Self, Chapman, Cody, Jinkins, Bergquist, Hudgins, Peterson, Senn, Stonier, Riccelli, Frame, Gregerson, Dolan, Tarleton, Ormsby, Ryu, Fey, Fitzgibbon, Goodman, Slatter, Pettigrew, Kloba, Orwall, Appleton, Clibborn, Farrell and Stanford)

AN ACT Relating to expanding access to homeless housing and assistance; amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.060, 43.185C.061, 43.185C.160, and 43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections.

Referred to Committee on Ways & Means.

**2EHB 2107** by Representatives Schmick, Cody and Ormsby

AN ACT Relating to the addition of services for long-term placement of mental health patients in community settings that voluntarily contract to provide the services; amending RCW 71.24.310 and 71.24.380; and adding new sections to chapter 71.24 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
8664

By Senator Liias

WHEREAS, It is the mission of the Boys & Girls Club to inspire and enable all young people to realize their full potential as productive, caring, and responsible citizens; and

WHEREAS, Boys & Girls Club programs and services promote and enhance the development of boys and girls by

TENTH DAY, JUNE 1, 2017

helping them achieve academic success, healthy lifestyles, good character, and citizenship, while providing a safe place to learn and grow; and

WHEREAS, The Mukilteo Boys & Girls Club was established in 1961 and has been a staple to the Mukilteo community for 56 years, offering before and after school programs for childcare, sports, and learning activities; and

WHEREAS, After over fifty years in the same facility, the Mukilteo Boys & Girls Club is breaking ground on the Mukilteo Boys & Girls Club Shin Center; and

WHEREAS, In 2005, Senator Paull Shin, along with our State Representatives, helped ensure Washington state capital funding for 13 acres in Harbour Pointe to be transferred to the City of Mukilteo for ball fields and a new Boys & Girls Club; and in 2015, the capital budget provided 3 million dollars for the construction of the new facility; and

WHEREAS, The new 25,000 square-foot facility at Harbour Pointe will feature two gymnasiums, two ball fields, a state-of-the-art teen center, a technology center, and an undersea exploration center; and

WHEREAS, This new home for the Boys & Girls Club of Mukilteo shall be named in honor of former State Senator Paull Shin, a dedicated public servant and teacher who has demonstrated throughout his life what is possible when children are given the resources and opportunities to succeed;

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NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the groundbreaking of Mukilteo's new Boys & Girls Club, the Shin Center, that will enshrine the enduring legacy of Senator Paull Shin and empower future generations to realize their full potential; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mukilteo Boys & Girls Club, and to Paull Shin and his family.

Senator Fain spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

#### MOTION

At 9:30 a.m., on motion of Senator Fain, the Senate adjourned until 8:30 o'clock a.m. Friday, June 2, 2017.

MARK SCHOESLER, Acting President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**ELEVENTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, June 2, 2017

The Senate was called to order at 8:30 a.m. by the Acting President of the Senate, Senator Schoesler presiding. No roll call was taken.

MOTION

On motion of Senator Braun, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 8:30 a.m., on motion of Senator Braun, the Senate adjourned until 9:20 o'clock a.m. Monday, June 5, 2017.

MARK SCHOESLER, Acting President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**FOURTEENTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Monday, June 5, 2017

The Senate was called to order at 9:21 a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Braun, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Braun, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5945 by Senators Zeiger, Takko and Miloscia

AN ACT Relating to the siting of schools and school facilities; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Braun, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 9:23 a.m., on motion of Senator Braun, the Senate adjourned until 9:00 o'clock a.m. Wednesday, June 7, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**SIXTEENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, June 7, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

**MOTION**

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Fain, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5946 by Senator Fortunato

AN ACT Relating to transitioning The Evergreen State College to a private four-year institution of higher education; adding a new section to chapter 28B.40 RCW; and creating a new section.

Referred to Committee on Higher Education.

**MOTION**

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

**MOTION**

On motion of Senator Fain, the Senate advanced to the eighth order of business.

**MOTION**

Senator Fain moved adoption of the following resolution:

**SENATE RESOLUTION  
8665**

By Senator Fain

WHEREAS, Councilmember Rich Wagner has served on the Auburn City Council since 1990; and

WHEREAS, 2017 marks the conclusion of a 27-year career in local government marked by a commitment to community, investment and infrastructure, and ethical leadership; and

WHEREAS, Councilmember Wagner has demonstrated a commitment to regional governance through positions on six boards and committees including the Puget Sound Regional Council Transportation Policy Board, the Puyallup River

Watershed Forum, the Pierce County Regional Council, and the Valley Regional Fire Authority among others; and

WHEREAS, Prior to a career in local government, Councilmember Wagner graduated from Washington State University with a degree in Mechanical Engineering and went on to earn a Master of Science Degree in Engineering from Santa Clara University; and

WHEREAS, Following his education, Councilmember Wagner enjoyed a successful 45-year career as an engineer working for companies such as IBM, the Tally Corporation, and the Weyerhaeuser Company; and

WHEREAS, Despite a busy work schedule and commitment to local government, Councilmember Wagner and his wife Kay raised four children during their 40 years of marriage; and

WHEREAS, Not only did his lifelong hobby for building things motivate his choice to become an engineer, but it also focused his agenda as a city councilmember towards building infrastructure and relationships; and

WHEREAS, Councilmember Wagner's most memorable accomplishments as a local leader are: Completing a grade separation of the railroad that is an integral part of Auburn's economy, building a stronger relationship with the Muckleshoot Tribe and the City of Auburn, championing the construction of the Auburn Community Center at Les Gove Park, and promoting the arts through the Auburn Performing Arts Center and the Auburn Art Commission's Public Art Program; and

WHEREAS, Councilmember Wagner has said that despite Auburn's population increasing from 25,000 to 80,000 residents during his tenure, the leadership of the Auburn City Council created a city that never lost touch of its small town feel;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Councilmember Rich Wagner for his 27 years of service as a leader and promoter of the City of Auburn, and wish him the greatest success in his future endeavors.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

**SIGNED BY THE PRESIDENT**

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

**SENATE CONCURRENT RESOLUTION NO. 8405.**

**MOTION**

At 9:02 a.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, June 9, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Friday, June 9, 2017

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Schoesler, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Schoesler, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

June 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

OLGY S. DIAZ, reappointed June 5, 2017, for the term ending January 19, 2021, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9275.

June 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

KENNETH W. KENYON JR., reappointed June 5, 2017, for the term ending January 19, 2021, as Member of the Pharmacy Quality Assurance Commission.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Health Care as Senate Gubernatorial Appointment No. 9276.

June 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALYSSA I. NORRIS, appointed June 5, 2017, for the term beginning July 1, 2017 and ending June 30, 2018, as Member, Board of Regents, Washington State University.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9277.

June 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JUSTIN R. PUCKETT, appointed June 5, 2017, for the term beginning July 1, 2017 and ending June 30, 2018, as Member of the The Evergreen State College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9278.

June 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TRISTA R. TRUEMPER, appointed June 2, 2017, for the term beginning July 1, 2017 and ending June 30, 2018, as Member of the Western Washington University Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9279.

June 8, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

DWAYNE G. JOHNSON, reappointed June 5, 2017, for the term ending September 30, 2021, as Member of the Peninsula College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9280.

MOTION

On motion of Senator Schoesler, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Schoesler, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE



June 7, 2017

MR. PRESIDENT:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 8405,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Schoesler, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5947 by Senator Pearson

AN ACT Relating to the Columbia river salmon and steelhead endorsement program; amending 2016 c 223 ss 7, 8, and 9 (uncodified); and declaring an emergency.

Referred to Committee on Natural Resources & Parks.

SB 5948 by Senator Chase

AN ACT Relating to restoring the taxation of intangible property to provide additional funding for public schools; amending RCW 84.36.070, 84.36.110, and 6.13.030; adding a new chapter to Title 84 RCW; creating a new section;

repealing RCW 84.04.150 and 84.36.600; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 5949 by Senator Chase

AN ACT Relating to private school testing and high school graduation requirements; and amending RCW 28A.195.010 and 28A.655.061.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Schoesler, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:04 a.m., on motion of Senator Schoesler, the Senate adjourned until 12:00 o'clock noon Monday, June 12, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**TWENTY FIRST DAY**

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NOON SESSION

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Senate Chamber, Olympia  
Monday, June 12, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5950 by Senator Rivers

AN ACT Relating to protection of information obtained to develop or implement an individual health insurance market

stability program; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.02 RCW; and declaring an emergency.

Referred to Committee on Health Care.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 12:00 p.m., on motion of Senator Fain, the Senate adjourned until 8:50 a.m. Tuesday, June 13, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TWENTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia  
Tuesday, June 13, 2017

The Senate was called to order at 8:50 a.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

June 12, 2017

SB 5945 Prime Sponsor, Senator Zeiger: Addressing the siting of schools and school facilities. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rivers and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes, Ranking Minority Member.

Referred to Committee on Rules for second reading.

June 12, 2017

ESHB 1046 Prime Sponsor, Committee on Education: Concerning certificates of academic and individual achievement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rivers and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Rolfes, Ranking Minority Member.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5951 by Senator Rolfes

AN ACT Relating to providing flexibility in high school graduation requirements and supporting student success during the transition to a federal every student succeeds act-compliant accountability system; amending RCW 28A.230.090, 28A.305.130, 28A.655.068, 28A.655.070, 28A.320.195, and 28A.700.080; adding new sections to chapter 28A.655 RCW; creating a new section; repealing RCW 28A.655.061, 28A.655.063, 28A.655.065, and 28A.655.066; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, House Bill No. 2213 which had been previously held at the desk on May 29, 2017 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
8667

By Senator Fain

WHEREAS, The City of Auburn 4th of July Festival is a longstanding community tradition; and

WHEREAS, The City of Auburn works hard to host an event that focuses on inclusion, patriotism, and fun; and

WHEREAS, The event takes advantage of Les Gove Park, a staple of the community since 1960; and

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WHEREAS, This year's event will feature entertainment, arts and crafts, a car show, inflatable rides, a rock wall, and trampolines to ensure fun for all; and

WHEREAS, The Auburn 4th of July Festival represents the important role city government has in promoting the celebration of one of our nation's most important holidays;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the City of Auburn 4th of July Festival as a longstanding community tradition.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
8668

By Senator Fain

WHEREAS, June 19th is recognized as a celebration of the Emancipation Proclamation and the ending of slavery in the state of Texas; and

WHEREAS, This date is celebrated across the United States as Juneteenth; and

WHEREAS, Juneteenth gives us time to take pause and reflect on the importance of this historic day and the important contributions of African American culture; and

WHEREAS, The Kent Black Action Commission is a local organization that works to improve awareness of and find solutions to issues important to African Americans in the Kent community around politics, health, social issues, and education; and

WHEREAS, The Kent Black Action Commission promotes citizenship each year with an annual student trip to the Washington State Capitol on Martin Luther King, Jr. Day; and

WHEREAS, The Kent Black Action Commission recognizes the importance of Juneteenth as part of our nation's history and each year hosts celebration featuring song, dance, recognition of local students, and sharing of African American culture with the local community; and

WHEREAS, This year's celebration will take place in Morrill Meadows Park in Kent and features the talents of local jazz guitarist Michael Powers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Kent Black Action Commission for leading efforts to Juneteenth in the city of Kent and for its years of dedication and service to the Kent Community.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

At 8:58 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:06 p.m. by President Pro Tempore Sheldon. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Ms. Sienna Foster and Ms. Jennifer Minich, presented the Colors. The President Pro Tempore led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Kirk Pearson, 39th Legislative District, Monroe.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION  
8666

By Senators Liias, McCoy, Nelson, Hobbs, Takko, Pedersen, Keiser, Rolfes, Kuderer, Saldaña, Palumbo, Hunt, Darneille, Conway, Frockt, Carlyle, Mullet, and Billig

WHEREAS, Mike Lowry was the 20th Governor of Washington State, serving from 1993 to 1997; and

WHEREAS, Lowry was born and raised in Whitman County Washington, in the town of St. John, and graduated from Washington State University in 1962; and

WHEREAS, Lowry began his 19-year political career in 1975 when he was elected to the King County Council, and, in 1979, was elected as a member of U.S. House of Representatives from Washington's 7th district where he served for 10 years; and

WHEREAS, While in congress, Lowry sponsored legislation to provide restitution for more than 110,000 Japanese-Americans and Aleuts interned during World War II, which was the first piece of legislation to address this in our nation's history; and

WHEREAS, Lowry was a leader in passing the 1984 Washington Wilderness Act, worked to protect our state's maritime habitat, and pushed to require safety equipment on commercial fishing vessels; and

WHEREAS, Lowry garnered respect from both political parties with his straight-forward nature, honesty, and willingness to reach across the aisle; and

WHEREAS, Lowry was a staunch protector of the environment and went on to found and cochair the Washington Wildlife and Recreation Coalition with Governor Dan Evans; and

WHEREAS, Lowry will forever be remembered for his compassion towards the HIV/AIDS epidemic and for being one of the earliest advocates seeking funding to address the crisis; and

WHEREAS, Lowry revolutionized our state health care system by tying premiums to a family or an individual's ability to pay, and opening up coverage to low-income and middle-income families across Washington; and

WHEREAS, Family, friends, and colleagues will forever have fond memories of Lowry's annual summer shrimp feeds; and

WHEREAS, After his retirement from public service, Lowry continued his service to the State of Washington by doing pro bono work for many nonprofit and charitable organizations, including Washington Agricultural Families Assistance, which advocates for building affordable housing for migrant farm workers; and

WHEREAS, Mike Lowry is survived by his wife Mary, daughter Diane Lowry Oakes, son-in-law Scott Oakes, grandsons Tyler and Lucas Oakes, sister Suellen Lowry, nephews Keith Vertrees and Matthew Hibschman, and niece Ann Vertrees;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor former Governor Mike Lowry for a life truly dedicated to public service, during which he

exemplified the attributes of courage, fairness, compassion, and forthrightness in service to the citizens of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mike Lowry's family.

Senators Liias, Hunt, Fain, Schoesler, Chase and Walsh spoke in favor of adoption of the resolution.

#### REMARKS BY THE PRESIDENT

President Pro Tempore Sheldon: "The President would just like to take a moment to have a couple of remembrances about Governor Lowry. I think Governor Lowry was the second governor that I served with, of five governors. He was always open to new ideas. That is what really impressed me. He was such a friendly person and gregarious is an understatement for Governor Lowry. Senator Schoesler mentioned the Mariners stadium. That was an interesting time for the Legislature. It was a special session like this, but called for three days and Governor Lowry worked both sides. He was very committed to this project with Senator Slade Gorton, and it is amazing that it did happen, and I think people are reaping those benefits a long time after the bill was passed. He was also very good at looking at state government and trying to consolidate. At that time we had an office of community development, one of trade and economic development, and that consolidation saved the state a lot of money and worked well. So, thank you."

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Lowry family who were seated in the gallery: Mary Lowry (wife), Diane Lowry Oakes (daughter), Scott Oakes (son-in-law), Lucas Oakes (grandson) and Tyler Oakes (grandson).

#### MOTION

At 1:30 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator Wellman announced a meeting of the Democratic Caucus.

The Senate was called to order at 3:37 p.m. by President Pro Tempore Sheldon.

#### MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Pedersen moved that MICHAEL S. SHIOSAKI, Gubernatorial Appointment No. 9184, be confirmed as a member of the Recreation and Conservation Funding Board.

Senator Pedersen spoke in favor of the motion.

#### APPOINTMENT OF MICHAEL S. SHIOSAKI

#### MOTION

On motion of Senator Saldaña, Senator McCoy was excused.

The President Pro Tempore declared the question before the Senate to be the confirmation of MICHAEL S. SHIOSAKI, Gubernatorial Appointment No. 9184, as a member of the Recreation and Conservation Funding Board.

The Secretary called the roll on the confirmation of MICHAEL S. SHIOSAKI, Gubernatorial Appointment No. 9184, as a member of the Recreation and Conservation Funding Board and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator McCoy

MICHAEL S. SHIOSAKI, Gubernatorial Appointment No. 9184, having received the constitutional majority was declared confirmed as a member of the Recreation and Conservation Funding Board.

#### MOTION

Senator Wellman moved that RITA E. DILLON, Gubernatorial Appointment No. 9060, be confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

Senators Wellman and Warnick spoke in favor of passage of the motion.

#### APPOINTMENT OF RITA E. DILLON

The President Pro Tempore declared the question before the Senate to be the confirmation of RITA E. DILLON, Gubernatorial Appointment No. 9060, as a member of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of RITA E. DILLON, Gubernatorial Appointment No. 9060, as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator McCoy

RITA E. DILLON, Gubernatorial Appointment No. 9060, having received the constitutional majority was declared

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confirmed as a member of the Small Business Export Finance Assistance Center Board of Directors.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

Senators Warnick and Padden spoke in favor of passage of the bill.

Senator Carlyle spoke against passage of the bill.

#### SECOND READING

HOUSE BILL NO. 2213, by Representatives Smith, Haler and Morris

Concerning state agency collection, use, and retention of biometric identifiers.

The measure was read the second time.

#### MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 2213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Pedersen spoke in favor of passage of the bill.

Senator Wellman spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2213.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2213 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hunt

Excused: Senator McCoy

HOUSE BILL NO. 2213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Takko, Ericksen, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden)

Ensuring that water is available to support development.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5239.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

Excused: Senator McCoy

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SECOND ENGROSSED SENATE BILL NO. 5891, by Senators Zeiger and Conway

Eliminating the use of the high school science assessment as a graduation prerequisite. (REVISED FOR ENGROSSED: Delaying the use of the high school science assessment as a graduation prerequisite.)

The bill was read on Third Reading.

Senators Zeiger, Rolfes and Kuderer spoke in favor of passage of the bill.

Senators Liias, Chase and Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5891.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Kuderer, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hasegawa, Hunt, Liias and Saldaña

Excused: Senator McCoy

SECOND ENGROSSED SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

SECOND ENGROSSED SENATE BILL NO. 5893, by Senators O'Ban, Rossi, Becker, Rivers, Miloscia, King, Bailey, Braun, Wilson, Walsh, Zeiger, Angel, Warnick, Brown, Honeyford, Fortunato, Pearson, Padden, Fain, Schoesler and Hawkins

Concerning the administration of motor vehicle excise taxes by regional transit authorities.

The bill was read on Third Reading.

Senator O'Ban spoke in favor of passage of the bill.

### PARLIAMENTARY INQUIRY

Senator Keiser: "Thank you. I am wondering, I am looking at a piece of paper on my desk that was passed out, apparently it was from Senator Liias, about this bill. It's on this bill and appears to provide for another version of tax relief for our citizens in the district, and I just thought that is it not appropriate to consider amendment 290 considering that it is another approach that might very well address that same problem in a less difficult way for Sound Transit."

### RULING BY THE PRESIDENT

President Pro Tempore Sheldon: "Senator Keiser, I believe that someone would have to make a motion to suspend the rules and go to second reading in order to have that amendment considered. This amendment is out of order right now, we are on third reading."

### MOTION

On motion of Senator Mullet, Senator Saldaña was excused.

Senator Hobbs spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5893.

### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Takko, Van De Wege and Wellman

Excused: Senators McCoy and Saldaña

SECOND ENGROSSED SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 5517, by Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser and Schoesler

Concerning rail dependent uses for purposes of the growth management act and related development regulations.

The bill was read on Third Reading.

### MOTION

On motion of Senator Wilson, the rules were suspended and Engrossed Senate Bill No. 5517 was returned to second reading for the purpose of amendment.

### MOTION

Senator Wilson moved that the following floor striking amendment no. 289 by Senator Wilson be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1382.** The legislature recognizes that it enacted the rail preservation program because railroads provide benefits to state and local jurisdictions that are valuable to economic development, highway safety, and the environment. The Washington state freight mobility plan includes the goal of supporting rural economies farm-to-market, manufacturing, and resource industry sectors. The plan makes clear that ensuring the availability of rail capacity is vital to meeting the future needs of the Puget Sound region. Rail-served industrial sites are a necessary part of a thriving freight mobility system, and are a key means of assuring that food and goods from rural areas are able to make it to people living in urban areas and international markets. Planned and effective access to railroad services is a pivotal aspect of transportation planning. The legislature affirms that it is in the public interest to allow economic development infrastructure to occur near rail lines as a means to alleviate strains on government infrastructure elsewhere. Therefore, the legislature finds that there is a need for counties and cities to improve their planning under the growth management act to provide much needed infrastructure for freight rail dependent uses adjacent to railroad lines.

**Sec. 1383.** RCW 36.70A.030 and 2012 c 21 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(6) "Department" means the department of commerce.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(10) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((40))~~ (11) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((44))~~ (12) "Minerals" include gravel, sand, and valuable metallic substances.

~~((42))~~ (13) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((43))~~ (14) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((44))~~ (15) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

~~((45))~~ (16) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

~~((46))~~ (17) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

~~((47))~~ (18) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

~~((48))~~ (19) "Short line railroad" means those railroad lines designated Class II or Class III by the United States surface transportation board.

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((49))~~ (21) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral



resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((20))~~ (22) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((21))~~ (23) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**Sec. 1384.** RCW 36.70A.060 and 2014 c 147 s 2 are each amended to read as follows:

(1)(a) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Any county located to the west of the crest of the Cascade mountains that has both a population of at least four hundred thousand and a border that touches another state, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(c) Each county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b), and each city within such county, shall adopt development regulations within one year after the adoption of the resolution of partial planning to assure the conservation of agricultural, forest, and mineral resource lands

designated under RCW 36.70A.170. Regulations adopted under this subsection (1)(c) must comply with the requirements governing regulations adopted under (a) of this subsection.

(d)(i) A county that adopts a resolution of partial planning under RCW 36.70A.040(2)(b) and that is not in compliance with the planning requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution is adopted must, by January 30, 2017, apply for a determination of compliance from the department finding that the county's development regulations, including development regulations adopted to protect critical areas, and comprehensive plans are in compliance with the requirements of this section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172. The department must approve or deny the application for a determination of compliance within one hundred twenty days of its receipt or by June 30, 2017, whichever date is earlier.

(ii) If the department denies an application under (d)(i) of this subsection, the county and each city within is obligated to comply with all requirements of this chapter and the resolution for partial planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

(iii) A petition for review of a determination of compliance under (d)(i) of this subsection may only be appealed to the growth management hearings board within sixty days of the issuance of the decision by the department.

(iv) In the event of a filing of a petition in accordance with (d)(iii) of this subsection, the county and the department must equally share the costs incurred by the department for defending an approval of determination of compliance that is before the growth management hearings board.

(v) The department may implement this subsection (~~((~~))~~(1)~~(d) by adopting rules related to determinations of compliance. The rules may address, but are not limited to: The requirements for applications for a determination of compliance; charging of costs under (d)(iv) of this subsection; procedures for processing applications; criteria for the evaluation of applications; issuance and notice of department decisions; and applicable timelines.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

**Sec. 1385.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as

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provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering,

density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(45)~~) (16). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as

long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(15)~~) (16). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination

between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW

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36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. ~~((The element may include the provisions in section 3 of this act.))~~ A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 1386.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to read as follows:

(1) The transportation element required by RCW 36.70A.070 may include, in addition to improvements or strategies to accommodate the impacts of development authorized under RCW 36.70A.070(6)(b), multimodal transportation improvements or strategies that are made concurrent with the development. These transportation improvements or strategies may include, but are not limited to, measures implementing or evaluating:

(a) Multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and

(b) Modal performance standards meeting the peak and nonpeak hour capacity performance standards.

(2) Any county located to the west of the crest of the Cascade mountains that has both a population of at least four hundred thousand and a border that touches another state, and any city in such county, may include development of freight rail dependent uses on land adjacent to a short line railroad in the transportation element required by RCW 36.70A.070. Such counties and cities may also modify development regulations to include development of freight rail dependent uses that do not require urban governmental services in rural lands.

(3) Nothing in this section or RCW 36.70A.070(6)(b) shall be construed as prohibiting a county or city planning under RCW 36.70A.040 from exercising existing authority to develop multimodal improvements or strategies to satisfy the concurrency requirements of this chapter.

~~((3))~~ (4) Nothing in this section is intended to affect or otherwise modify the authority of jurisdictions planning under RCW 36.70A.040."

On page 1, line 2 of the title, after "regulations;" strike the remainder of the title and insert "amending RCW 36.70A.030, 36.70A.060, 36.70A.070, and 36.70A.108; and creating a new section."

The President Pro Tempore declared the question before the Senate to be the adoption of floor striking amendment no. 289 by Senator Wilson to Engrossed Senate Bill No. 5517.

The motion by Senator Wilson carried and floor striking amendment no. 289 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Second Engrossed Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, Takko, Short and Baumgartner spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5517.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Frockt, Hunt, Keiser, Lias, Nelson, Pedersen and Ranker

Excused: Senators McCoy and Saldaña

SECOND ENGROSSED SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5522, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Palumbo, Fain and Nelson)

Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

The bill was read on Third Reading.

Senator Palumbo spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden  
Excused: Senators McCoy and Saldaña

SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SENATE BILL NO. 5316, by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown, Zeiger and Wilson

Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

The bill was read on Third Reading.

Senators Fortunato and Hunt spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Billig, Senator Keiser was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa  
Excused: Senators Keiser, McCoy and Saldaña

ENGROSSED SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:46 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Friday, June 16, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

TWENTY FIFTH DAY, JUNE 16, 2017

2017 2ND SPECIAL SESSION

## TWENTY FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Friday, June 16, 2017

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

## MOTION

On motion of Senator Braun, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

There being no objection, the Senate advanced to the first order of business.

## REPORTS OF STANDING COMMITTEES

June 13, 2017

SB 5925 Prime Sponsor, Senator Keiser: Concerning liquor licenses. Reported by Committee on Commerce, Labor & Sports

MAJORITY recommendation: Do pass. Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Keiser, Ranking Minority Member; Conway; Rossi; Saldaña and Wilson.

Referred to Committee on Rules for second reading.

June 14, 2017

SB 5939 Prime Sponsor, Senator Ericksen: Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Short and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Honeyford.

Referred to Committee on Ways & Means.

June 13, 2017

SGA 9261 PHILLIP R. LEMLEY, appointed on April 3, 2017, for the term ending August 2, 2017, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

## MOTION

On motion of Senator Braun, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

## MOTION

On motion of Senator Braun, the Senate advanced to the fourth order of business.

## MESSAGE FROM THE HOUSE

June 14, 2017

MR. PRESIDENT:  
The Speaker has signed:

HOUSE BILL NO. 2213,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

On motion of Senator Braun, the Senate advanced to the fifth order of business.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 2213.

## INTRODUCTION AND FIRST READING

SB 5952 by Senator Padden

AN ACT Relating to addressing the department of corrections early release error; amending RCW 72.09.010, 9.94A.480, 9.94A.585, and 49.60.210; adding new sections to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Law & Justice.

SB 5953 by Senator Walsh

AN ACT Relating to equalizing differences between the liquor industries regarding certain sales of alcohol carrying a private label; and amending RCW 66.28.310, 66.24.140, 66.24.145, 66.24.150, 66.24.055, 66.24.200, and 66.24.250.

Referred to Committee on Commerce, Labor & Sports.

SB 5954 by Senator Short

AN ACT Relating to the economic development element of the growth management act; amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SB 5955 by Senators Kuderer, Wellman, Keiser, Hobbs, Palumbo, Mullet, Lias, Chase, Hasegawa, Darneille, Conway, Cleveland, Nelson, Billig and Takko  
AN ACT Relating to the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016 by creating a market value adjustment program, within the existing 0.8 percent tax rate, to provide a credit based on the difference between the vehicle valuation schedule used by the authority to determine the tax amount under current law and the vehicle valuation schedule in RCW 82.44.035 in a manner that limits the delay of the voter approved 2016 plan; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5956 by Senators Hasegawa, Baumgartner and Chase  
AN ACT Relating to prohibiting the use of superdelegates; amending RCW 29A.56.050; and creating a new section.

Referred to Committee on State Government.

SB 5957 by Senators Chase and Hasegawa  
AN ACT Relating to establishing the healthy Washington program to provide comprehensive universal single-payer health care coverage for all residents of the state; adding a new chapter to Title 43 RCW; and providing a contingent effective date.

Referred to Committee on Health Care.

SB 5958 by Senators Short, Takko, Pearson, Hobbs, Warnick, Cleveland, Brown, Mullet and Ericksen  
AN ACT Relating to expanding the operable intent of RCW 34.05.271 and 34.05.272 to the significant agency actions of the department of natural resources; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

SB 5959 by Senator Chase  
AN ACT Relating to establishing a capital gains tax; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Braun, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Braun, the Senate advanced to the eighth order of business.

MOTION

Senator Braun moved adoption of the following resolution:

SENATE RESOLUTION  
8670

By Senator Fain

WHEREAS, AuburnFest is a new summer community celebration in the City of Auburn; and

WHEREAS, AuburnFest focuses on bringing Auburn citizens together through events and activities that include two entertainment stages, food, crafts and specialty vendors, a car show, and a literary showcase; and

WHEREAS, AuburnFest will officially kick off with the AuburnFest 5K Summer Stride highlighting the essential role of community health; and

WHEREAS, AuburnFest will also pair with the Auburn Days Parade, a decades long tradition featuring local marching bands, drill teams, dancers, and cars; and

WHEREAS, These events serve as a celebration of the City of Auburn and its residents coming together;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize AuburnFest and the Auburn Days Parade as important community events.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8670.

The motion by Senator Braun carried and the resolution was adopted by voice vote.

MOTION

At 9:05 a.m., on motion of Senator Braun, the Senate adjourned until 12:00 o'clock noon Monday, June 19, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TWENTY EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia  
Monday, June 19, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

June 12, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JARON E. REED GODDARD, appointed June 12, 2017 beginning July 1, 2017, for the term ending June 30, 2018, as Member of the University of Washington Board of Regents.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9281.

June 19, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

NAOL D. DEBELE, appointed June 13, 2017 beginning July 1, 2017, for the term ending June 30, 2018, as Member of the Edmonds Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9282.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION  
8671

By Senators Saldaña and Darneille

WHEREAS, More than two and one-half years after President Lincoln's Emancipation Proclamation, enslaved people — men, women, and children — in Galveston, Texas had not yet received word that the enslaved were now free; and

WHEREAS, Juneteenth Independence Day commemorates the day in 1865 when Union soldiers, led by Major General Gordon Granger, arrived in Galveston and issued an order announcing that the Civil War had ended and slaves were free at last; and

WHEREAS, The following year, the freed people of Texas and other Southwestern states celebrated emancipation on June 19th, a tradition that traveled with them as they relocated to new states; and

WHEREAS, Observation of this day began to wane outside of Texas, but was revived, in part, when Coretta Scott King and Reverend Ralph Abernathy held Solidarity Day on June 19, 1968, as part of the Poor People's Campaign, which was organized by Dr. Martin Luther King Jr. before his assassination; and

WHEREAS, Now, more than 150 years after the first celebration, Juneteenth is recognized as an official holiday in 45 states, including the state of Washington; and

WHEREAS, The history behind this celebration should never be forgotten; and

WHEREAS, On Juneteenth we honor the resolve, tenacity, and strength of character demonstrated by former slaves who remain an example for all people of all races, religions, genders, and sexual orientations in the United States; and

WHEREAS, This historical day is also a time to recommit ourselves to the work that remains to be done, work that must be done by all of us; and

WHEREAS, Today, we rededicate ourselves to fight for equality and equity for all with an understanding of the past that must inform our future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the historical significance of Juneteenth Independence Day and encourage the celebration of this holiday every year.

Senators Saldaña and Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8671.

The motion by Senator Saldaña carried and the resolution was adopted by voice vote.

MOTION

At 12:11 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Wednesday, June 21, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate



**THIRTIETH DAY**

**NOON SESSION**

Senate Chamber, Olympia  
Wednesday, June 21, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

**MOTION**

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

June 21, 2017

SB 5947 Prime Sponsor, Senator Pearson: Concerning the Columbia river salmon and steelhead endorsement program. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Hawkins, Vice Chair and McCoy.

Referred to Committee on Ways & Means.

June 20, 2017

SB 5952 Prime Sponsor, Senator Padden: Concerning the department of corrections. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille and Frockt.

Referred to Committee on Rules for second reading.

June 20, 2017

SGA 9253 TONY F. GOLIK, appointed on March 17, 2017, for the term ending August 2, 2019, as Member of the Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel; Darneille and Frockt.

Referred to Committee on Rules for second reading.

**MOTION**

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

**MOTION**

On motion of Senator Fain, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

June 21, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4407,

HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

**MOTION**

On motion of Senator Fain, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5960 by Senator Chase

AN ACT Relating to taxing intangible personal property; repealing RCW 84.36.070; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5961 by Senator Chase

AN ACT Relating to changing the business and occupation tax from a gross receipts tax to a net receipts tax; amending RCW 82.04.220; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5962 by Senator Chase

AN ACT Relating to lowering the property tax levy limit from one percent to zero to prohibit certain annual property tax increases; amending RCW 84.55.005 and 84.55.0101; and declaring an emergency.

Referred to Committee on Ways & Means.

**MOTION**

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

**SUPPLEMENTAL INTRODUCTION AND FIRST READING**

HCR 4407 by Representatives Sullivan and Kretz  
Returning bills to their house of origin.

THIRTIETH DAY, JUNE 21, 2017

2017 2ND SPECIAL SESSION

Placed on 2<sup>nd</sup> Reading Calendar.

HCR 4408 by Representatives Sullivan and Kretz  
Adjourning SINE DIE.

Placed on 2<sup>nd</sup> Reading Calendar.

MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4407 and House Concurrent Resolution No. 4408 were placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4407.

HOUSE CONCURRENT RESOLUTION NO. 4407 having received a majority was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Sullivan and Kretz

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4408.

HOUSE CONCURRENT RESOLUTION NO. 4408 having received a majority was adopted by voice vote.

MOTION

On motion of Senator Fain and without objections, the following measures on the second and third reading calendars, and bills that were held at the desk, were returned to the Committee on Rules:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5038
- SUBSTITUTE SENATE BILL NO. 5064
- SENATE BILL NO. 5164
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5180
- SENATE BILL NO. 5232
- SENATE BILL NO. 5252
- SENATE BILL NO. 5328
- THIRD SUBSTITUTE SENATE BILL NO. 5558
- SENATE BILL NO. 5605
- SENATE BILL NO. 5639
- ENGROSSED SENATE BILL NO. 5720
- SUBSTITUTE SENATE BILL NO. 5768
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5838
- SENATE BILL NO. 5945
- and SENATE GUBERNATORIAL APPOINTMENT NO. 9265

MOTION

On motion of Senator Fain, the Journal for 2017 Second Special Session of the 65<sup>th</sup> Legislature was approved.

MOTION

Under the provision of House Concurrent Resolution No. 4407, on motion of Senator Fain, the following House measures were returned to the House of Representatives:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,
- HOUSE BILL NO. 1056,
- ENGROSSED HOUSE BILL NO. 1309,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
- HOUSE BILL NO. 1452,
- ENGROSSED HOUSE BILL NO. 1506,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570,
- HOUSE BILL NO. 1571,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600,
- SUBSTITUTE HOUSE BILL NO. 1624,
- HOUSE BILL NO. 1630,
- SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1661,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783,
- ENGROSSED HOUSE BILL NO. 1913,
- ENGROSSED HOUSE BILL NO. 1958,
- SECOND ENGROSSED HOUSE BILL NO. 2107,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200,
- ENGROSSED HOUSE BILL NO. 2201.

MESSAGES FROM THE HOUSE

June 21, 2017

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT  
RESOLUTION NO. 4407, the following Senate bills are  
returned to the Senate:

ENGROSSED SECOND SUBSTITUTE SENATE BILL

NO. 5239,

ENGROSSED SENATE BILL NO. 5316,

SECOND ENGROSSED SENATE BILL NO. 5517,

SUBSTITUTE SENATE BILL NO. 5522,

SECOND ENGROSSED SENATE BILL NO. 5891,

SECOND ENGROSSED SENATE BILL NO. 5893,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 21, 2017

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4407,

HOUSE CONCURRENT RESOLUTION NO. 4408.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution  
and Senate Rule 1(5), the President announced the signing of and  
thereupon did sign in open session:

HOUSE CONCURRENT RESOLUTION NO. 4407,

HOUSE CONCURRENT RESOLUTION NO. 4408,

MOTION

At 12:05 p.m., on motion of Senator Fain, the 2017 Second  
Special Session of the Sixty-Fifth Legislature adjourned SINE  
DIE.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIRST DAY

AFTERNOON SESSION

Senate Chamber, Olympia  
Wednesday, June 21, 2017

In accordance with Gubernatorial Proclamation 17-10 issued pursuant to Article II, Section 12 and Article III, Section 7 of the Washington State Constitution, the Senate of the 2017 Third Extraordinary Session of the Sixty-Fifth Legislature of the State of Washington assembled in the Senate Chamber at the State Capitol, Olympia at 12:30 p.m., Wednesday, June 21, 2017.

The Senate was called to order at 12:51 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR 17-10

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2017 regular session on April 23, 2017, the 105th day of the session; and

WHEREAS, the Legislature reconvened on April 24, 2017, to continue work on the 2017- 2019 biennial operating budget, and critical policy and related bills; and

WHEREAS, the Legislature failed to approve the 2017-19 biennial operating budget and bills necessary to implement the budget; and

WHEREAS, the Legislature reconvened on May 23, 2017, to continue work on the 2017- 2019 biennial operating budget and related bills; and

WHEREAS, the Legislature has again failed to approve the 2017-19 biennial operating budget and bills necessary to implement the budget; and

WHEREAS, the State enters into a new fiscal biennium on July 1, 2017; and

WHEREAS, State law requires the adoption of a budget providing appropriations for the operation of state government prior to the beginning of the fiscal biennium; and

WHEREAS, work remains to be done with respect to the 2017-2019 biennial operating budget and bills necessary to implement the budget; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Republican Leader, and Senate Democratic Leader, working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Wednesday, June 21, 2017, at 12:30 p.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 21<sup>st</sup> day of June, A.D. Two-thousand and Seventeen at Olympia, Washington.

By:

/s/  
Jay Inslee, Governor

(Seal)

BY THE GOVERNOR:

/s/  
Greg Lane  
Deputy Secretary of State

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8406 by Senators Schoesler and Nelson  
Specifying the status of bills, memorials, and resolutions for the 2017 regular, first, second, and third special sessions of the Sixty-fifth Legislature.

Placed on 2<sup>nd</sup> reading calendar.

MOTION

On motion of Senator Fain, under suspension of the rules Senate Concurrent Resolution No. 8406 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Schoesler and Nelson

Specifying the status of bills, memorials, and resolutions for the 2017 regular, first, second, and third special sessions of the Sixty-fifth Legislature.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8406.

SENATE CONCURRENT RESOLUTION NO. 8406 having received a majority was adopted by voice vote.

## MOTION

At 12:55 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Friday, June 23, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRD DAY

NOON SESSION

Senate Chamber, Olympia  
Friday, June 23, 2017

The Senate was called to order at 12:01 p.m. by the President Pro Tempore, Senator Sheldon presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

**Washington State Auditor's Office** – “*Financial Statements Audit Report, Bellingham Technical College, Report No. 1019280*” pursuant to 43.09.470 RCW, report date June 1, 2017;

**Health Benefit Exchange** – “*Financial Report for May 2017*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date May 1, 2017;

**Department of Social & Health Services** – “*WorkFirst Maintenance of Effort and Participation Rate, July - September 2016*” pursuant to 74.08A.411 RCW, report date March 1, 2017;

**Department of Social & Health Services** – “*Intensive Parole for High-Risk Juvenile Offenders, 2016 Report*” pursuant to 13.40.212 RCW, report date May 10, 2017;

**Department of Social & Health Services** – “*Racial and Ethnic Disparities in Juvenile Court Evidence-Based Programs*” pursuant to 13.06.050 RCW, report date May 10, 2017;

**Department of Social & Health Services** – “*Seniors and Vulnerable Individuals’ Safety and Financial Crimes Prevention Act*” pursuant to 9.35.005 RCW, report date June 8, 2017;

**Department of Social & Health Services** – “*Child Fatality Report, October - December 2016*” pursuant to 74.13.640 RCW, report date December 31, 2016;

**Department of Social & Health Services** – “*BHO/Early Adopted Integration of Behavioral Health Provider Capacity Report*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date June 1, 2017;

**Department of Transportation** – “*Toll Division Proviso Report, January - March 2017*” in accordance with Engrossed Substitute House Bill No. 2524, report date May 31, 2017; and

**Washington State Health Insurance Pool (WSHIP)** – “*2016 Annual Report*” in accordance with Second Substitute House Bill No. 1338, report date May 31, 2017.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

June 21, 2017

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8406 and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5963 by Senator Honeyford

AN ACT Relating to state general obligation bonds and related accounts.

Referred to Committee on Ways & Means.

SB 5964 by Senator Honeyford

AN ACT Relating to state general obligation bonds and related accounts.

Referred to Committee on Ways & Means.

SB 5965 by Senator Honeyford

AN ACT Relating to the capital budget.

Referred to Committee on Ways & Means.

SB 5966 by Senator Honeyford

AN ACT Relating to the capital budget.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:03 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Monday, June 26, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

SIXTH DAY

NOON SESSION

Senate Chamber, Olympia  
Monday, June 26, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

June 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

STEVEN P. ADELSTEIN, reappointed June 20, 2017, for the term ending September 30, 2021, as Member of the Whatcom Community College Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9283.

June 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LEAH NEMETH, appointed June 20, 2017, for the term ending June 30, 2018, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9284.

June 20, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CIARA A. WHITE, appointed June 20, 2017, for the term ending June 30, 2018, as Member of the Central Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9285.

June 22, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

GARY D. CHANDLER, reappointed June 22, 2017, for the term ending June 30, 2021, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9286.

June 22, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LORETTA S. DEKAY, reappointed June 22, 2017, for the term ending June 12, 2021, as Member of the Columbia River Gorge Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Natural Resources & Parks as Senate Gubernatorial Appointment No. 9287.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
8672

By Senator Fain

WHEREAS, In 1962, Joe Duffie enlisted in the United States Army in Seattle, Washington; he later completed advanced infantry training in Fort Ord, California, where he was commended as most distinguished trainee of his Company; and then went on to the Airborne Course at Fort Bennett, Georgia; and

WHEREAS, Joe went overseas to serve in Korea, where he departed with the rank of Squad Leader; and

THIRD DAY, JUNE 23, 2017

2017 3RD SPECIAL SESSION

WHEREAS, Following discharge, Joe enlisted in the Washington Army National Guard where he served for 31 years; and

WHEREAS, Joe first moved to Tukwila in 1967 and has lived in his current home since 1969; and

WHEREAS, In the Fall of 1981, Joe was elected to the Tukwila City Council and has been reelected with strong public support to 9 terms in office; and

WHEREAS, Joe got involved in public service to improve the quality of life in Tukwila neighborhoods and to improve transparency and accountability in government; and

WHEREAS, Joe continued his commitment to transparency by initiating the "Council Chat" program, which allows residents an opportunity to speak informally with individual Councilmembers; and

WHEREAS, Joe led the City of Tukwila toward being a community focused on diversity and inclusion with a school district that has been touted as the single most diverse in the country; and

WHEREAS, There has never been a stronger advocate for Tukwila's youth than Joe, and his work in the district has led to every student for generations knowing him by name; and

WHEREAS, Joe continues to lead a weekly running program for kids at Tukwila Elementary and Campbell Hill Elementary schools; and

WHEREAS, Joe has a passion for hunting, fishing, and restoring classic cars; and

WHEREAS, Joe and his wife, Jacquelyn, raised their three children: Jacquelyn, Renae, and Kerwin in Tukwila; and

WHEREAS, Upon Joe's retirement the Tukwila City Council will lose a strong voice for progress that has served the citizens of Tukwila for over 35 years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Joe Duffie for his many years of dedicated public service to the City of Tukwila, the State of Washington, and the United States of America.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
8673

By Senator Short

WHEREAS, Don Nelson served the Curlew School District for 38 years; and

WHEREAS, 2017 marks the conclusion of a rewarding 38-year career in education marked by a tremendous commitment to students and investment in their future; and

WHEREAS, Prior to a lifelong career in education, Mr. Nelson graduated from Eastern Washington University with a degree in Education and Physical Education and went on to earn a Masters of Arts in Teaching from Heritage College; and

WHEREAS, He dedicated his entire career to enriching the lives of Curlew students; and

WHEREAS, As a social studies teacher, Mr. Nelson prepared generations of future leaders to live lives of citizenship and civic engagement; and

WHEREAS, Year after year Mr. Nelson routinely put his life on the line performing the district's most dangerous job: Teaching driver's education; and

WHEREAS, Mr. Nelson shared his passion for sports as a coach for Boys and Girls Basketball, Cross Country, and Football;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Don Nelson for his incredible 38 years of service as a teacher and coach for the Curlew School District, and wish him the very best in his retirement.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION  
8674

By Senator Short

WHEREAS, Mr. Charlie Groth has taught and coached students at the Curlew School District since the fall of 1978; and

WHEREAS, 2017 marks the conclusion of a rewarding 39-year career in education marked by an exceptional commitment to students and investment in their future; and

WHEREAS, Prior to his lifelong career in education, Mr. Groth graduated from Eastern Washington University with a degree in Education and went on to earn a Masters of Arts in Teaching from Grand Canyon College; and

WHEREAS, Mr. Groth taught business education where his first classroom consisted of 12 manual typewriters and two brand new electric typewriters; and

WHEREAS, Mr. Groth worked tirelessly over the years to make business education relevant for students in an ever-changing technological environment; and

WHEREAS, Mr. Groth helped create the school website, produced the school newsletter for over 10 years, helped for years in computer repairs and ordering, and helped get the school's business program Microsoft certification testing; and

WHEREAS, Mr. Groth served as athletic director for 17 years and coached 61 high school sports seasons: 18 years as girls basketball coach, 6 years as boys assistant basketball, 3 years cross country, and 34 years softball. He took the girls basketball one time to state and softball 11 times to state; winning the state title in 2007;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Charlie Groth for his outstanding 39 years of service as a teacher and coach at the Curlew School District, and wish him the very best in his retirement.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

SIGNED BY THE PRESIDENT



Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HUNTER G. GOODMAN, Secretary of the Senate

SENATE CONCURRENT RESOLUTION NO. 8406.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Tuesday, June 27, 2017.

CYRUS HABIB, President of the Senate

## SEVENTH DAY

## NOON SESSION

Senate Chamber, Olympia  
Tuesday, June 27, 2017

The Senate was called to order at 12:01 p.m. by the President Pro Tempore of the Senate, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exceptions of Senators Hobbs and Baumgartner.

The Sergeant at Arms Color Guard consisting of Mr. Peter Steelquist and Mr. Jessie Taylor, presented the Colors. The President Pro Tempore led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Phil Fortunato of the 31<sup>st</sup> Legislative District, Auburn, offered the prayer.

## MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5967 by Senator Wilson

AN ACT Relating to Washington state's 529 college savings plans; amending RCW 28B.95.020; and repealing RCW 28B.95.170.

Referred to Committee on Higher Education.

SB 5968 by Senator Ericksen

AN ACT Relating to the funding of oil spill prevention and oil spill response; and amending RCW 82.23B.020 and 90.56.500.

Held at the desk.

## MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5968 which was held at the desk on June 27, 2017.

## MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

## MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION  
8669

By Senators Hunt, Rossi, Frockt, Warnick, Conway, Miloscia, Carlyle, Fortunato, Ranker, Baumgartner, Darneille, Cleveland, Angel, Chase, Nelson, Mullet, McCoy, Zeiger, Hobbs, King, Takko, O'Ban, Pedersen, Keiser, Sheldon, Bailey, Rolfes, Rivers, Kuderer, Saldaña, Schoesler, Palumbo, Wilson, Hasegawa, Fain, Hawkins, Billig, Ericksen, Braun, Short, Brown, Pearson, Walsh, Becker, Honeyford, Liias, Wellman, and Van De Wege

WHEREAS, Marty Brown of Olympia, Washington is retiring after an illustrious and unparalleled 40-year career in public service; and

WHEREAS, Martin Henry Brown was born in Iowa Falls, Iowa, on May 20, 1952, to Velma and Henry Brown; and

WHEREAS, Marty entered a life of public service and involvement at an early age as the son of a high school teacher and an electrician who both served as party precinct captains; and

WHEREAS, Marty further caught the political bug when he had the opportunity to meet Senator George McGovern after being bitten by a dog while doorbelling for the candidate; and

WHEREAS, Marty is an alumnus of Ellsworth Community College and the University of Iowa, where he served as a resident advisor and was a member of the skydiving club; and

WHEREAS, Marty has always been an avid supporter of the Iowa ~~Jayhawks~~ Hawkeyes, known to wax poetic over the wrestling dominance of Dan Gable and the coaching acumen of Hayden Fry and Dr. Tom Davis; and

WHEREAS, After working a short time with the Iowa Legislature, Marty left the snowy plains of Iowa to attend and eventually graduate from law school at the University of Puget Sound; and

WHEREAS, During law school, Marty began working as senate committee staff, spending so much time in Olympia that he unwittingly met one of his professors for the first time midway through the term playing a pickup basketball game; and

WHEREAS, Marty began his career as senate committee staff in 1978, narrowly missing out on PERS 1 eligibility; and

WHEREAS, Marty helped the senate members and staff weather tumultuous times in 1981 when the majority switched early in the legislative session; and

WHEREAS, Marty progressed to Senate Democratic Caucus Attorney, Senate Democratic Staff Director, coach of the infamous Raucous Caucus softball team, and ultimately Secretary of the Senate from 1993 to 1997; and

WHEREAS, Marty was one of many who became an expert volunteer at the Sign Shop; and

WHEREAS, Marty was taught by his cherished friend and mentor, Senator Sid Snyder, that a good story can be told over and over; and

WHEREAS, Marty's rule of response has always been, "If the person asks once, ignore it; twice, remember it; and take it seriously the third time."; and

WHEREAS, Marty himself has learned a story or two in his years of public service, and he tells both of them over and over again; and

WHEREAS, Marty was appointed Director of Legislative Affairs by Governor Gary Locke, and later served as Deputy Chief of Staff and Director of the Office of Financial Management; and

WHEREAS, Under Governor Christine Gregoire, Marty once again served as Director of Legislative Affairs and Director of the Office of Financial Management; and

WHEREAS, While working at his current position as the Executive Director of the State Board of Community and Technical Colleges, Marty helped the system win several coveted grants and awards that moved Washington State community and technical colleges into the national spotlight; and

WHEREAS, Marty's commitment to improving higher education in Washington State facilitated the creation of several valuable applied degree programs, creating new career opportunities for thousands of students; and

WHEREAS, Marty is a well-respected leader and negotiator who managed and guided important and challenging policy initiatives throughout his career, particularly during tough financial times, while maintaining a calm demeanor, sharp sense of humor, and respect for all; and

WHEREAS, Marty earned a reputation far and wide that if "you wanted to get something done in Olympia, you went to see Marty Brown"; and

WHEREAS, Marty is known for being very decisive and never letting moss grow under his feet and for responding to long emails and complicated questions with short answers like Yes, No, Thnx, and Call me; and

WHEREAS, All those who have had the misfortune to follow in Marty's footsteps in the Senate, Governor's Office, and Office of Financial Management have been chagrined that he excelled and set the bar so high in each of the positions he held; and

WHEREAS, Throughout Marty's career in state government, countless individuals have sought and relied upon his unfailingly good advice, sound judgment, and considerable expertise, including parliamentary questions; and

WHEREAS, Marty has been a loyal and trusted friend and mentor to so many; and

WHEREAS, Marty has been married to his beloved wife Kate, who works for the Office of Financial Management, for nearly 35 years; and

WHEREAS, Marty and Kate raised two talented and upstanding sons, Sam and Max, who have followed them into public service, one of whom works for us on senate committee staff; and

WHEREAS, Marty will no doubt be spending ample time in retirement with his five lovely and energetic grandchildren, Maddox, Thomas, Ryder, Rowan, and David, who affectionately know him as "Bah"; and

WHEREAS, Marty is a dedicated and passionate volunteer youth sports coach, teaching his children, grandchildren, and others the values of teamwork, selflessness, fair play, and humility through baseball and basketball;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank and commend Mr. Marty Brown for his many years of outstanding public service and wish him all the best in retirement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Marty Brown, his family, and the members of the State Board of Community and Technical Colleges.

Senators Hunt, Rossi, McCoy, Conway and Bailey spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8669.

The motion by Senator Hunt carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

President Pro Tempore Sheldon: "Marty Brown you have been a wonderful addition to our state government and the two words that come to my mind, after working with you for so long, are confidence and integrity. So thank you very much."

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Marty Brown and Mrs. Kate Lynkins Brown; his son Sam and daughter-in-law Brittani Brown with their sons Tommy and David; and his son Max and daughter-in-law Shannon Brown with their daughter Maddy who were seated in the gallery.

#### MOTION

At 12:23 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 1:01 p.m. by President Pro Tempore Sheldon.

#### MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

#### THIRD READING

SECOND ENGROSSED SENATE BILL NO. 5517, by Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser and Schoesler

Concerning rail dependent uses for purposes of the growth management act and related development regulations.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Wilson, the rules were suspended and Second Engrossed Senate Bill No. 5517 was returned to second reading for the purposes of amendment.

#### MOTION

Senator Short moved that the following floor amendment no. 293 by Senators Short and Wilson be adopted:

On page 8, line 3, after "timelines." insert the following:

"(e) Any county that borders both the Cascade mountains and another country and has a population of less than fifty thousand people, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses."

Senators Short and Takko spoke in favor of adoption of the amendment.

#### MOTION

On motion of Senator Saldaña, Senator Hobbs was excused.

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The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 293 by Senators Short and Wilson on page 8, line 3 to Second Engrossed Senate Bill No. 5517.

The motion by Senator Short carried and floor amendment no. 293 was adopted by voice vote.

## MOTION

On motion of Senator Wilson, the rules were suspended, Third Engrossed Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Short spoke in favor of passage of the bill. Senator Liias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Senate Bill No. 5517.

## ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 2; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Honeyford, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Hunt, Keiser, Liias, McCoy, Nelson, Pedersen, Ranker, Rolfes and Saldaña

Absent: Senators Baumgartner and Frockt

Excused: Senator Hobbs

THIRD ENGROSSED SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## THIRD READING

ENGROSSED SENATE BILL NO. 5720, by Senators Hawkins, Hobbs, Takko, Baumgartner, Sheldon, King, Brown and Schoesler

Addressing the payment of production-based compensation wages for the employment and use of labor in agricultural activities and in the production, handling, and storage of farm products.

The bill was read on Third Reading.

Senator Hawkins spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5720.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

Absent: Senator Baumgartner

Excused: Senator Hobbs

ENGROSSED SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

## THIRD READING

SENATE BILL NO. 5646, by Senators Honeyford, King, Chase, Keiser and Conway

Concerning services provided by residential habilitation centers.

The bill was read on Third Reading.

## MOTION

On motion of Senator Honeyford, the rules were suspended and Senate Bill No. 5646 was returned to second reading for the purpose of amendment.

## MOTION

Senator Honeyford moved that the following floor amendment no. 294 by Senator Honeyford be adopted:

On page 2, beginning on line 1, after "shall" strike all material through "~~persons.~~" on line 3 and insert "continue to operate as a residential habilitation center until such time that the census of permanent residents has reached (~~sixteen~~) eight persons."

On page 2, beginning on line 6, after "~~funds~~," Strike all material through "~~purpose.~~" on line 10 and insert "Upon such time as the facility closes to full residential care, the facility must thereafter operate crisis stabilization beds and only so many respite service beds as the needs of the department-identified catchment area or as emergency placement needs require, subject to the availability of amounts appropriated for this specific purpose."

Senators Honeyford and Cleveland spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 294 by Senator Honeyford on page 2, line 1 to Senate Bill No. 5646.

The motion by Senator Honeyford carried and floor amendment no. 294 was adopted by voice vote.

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5646.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5646 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Rossi

Excused: Senators Baumgartner and Hobbs

ENGROSSED SENATE BILL NO. 5646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SENATE BILL NO. 5316, by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown, Zeiger and Wilson

Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

The bill was read on Third Reading.

Senator Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Hobbs

ENGROSSED SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 1:31 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, June 28, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**EIGHTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, June 28, 2017

The Senate was called to order at 10:01 a.m. by the President Pro Tempore of the Senate, Senator Sheldon presiding. No roll call was taken.

**MOTION**

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Fain, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

June 27, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

**MOTION**

On motion of Senator Fain, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5969 by Senators Keiser, Braun, Hobbs, Mullet and Conway  
AN ACT Relating to increasing transparency in public employee collective bargaining through the posting of the content of bargaining agreements and meetings of the joint committee of employment relations; amending RCW 41.80.010; adding a new section to chapter 43.88 RCW; and adding a new section to chapter 41.80 RCW.

Placed on 2<sup>nd</sup> Reading.

**MOTION**

On motion of Senator Fain, under suspension of the rules Senate Bill No. 5969 was placed on the second reading calendar.

**MOTION**

On motion of Senator Fain, Senate Bill No. 5968 which had been previously held at the desk on June 27, 2017 was referred to the Committee on Energy, Environment & Telecommunications.

**MOTION**

On motion of Senator Fain, the Senate advanced to the eighth order of business.

**MOTION**

Senator Liias moved adoption of the following resolution:

**SENATE RESOLUTION  
8675**

By Senator Liias

WHEREAS, 2017 marks Finland's 100th year of independence and, in honor of its centennial, the Nordic country of 5.5 million people has organized the Finland 100, a year of celebration in which to remember and look forward; and

WHEREAS, Finland's struggle to become independent and maintain that independence is worthy of remembrance and recognition; and

WHEREAS, On December 6, 1917, Finland declared itself an independent republic, repudiating its status as a semiautonomous grand duchy of Russia whose major decisions had been subject to the approval of the tsar; and

WHEREAS, Before coming under Russian rule in 1809, Finland was a part of Sweden for over 600 years, but despite centuries of foreign control, Finland developed and retained its own identity, language, culture, and economy; and

WHEREAS, The Finnish people's desire to be free from an outside empire's authority and to exercise self-determination may be expressed by a phrase famous throughout Finland "Swedes we are not, Russians we will not be, so let us be Finns"; and

WHEREAS, Finland's independence did not come easily or without cost, as the struggle over the control of the government for the new country led to a civil war in 1918 in which more than 37,000 Finns died; and

WHEREAS, Following the civil war, Finland's emphasis on national reconciliation helped strengthen the young republic, and the country experienced rapid social and economic progress; and

WHEREAS, Finland twice defended itself against the Soviet Union during World War II and, though ceding some lands in a peace settlement, was able to maintain its independence; and

WHEREAS, In its 100 years of independence, Finland has transformed itself into a technologically advanced nation, universally recognized for its advanced social welfare policies; outstanding educational system; high standard of living; sophisticated economy; and enviable achievements in music, the arts, and design; all of which have contributed to its repeated ranking among the best places on earth to live;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate December 6, 2017, as the centennial of Finnish independence and encourage all Washingtonians to join in celebrating the Finland 100.

Senators Liias, Pedersen and Fain spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

The motion by Senator Liias carried and the resolution was adopted by voice vote.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Rita Vermala-Koski and Gary London, past presidents of the Seattle Chapter of the Finlandia Foundation, who were seated at the rostrum.

## MOTION

At 10:15 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 4:39 p.m. by Acting President Pro Tempore, Senator Mark Schoesler.

## MOTION

At 4:40 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Thursday, June 29, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Thursday, June 29, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Ms. Amber Hardtke and Mr. Adam York, presented the Colors. Secretary of the Senate, Hunter G. Goodman led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Jacob Pope of First Baptist Church, Tumwater.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

June 28, 2017  
SGA 9050 JOE M. TORTORELLI, appointed on July 1, 2014, for the term ending June 30, 2020, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators King, Chair; Sheldon, Vice Chair; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Ranking Minority Member; Liias and Saldaña.

Referred to Committee on Rules for second reading.

June 28, 2017  
SGA 9117 HESTER SEREBRIN, appointed on December 29, 2015, for the term ending June 30, 2021, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators King, Chair; Sheldon, Vice Chair; Ericksen; Fortunato; Hawkins; O'Ban; Walsh and Wilson.

MINORITY recommendation: That said appointment be confirmed. Signed by Senators Hobbs, Ranking Minority Member; Liias and Saldaña.

Referred to Committee on Rules for second reading.

June 28, 2017  
SGA 9124 SHIV BATRA, appointed on January 12, 2016, for the term ending June 30, 2019, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Walsh and Wilson.

Referred to Committee on Rules for second reading.

June 28, 2017  
SGA 9183 DEBORAH C. YOUNG, reappointed on July 1, 2016, for the term ending June 30, 2022, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Walsh and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5970 by Senator Frockt  
AN ACT Relating to the crisis intervention response team pilot project; adding new sections to chapter 43.101 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Law & Justice.

SB 5971 by Senator Braun  
AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5972 by Senator Braun  
AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5973 by Senator Braun



AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 5974 by Senator Kuderer

AN ACT Relating to the supervision of licensed assistant behavior analysts and certified behavior technicians; amending RCW 18.380.010 and 18.380.050; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SB 5975 by Senator Fain

AN ACT Relating to paid family and medical leave.

Referred to Committee on Ways & Means.

ESHB 2222 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Manweller)

AN ACT Relating to protection of information obtained to develop or implement an individual health insurance market stability program; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.02 RCW; and declaring an emergency.

Held at the desk.

ESHB 2224 by House Committee on Education (originally sponsored by Representatives MacEwen, Dolan, Appleton, Haler, Harris, Sells, Tarleton, J. Walsh, Santos and Doglio)

AN ACT Relating to providing flexibility in high school graduation requirements and supporting student success during the transition to a federal every student succeeds act-compliant accountability system; amending RCW 28A.655.061, 28A.655.065, 28A.305.130, 28A.230.090, 28A.655.061, and 28A.655.068; creating a new section; and declaring an emergency.

Held at the desk.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Engrossed Substitute House Bill No. 2222 and Engrossed Substitute House Bill No. 2224 which were held at the desk.

#### MOTION

On motion of Senator Fain, Engrossed Substitute House Bill No. 2224 which had been previously held at the desk on June 29, 2017 was placed on the 2<sup>nd</sup> reading calendar.

#### MOTION

At 10:07 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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#### AFTERNOON SESSION

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The Senate was called to order at 2:35 p.m. by President Habib.

#### MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

#### MOTION

Senator Short moved adoption of the following resolution:

#### SENATE RESOLUTION 8676

By Senator Short

WHEREAS, Dave Eubank served his country as an Army Special Forces and Ranger officer; and

WHEREAS, He founded the Free Burma Rangers, a humanitarian service movement for oppressed ethnic minorities of all races and religions; and

WHEREAS, He and his wife Karen and three children: Sahale, Suuzanne, and Peter work alongside 70 relief teams comprised of men and women of different ethnicities and faiths united for freedom by a bond of love and service; and

WHEREAS, On June 2, 2017, Dave led a group of volunteer aid workers providing humanitarian relief and medical aid to civilians in Mosul, Iraq; and

WHEREAS, Days before, ISIS fighters had gunned down 30 to 40 civilians trying to flee their neighborhood; and

WHEREAS, After hearing from victims that there were still survivors, Dave and the Free Burma Rangers worked with a team of American and Iraqi soldiers to rescue them; and

WHEREAS, U.S. forces dropped smoke canisters to conceal Dave as he ran through ISIS fire to save a young girl and bring her to safety; and

WHEREAS, Photos and videos of the rescue have grabbed national headlines, and show the bravery and courage humanitarians like Dave and the Free Burma Rangers exemplify every day on the front lines of conflicts around the world; and

WHEREAS, U.S. and Iraqi military forces continue to fight for the peace and prosperity of the innocent civilians threatened by ISIS forces;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Dave Eubank and his family for their heroic efforts in Mosul and the Free Burma Rangers for their dedication to bring help, hope, and love to the people of Burma, Sudan, and Kurdistan, Iraq.

Senators Short and Sheldon spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

The motion by Senator Short carried and the resolution was adopted by voice vote.

#### MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

#### THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Takko, Ericksen, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden)

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Ensuring that water is available to support development.

The bill was read on Third Reading.

MOTION

On motion of Senator Warnick, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5239 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Fain, further consideration of Engrossed Second Substitute Senate Bill No. 5239 was deferred and the bill held its place on the second reading calendar.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5303, by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Rolfes, Chase, Hawkins, Warnick, Bailey and Ranker)

Concerning aquatic invasive species management.

The bill was read on Third Reading.

MOTION

On motion of Senator Honeyford, the rules were suspended and Substitute Senate Bill No. 5303 was returned to second reading for the purpose of amendment.

MOTION

Senator Honeyford moved that the following floor amendment no. 302 by Senator Honeyford be adopted:

On page 1, line 17, after "88.02.640" strike ", 82.16.020,"

Beginning on page 8, line 30, strike the entirety of section 201

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 13, beginning on line 14, after "grants." strike all material through "groups to" on line 18 and insert "State agencies, cities, counties, tribes, special purpose districts, academic institutions, and nonprofit groups are eligible for competitive grants to"

On page 1, line 2 of the title, after "77.120.110", strike 82.16.020,"

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 302 by Senator Honeyford on page 1, line 17 to Substitute Senate Bill No. 5303.

The motion by Senator Honeyford carried and floor amendment no. 302 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Van De Wege spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Chase: "Thank you Mr. President. I wonder if Senator Honeyford would yield to a question?"

President Habib: "He does."

Senator Chase: "Thank you Mr. President. Senator Honeyford, as you know I support this bill. I think it is a very important, necessary bill. I am just curious how much money we are going to have for this project, which is crucial to our waterways, if we just rely on cash?"

Senator Honeyford: "That will be up to the appropriations out of the general fund, state monies. I recall it is \$679,000 for 2017-19, and \$900,000 for the next biennium, but that will be all subject to appropriation and I don't know why they couldn't adopt the other but..."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5303.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5969, by Senators Keiser, Braun, Hobbs, Mullet and Conway

Concerning public employee collective bargaining.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Rossi spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5969.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5252, by Senators Angel and Wilson

Addressing the effectiveness of document recording fee surcharge funds that support homeless programs.

The bill was read on Third Reading.

Senators Angel, Darneille and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5252.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, by Senate Committee on Ways & Means (originally sponsored by Senators Rossi, Kuderer, Palumbo, Braun, Hunt, Fain, O'Ban, Hawkins, Brown, Sheldon, Rivers, Zeiger, Angel, Bailey, Honeyford, Miloscia, Walsh, Wilson, Becker, Warnick, Mullet and Hobbs)

Concerning the capital construction of and bonding for addressing the facilities maintenance backlog for the state parks and recreation commission.

The bill was read on Third Reading.

Senators Rossi and Mullet spoke in favor of passage of the bill. Senator Kuderer spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5838.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Hasegawa, Liias, Nelson, Pedersen and Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5254, by Senators Fain, Palumbo, Zeiger, Angel, Hobbs and Mullet

Ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs.

#### MOTION

On motion of Senator Short, Second Substitute Senate Bill No. 5254 was substituted for Senate Bill No. 5254 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Short moved that the following floor striking amendment no. 299 by Senator Fain be adopted:

Strike everything after the enacting clause and insert the following:

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"Sec. 1387. RCW 36.70A.115 and 2009 c 121 s 3 are each amended to read as follows:

(1) Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

(2) This analysis shall include the reasonable measures findings developed under RCW 36.70A.215, if applicable to such counties and cities.

Sec. 1388. RCW 36.70A.215 and 2011 c 353 s 3 are each amended to read as follows:

(1) Subject to the limitations in subsection ~~((7))~~ (5) of this section, a county shall adopt, in consultation with its cities, countywide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, zoning and development standards, environmental regulations including but not limited to critical areas, stormwater, shoreline, and tree retention requirements; and capital facilities ~~((to the extent necessary))~~ to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection as provided in subsection (3) of this section. The evaluation shall be completed no later than ~~((one))~~ three years prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130. For comprehensive plans required to be updated before 2024, the evaluation as provided in subsection (3) of this section shall be completed no later than two years prior to the deadline for review and, if necessary, update of comprehensive plans. The county and its cities may establish in the countywide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the countywide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

~~(d) ((Provide for the amendment of the countywide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the requirements of this chapter.))~~ Develop reasonable measures to use in reducing the differences between growth and development assumptions and targets contained in the countywide planning policies and county and city comprehensive plans, with the actual development patterns. The reasonable measures shall be adopted, if necessary, into the countywide planning policies and the county or city comprehensive plans and development regulations during the next scheduled update of the plans.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110~~((;~~

~~(b))~~. The zoned capacity of land alone is not a sufficient standard to deem land suitable for development or redevelopment within the twenty-year planning period;

(b) An evaluation and identification of land suitable for development or redevelopment shall include:

(i) A review and evaluation of the land use designation and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical area regulations) impacting development; and other regulations that could prevent assigned densities from being achieved; infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater); and

(ii) Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment. The methodology for conducting a reasonable land market factor shall be determined through the guidance developed in section 3 of this act;

(c) Provide an analysis of county and/or city development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans when growth targets and assumptions are not being achieved. It is not appropriate to make a finding that assumed growth contained in the countywide planning policies and the county or city comprehensive plan will occur at the end of the current comprehensive planning twenty-year planning cycle without rationale;

(d) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

~~((e))~~ (e) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

~~(4) (If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the countywide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to countywide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.~~

~~(5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.~~

~~(b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the countywide planning policies and the comprehensive plans and development regulations of the counties and cities.~~

~~(6)) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection ((7)) (5) of this section to conduct the review and perform the evaluation required by this section.~~

~~((7)) (5) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in ((1995)) 1996 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.~~

~~(6) The requirements of this section are subject to the availability of funds appropriated for this specific purpose. If sufficient funds are not appropriated consistent with the timelines in subsection (2)(b) of this section, counties and cities shall be subject to the review and evaluation program as it existed prior to the effective date of this section.~~

**NEW SECTION. Sec. 1389.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of commerce, through a contract with a land use and economics entity, shall develop guidance for local governments on the review and evaluation program in RCW 36.70A.215. The contract shall be with an entity experienced in serving private and public sector clients which can assist developers and policy makers to understand near-term market realities and long-term planning considerations, and with experience facilitating successful conversations between multiple local governments and stakeholders on complex land use issues. The department of commerce shall enable appropriate public participation by affected stakeholders in the development of the guidance for the appropriate market factor analysis and review and update of the overall buildable lands program. This guidance regarding the market factor methodology and buildable lands program shall be completed by December 1, 2018. The buildable lands guidance shall analyze and provide recommendations on:

(a) The review and evaluation program in RCW 36.70A.215 and changes to the required information to be analyzed within the

program to increase the accuracy of the report when updating countywide planning policies and the county and city comprehensive plans;

(b) Whether a more effective schedule could be developed for countywide planning policies and the county and city comprehensive plan updates to better align with implementing reasonable measures identified through the review and evaluation program, and population projections and census data while maintaining appropriate and timely consideration of planning needs best done through a comprehensive planning process;

(c) A determination on how reasonable measures, based on the review and evaluation program, should be implemented into updates for countywide planning policies and the county and city comprehensive plans;

(d) Infrastructure costs, including but not limited to transportation, water, sewer, stormwater, and the cost to provide new or upgraded infrastructure if required to serve development; cost of development; timelines to permit and develop land; market availability of land; the nexus between proposed densities, economic conditions needed to achieve those densities, and the impact to housing affordability for home ownership and rental housing; and, market demand when evaluating if land is suitable for development or redevelopment. These all have an impact on whether development occurs or if planned for densities will differ from achieved densities;

(e) Identifying the measures to increase housing availability and affordability for all economic segments of the community and the factors contributing to the high cost of housing including zoning/development/environmental regulations, permit processing timelines, housing production trends by housing type and rents and prices, national and regional economic and demographic trends affecting housing affordability and production by rents and prices, housing unit size by housing type, and how well growth targets align with market conditions including the assumptions on where people desire to live;

(f) Evaluating how existing zoning and land use regulations are promoting or hindering attainment of the goal for affordable housing in RCW 36.70A.020(4). Barriers to meeting this goal shall be identified and considered as possible reasonable measures for each county and city, and as part of the next countywide planning policies and county and city comprehensive plan update;

(g) Identifying opportunities and strategies to encourage growth within urban growth areas;

(h) Identifying strategies to increase local government capacity to invest in the infrastructure necessary to accommodate growth and provide opportunities for affordable housing across all economic segments of the community and housing types; and

(i) Other topics identified by stakeholders and the department.

(2) The requirements of this section are subject to the availability of funds appropriated for this specific purpose.

**Sec. 1390.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation

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airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community. In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate

rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW

36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year

investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public

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transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. ~~((The element may include the provisions in section 3 of this act.))~~ A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 1391.** RCW 36.22.179 and 2014 c 200 s 1 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. From September 1, 2012, through June 30, ~~((2019))~~ 2023, the surcharge shall be forty dollars. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Of the remaining eighty-seven and one-half percent, at least forty-five percent must be set aside for the use of private rental housing payments, and the remainder is to be used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, ~~((e))~~ (e) documents recording a state, county, or city lien or satisfaction of lien, or (f) documents recording a water-sewer district lien or satisfaction of a lien for delinquent utility payments.

**Sec. 1392.** RCW 82.46.037 and 2016 c 138 s 4 are each amended to read as follows:

(1) A city or county that meets the requirements of subsection (2) of this section may use the greater of one hundred thousand dollars or twenty-five percent of available funds, but not to exceed one million dollars per year, from revenues collected under RCW 82.46.035 for:

(a) The maintenance of capital projects, as defined in RCW 82.46.035(5); ~~((e))~~

(b) From July 1, 2017, until June 30, 2019, the acquisition, construction, improvement, or rehabilitation of facilities to provide housing for the homeless; or

(c) The planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, improvement, or maintenance of capital projects as defined in RCW 82.46.010(6)(b) that are not also included within the definition of capital projects in RCW 82.46.035(5).

(2) A city or county may use revenues pursuant to subsection (1) of this section if:

(a) The city or county prepares a written report demonstrating that it has or will have adequate funding from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.035(5), identified in its capital facilities plan for the succeeding two-year period; and

(b)(i) The city or county has not enacted, after June 9, 2016, any requirement on the listing or sale of real property; or any requirement on landlords, at the time of executing a lease, to perform or provide physical improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety; ~~((e))~~

(ii) Any local requirement adopted by the city or county under (b)(i) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or a seller or landlord disclosure requirement pursuant to RCW 64.06.080; or

(iii) For a city or county using funds under subsection (1)(b) of this section, the requirements of this subsection apply, except that the date for such enactment under (b)(i) of this subsection is ninety days after the effective date of this section.

(3) The report prepared under subsection (2)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (2)(a) of this section; (b) identify how revenues collected under RCW 82.46.035 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (1) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county



is attributable to revenues under RCW 82.46.035 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.

~~(4) ((The authority to use funds as authorized in this section is in addition to the authority to use funds pursuant to RCW 82.46.035(7), which remains in effect through December 31, 2016.~~

~~(5))~~ For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project.

**Sec. 1393.** RCW 43.21C.440 and 2012 1st sp.s. c 1 s 303 are each amended to read as follows:

(1) For purposes of this chapter, a planned action means one or more types of development or redevelopment that meet the following criteria:

(a) Are designated as planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(b) In conjunction with, or to implement, a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or a fully contained community, a master planned resort, a master planned development, or a phased project, have had the significant impacts adequately addressed:

~~(i) In an environmental impact statement under the requirements of this chapter ((in conjunction with, or to implement, a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or a fully contained community, a master planned resort, a master planned development, or a phased project)); or~~

(ii) In a threshold determination or, where one is appropriate, in an environmental impact statement under the requirements of this chapter, if the planned action contains mixed use or residential development and encompasses an area that:

(A) Is within one-half mile of a major transit stop; or

(B) Will be within one-half mile of a major transit stop no later than five years from the date of the designation of the planned action;

(c) Have had project level significant impacts adequately addressed in a threshold determination or, where one is required under (b) of this subsection or where otherwise appropriate, an environmental impact statement, unless the impacts are specifically deferred for consideration at the project level pursuant to subsection (3)(b) of this section;

(d) Are subsequent or implementing projects for the proposals listed in (b) of this subsection;

(e) Are located within an urban growth area designated pursuant to RCW 36.70A.110;

(f) Are not essential public facilities, as defined in RCW 36.70A.200, unless an essential public facility is accessory to or part of a residential, office, school, commercial, recreational, service, or industrial development that is designated a planned action under this subsection; and

(g) Are consistent with a comprehensive plan or subarea plan adopted under chapter 36.70A RCW.

(2) A county, city, or town shall define the types of development included in the planned action and may limit a planned action to:

(a) A specific geographic area that is less extensive than the jurisdictional boundaries of the county, city, or town; or

(b) A time period identified in the ordinance or resolution adopted under this subsection.

(3)(a) A county, city, or town shall determine during permit review whether a proposed project is consistent with a planned

action ordinance adopted by the jurisdiction. To determine project consistency with a planned action ordinance, a county, city, or town may utilize a modified checklist pursuant to the rules adopted to implement RCW 43.21C.110, a form that is designated within the planned action ordinance, or a form contained in agency rules adopted pursuant to RCW 43.21C.120.

(b) A county, city, or town is not required to make a threshold determination and may not require additional environmental review, for a proposal that is determined to be consistent with the development or redevelopment described in the planned action ordinance, except for impacts that are specifically deferred to the project level at the time of the planned action ordinance's adoption. At least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action and notice of the community meeting required by this subsection (3)(b) must be mailed or otherwise verifiably provided to: (i) All affected federally recognized tribal governments; and (ii) agencies with jurisdiction over the future development anticipated for the planned action. The determination of consistency, and the adequacy of any environmental review that was specifically deferred, are subject to the type of administrative appeal that the county, city, or town provides for the proposal itself consistent with RCW 36.70B.060.

(4) For a planned action ordinance that encompasses the entire jurisdictional boundary of a county, city, or town, at least one community meeting must be held before the notice is issued for the planned action ordinance. Notice for the planned action ordinance and notice of the community meeting required by this subsection must be mailed or otherwise verifiably provided to:

(a) All property owners of record within the county, city, or town;

(b) All affected federally recognized tribal governments; and

(c) All agencies with jurisdiction over the future development anticipated for the planned action.

(5) For purposes of this section, "major transit stop" means a commuter rail stop, a stop on a rail or fixed guideway or transitway system, or a stop on a high capacity transportation service funded or expanded under chapter 81.104 RCW.

NEW SECTION. Sec. 1394. Section 2 of this act expires January 1, 2030."

On page 1, line 3 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 36.70A.115, 36.70A.215, 36.70A.070, 36.22.179, 82.46.037, and 43.21C.440; adding a new section to chapter 36.70A RCW; and providing an expiration date."

Senators Short and Palumbo spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 299 by Senator Fain to Second Substitute Senate Bill No. 5254.

The motion by Senator Short carried and floor striking amendment no. 299 was adopted by voice vote.

#### MOTION

On motion of Senator Short, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5254.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase and Hasegawa

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Braun and Rolfes)

Concerning foster care and adoption support. (REVISED FOR ENGROSSED: Concerning child welfare, foster care, and adoption support. ) Revised for 1st Substitute: Concerning foster care and adoption support.

The bill was read on Third Reading.

MOTION

On motion of Senator O'Ban, the rules were suspended and Engrossed Substitute Senate Bill No. 5890 was returned to second reading for the purpose of amendment.

MOTION

Senator O'Ban moved that the following floor striking amendment no. 300 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1395.** RCW 74.13.270 and 1990 c 284 s 8 are each amended to read as follows:

(1) The legislature recognizes the need for temporary short-term relief for foster parents who care for children with emotional, mental, or physical handicaps. For purposes of this section, respite care means appropriate, temporary, short-term care for these foster children placed with licensed foster parents. The purpose of this care is to give the foster parents temporary relief from the stresses associated with the care of these foster children. The department shall design a program of respite care that will minimize disruptions to the child and will serve foster parents within these priorities, based on input from foster parents, foster parent associations, and reliable research if available.

(2)(a) For the purposes of this section, and subject to funding appropriated specifically for this purpose, short-term care shall include case aides who provide temporary assistance to foster parents as needed with the overall goal of supporting the parental efforts of the foster parents except that this assistance shall not include overnight assistance. The department shall contract with nonprofit community-based organizations in each region to establish a statewide pool of individuals to provide the care described in this subsection. These individuals shall be hired by the nonprofit community-based organization and shall have the appropriate training, background checks, and qualifications as determined by the department. Short-term care as described in this subsection shall be available to all licensed foster parents in the state as funding is available and shall be phased in by geographic region. To obtain the assistance of a case aide for this purpose, the foster parent may request the services from the nonprofit community-based organization and the nonprofit community-based organization may offer assistance to licensed foster families. If the requests for the short-term care provided in this subsection exceed the funding available, the nonprofit community-based organization shall have discretion to determine the assignment of case aides. The nonprofit community-based organization shall report all short-term care provided under this subsection to the department.

(b) Subject to funding appropriated specifically for this purpose, the Washington state institute for public policy shall prepare an outcome evaluation of the short-term care described in this subsection. The evaluation will, to the maximum extent possible, assess the impact of the short-term care services described in this subsection on the retention of foster homes and the number of placements a foster child receives while in out-of-home care as well as the return on investment to the state. The institute shall submit a preliminary report to the appropriate committees of the legislature and the governor by December 1, 2018, that describes the initial implementation of these services and descriptive statistics of the families utilizing these services. A final report shall be submitted to the appropriate committees of the legislature by June 30, 2020. At no cost to the institute, the department shall provide all data necessary to discharge this duty.

(c) Costs associated with case aides as described in this subsection shall not be included in the forecast.

(d) Pursuant to RCW 41.06.142(3), performance-based contracting under (a) of this subsection is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 1396. (1) No later than December 31, 2017, the department of social and health services, in consultation with stakeholders, including child placing agencies, foster parents, foster care advocates, and biological parents shall identify a system of support services to be provided to foster parents to assist foster parents in their parental efforts with foster children and a plan to implement these support services statewide, which may include contracts with community-based organizations.

(2) For the purpose of this section, "support services" shall include, but shall not be limited to, counseling, educational assistance, respite care, and hands-on assistance for children with high-risk behaviors.

(3) The department of social and health services shall submit the final plan, which shall include estimated costs to implement these support services and recommendations for implementing these support services in a phased-in manner to the appropriate committees and the legislature no later than January 15, 2018.

(4) This section expires February 1, 2018.

**NEW SECTION. Sec. 1397.** A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall design and implement an expedited foster licensing process.

(2) The expedited foster licensing process described in this section shall be available to individuals who:

- (a) Were licensed within the last five years;
- (b) Were not the subject of an adverse licensing action or a voluntary relinquishment;
- (c) Seek licensure for the same residence for which he or she was previously licensed provided that any changes to family constellation since the previous license is limited to individuals leaving the family constellation; and

(d) Apply to the same agency for which he or she was previously licensed, with the understanding that the agency must be agreeable to supervise the home.

(3) The department shall make every effort to ensure that individuals qualifying for and seeking an expedited license are able to become licensed within forty days of the department receiving his or her application.

(4) The department shall only issue a foster license pursuant to this section after receiving a completed fingerprint-based background check, and may delay issuance of an expedited license solely based on awaiting the results of a background check.

(5) The department may issue a provisional expedited license pursuant to this section before completing a home study, but shall complete the home study as soon as possible after issuing a provisional expedited license.

(6) The department and its officers, agents, employees, and volunteers are not liable for injuries caused by the expedited foster licensing process.

**Sec. 1398.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are each reenacted and amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with

mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

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(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

**NEW SECTION. Sec. 1399.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Within the department's appropriations, the department shall ensure that a case review panel reviews cases involving dependent children where permanency is not achieved for children within fifteen months after being placed in out-of-home care.

(2) The case review panel shall be comprised of, at a minimum, a lead social services specialist and either the office of the family and children's ombuds or another external organization with child welfare experience.

(3) Beginning September 1, 2018, the panel shall review all cases where, after the effective date of this section, a dependent child reaches fifteen months in out-of-home placement and has not achieved permanency. This review must occur by the child's sixteenth month in out-of-home placement. At each case review, the panel must develop a plan of action, including recommended next steps for the department to take, to achieve permanency.

(4) The department is encouraged to convene the case review panel regularly to review other cases involving dependent children as needed to ensure stability and permanency is achieved and length of stay for children in out-of-home placement is reduced.

**Sec. 1400.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for

two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

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(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

**Sec. 1401.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to read as follows:

The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted. In setting the amount of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary is authorized to establish maximum payment amounts that are reasonable and allow permanency planning goals related to adoption of children under RCW 13.34.145 to be achieved at the earliest possible date. To encourage adoption of children between the ages of fourteen and eighteen, and in particular those children between the ages of fourteen and eighteen who are hard to place for adoption, the secretary is authorized to include as part of any new negotiated adoption agreement executed after the effective date of this section continued eligibility for the Washington college bound scholarship pursuant to RCW 28B.118.010.

The amounts paid for the support of a child pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080 may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing rules and regulations to carry out the provisions of

RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him or her with respect to child welfare.

**Sec. 1402.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to read as follows:

To carry out the program authorized by RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080, the secretary may make continuing payments or lump sum payments of adoption support. In lieu of continuing payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

Consistent with a particular child's needs, continuing adoption support payments shall include, if necessary to facilitate or support the adoption of a special needs child, an amount sufficient to remove any reasonable financial barrier to adoption as determined by the secretary under RCW ~~((74.13.112))~~ 74.13A.025.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by the secretary subject to the provisions of RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080.

**Sec. 1403.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to read as follows:

(1) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection applies prospectively to adoption assistance agreements established on or after July 1, 2013, through June 30, 2017.

(2)(a) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than the following:

(i) For a child under the age of five, no more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(ii) For a child aged five through nine, no more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(iii) For a child aged ten through eighteen, no more than ninety-five percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(b) This subsection applies prospectively to adoption assistance agreements established on or after the effective date of this section.

(3) The department must establish a central unit of adoption support negotiators to help ensure consistent negotiation of adoption support agreements that will balance the needs of adoptive families with the state's need to remain fiscally responsible.

~~((3))~~ (4) The department must request, in writing, that adoptive families with existing adoption support contracts renegotiate their contracts to establish lower adoption assistance payments if it is fiscally feasible for the family to do so. The department shall explain that adoption support contracts may be renegotiated as needs arise.

**Sec. 1404.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; ~~((e))~~

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school

or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**NEW SECTION. Sec. 1405.** A new section is added to chapter 41.04 RCW to read as follows:

(1) The foster parent shared leave pool is created to allow employees to donate leave to be used as shared leave for any employee who is a foster parent needing to care for or preparing to accept a foster child in their home. Participation in the pool shall, at all times, be voluntary on the part of the employee. The department of social and health services, in consultation with the

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office of financial management, shall administer the foster parent shared leave pool.

(2) Employees, as defined in RCW 41.04.655, may donate leave to the foster parent shared leave pool.

(3) An employee, as defined in RCW 41.04.655, who is also a foster parent licensed pursuant to RCW 74.15.040 may request shared leave from the foster parent shared leave pool.

(4) Shared leave under this section may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

(5) Shared leave paid under this section must not exceed the level of the employee's state monthly salary.

(6) Any leave donated must be removed from the personally accumulated leave balance of the employee donating the leave.

(7) An employee who receives shared leave from the pool is not required to recontribute such leave to the pool, except as otherwise provided in this section.

(8) Leave that may be donated or received by any one employee shall be calculated as in RCW 41.04.665.

(9) As used in this section, "monthly salary" includes monthly salary and special pay and shift differential, or the monthly equivalent for hourly employees. "Monthly salary" does not include:

- (a) Overtime pay;
- (b) Call back pay;
- (c) Standby pay; or
- (d) Performance bonuses.

(10) The office of financial management, in consultation with the department of social and health services, shall adopt rules and policies governing the donation and use of shared leave from the foster parent shared leave pool, including definitions of pay and allowances and guidelines for agencies to use in recordkeeping concerning shared leave.

(11) Agencies must investigate any alleged abuse of the foster parent shared leave pool and on a finding of wrongdoing, the employee may be required to repay all of the shared leave received from the foster parent shared leave pool.

(12) Higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions.

**NEW SECTION. Sec. 1406.** A new section is added to chapter 43.06 RCW to read as follows:

Within the office of the governor's appropriations, the governor shall regularly acknowledge the contributions of foster parents to the state of Washington with, at a minimum, a letter signed by the governor. The department of social and health services shall provide to the office of the governor all data necessary to discharge this duty.

**NEW SECTION. Sec. 1407.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The child welfare system improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended solely for the following: (a) Foster home licensing; (b) achieving permanency for children; (c) support and assistance provided to foster parents in order to improve foster home retention and stability of placements; (d) improving and increasing placement options for youth in out-of-home care; and (e) preventing out-of-home placement.

(2) Revenues to the child welfare system improvement account consist of: (a) Legislative appropriations; and (b) any other public or private funds appropriated to or deposited in the account.

**NEW SECTION. Sec. 1408.** RCW 74.13.107 (Child and family reinvestment account—Methodology for calculating savings resulting from reductions in foster care caseloads and per

capita costs) and 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

**NEW SECTION. Sec. 1409.** RCW 74.12.037 (Income eligibility—Unearned income exemption) and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s 4 are each repealed, effective July 1, 2018.

**NEW SECTION. Sec. 1410.** The following acts or parts of acts are repealed:

(1) RCW 43.131.415 (Child and family reinvestment account and methodology for calculating savings—Termination) and 2012 c 204 s 4; and

(2) RCW 43.131.416 (Child and family reinvestment account and methodology for calculating savings—Repeal) and 2013 c 332 s 13 & 2012 c 204 s 5.

**NEW SECTION. Sec. 1411.** Any residual balance of funds remaining in the child and family reinvestment account repealed by section 14 of this act must be transferred to the general fund.

**NEW SECTION. Sec. 1412.** Pursuant to RCW 41.06.142(3), the competitive procurement process and contract provisions in this act are expressly mandated by the legislature and are not subject to the processes of RCW 41.06.142 (1), (4), and (5).

**NEW SECTION. Sec. 1413.** Section 14 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2017.

**NEW SECTION. Sec. 1414.** Section 17 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

**NEW SECTION. Sec. 1415.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1416.** If any part of this act is found to be in conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and federal requirements that are a necessary condition to the receipt of federal funds by the state.

**Sec. 1417.** RCW 26.44.030 and 2017 c 118 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to



be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered

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if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not

limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian (~~sign an agreement~~) agree to participate in services before services are initiated (~~that~~). The department shall inform(~~s~~) the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not (~~sign the consent form~~) agree to participate in services.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may

be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(22) The department shall make available on its public web site a downloadable and printable poster that includes the reporting

requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing.

**NEW SECTION. Sec. 1418.** (1) The department of social and health services, with technical consultation from the caseload forecast council and associated technical work groups, shall review the forecasts of licensed foster care to ensure that all youth in licensed foster care are included in the caseload forecast and that maintenance level costs associated with these youth, not including costs associated with behavioral rehabilitation services, are accurately calculated.

(2) The department of social and health services shall submit a report detailing their findings and any recommendations associated with this review to the governor and the appropriate committees of the legislature no later than December 1, 2017.

(3) This section expires January 1, 2018."

On page 1, line 2 of the title, after "support;" strike the remainder of the title and insert "amending RCW 74.13.270, 74.13.031, 74.13A.025, 74.13A.030, 74.13A.047, 28B.118.010, and 26.44.030; reenacting and amending RCW 43.43.832; adding a new section to chapter 74.15 RCW; adding a new section to chapter 13.34 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 74.13 RCW; creating new sections; repealing RCW 74.13.107, 74.12.037, 43.131.415, and 43.131.416; providing effective dates; providing expiration dates; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 300 by Senator O'Ban to Engrossed Substitute Senate Bill No. 5890.

The motion by Senator O'Ban carried and striking floor amendment no. 300 was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5890 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5890.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5890 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 5239 which had been deferred earlier in the day.

## SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, by Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Takko, Ericksen, Becker, Walsh, Angel, Wilson, Schoesler, Honeyford, Pearson, Brown and Padden)

Ensuring that water is available to support development.

## MOTION

Senator Warnick moved that the following floor striking amendment no. 298 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1419.** RCW 19.27.097 and 2015 c 225 s 17 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, a water well report for a groundwater withdrawal exempt from permitting under RCW 90.44.050 and not prohibited by an applicable water resources management rule adopted by the department of ecology, or another form sufficient to verify the existence of an adequate water supply. ~~((In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.))~~ Providing evidence of an adequate water supply under this subsection does not require impairment review by the applicant or local permitting authority. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing

and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

(3) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsections (1) and (2) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of enterprise services to mediate or, if necessary, make the determination.

~~((3))~~ (4) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

**Sec. 1420.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. In providing for the protection of the quantity of groundwater used for public water supplies under this subsection, a county or city may rely on or refer to applicable water resources management rules adopted by the department of ecology. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the

proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, which may include measures that rely on or refer to applicable water resources management rules adopted by the department of ecology; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

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(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land

use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before

local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 1421.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. In providing for the protection of the quantity of groundwater used for public water supplies under this subsection, a county or city may rely on or refer to applicable water resources management rules adopted by the department of ecology. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth,

agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, which may include measures that rely on or refer to applicable water resources management rules adopted by the department of ecology; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve

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the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the



level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. ~~((The element may include the provisions in section 3 of this act.))~~ A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 1422.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served

by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

(4) In approving a subdivision, dedication, or short subdivision under this chapter, a city, town, or county may rely on or refer to applicable water resources management rules adopted by the department of ecology to determine if appropriate provisions have been made for potable water supplies. Such a determination does not require impairment review by the applicant, city, town, or county.

**Sec. 1423.** RCW 90.03.247 and 2003 c 39 s 48 are each amended to read as follows:

(1) Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect and applicable to the approval at the time of approval, the ~~((permit))~~ approval shall be conditioned to: (a) Protect the levels or flows; (b) comply with applicable mitigation requirements established in the rule setting forth minimum flows or levels; or (c) mitigate impacts to fish or aquatic habitat by providing replacement water rights offsetting the impacts in time and in place, providing replacement water rights resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or water body, or providing other measures designed to mitigate the impact of the water appropriation. Mitigation that does not involve the provision of replacement water rights offsetting impacts in time and in place may be allowed only if the department determines that in-time and in-place water mitigation is not reasonably available and that the proposed mitigation will protect fish and aquatic habitat. An applicant may propose, but the department may not require, mitigation of impacts that are not caused by the applicant's water diversion or withdrawal. This subsection applies to approvals by the department under this chapter and chapters 90.38, 90.42, 90.44, and 90.54 RCW.

(2) No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to ~~((RCW 77.55.100 and))~~ chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of ~~((community, trade, and economic development))~~ commerce, the department of agriculture, and representatives of

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the affected Indian tribes. Nothing herein shall preclude the department of fish and wildlife, the department of ~~((community, trade, and economic development))~~ commerce, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fish and wildlife, the department of ~~((community, trade, and economic development))~~ commerce, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.

**Sec. 1424.** RCW 18.104.055 and 2005 c 84 s 4 are each amended to read as follows:

(1) A fee is hereby imposed on each well constructed in this state on or after July 1, 2005.

(2)(a) The fee for one water well, other than a dewatering well, with a minimum top casing diameter of less than twelve inches is two hundred dollars. This fee does not apply to a ground source heat pump boring or a grounding well.

(b) The fee for one water well, other than a dewatering well, with a minimum top casing diameter of twelve inches or greater is three hundred dollars.

(c) The fee for a resource protection well, except for an environmental investigation well, a ground source heat pump boring, or a grounding well, is forty dollars for each well.

(d) The fee for an environmental investigation well in which groundwater is sampled or measured is forty dollars for construction of up to four environmental investigation wells per project, ten dollars for each additional environmental investigation well constructed on a project with more than four wells. There is no fee for soil or vapor sampling purposes.

(e) The fee for a ground source heat pump boring or a grounding well is forty dollars for construction of up to four ground source heat pump borings or grounding wells per project and ten dollars for each additional ground source heat pump boring or grounding well constructed on a project with more than four wells.

(f) The combined fee for construction and decommissioning of a dewatering well system shall be forty dollars for each two hundred horizontal lineal feet, or portion thereof, of the dewatering well system.

(g) The fee to decommission a water well is fifty dollars.

(h) The fee to decommission a resource protection well, except for an environmental investigation well, is twenty dollars. There is no fee to decommission an environmental investigation well or a geotechnical soil boring.

(i) The fee to decommission a ground source heat pump boring or a grounding well is twenty dollars.

(3) For a well constructed under subsection (2)(a) or (b) of this section, the department must collect an additional fee of three hundred dollars. The amounts collected under this subsection must be used by the department for projects designed to measure or improve stream flow, projects that restore or enhance aquatic habitat, or water infrastructure projects. This fee may not be used in any manner so as to require mitigation when drilling a well constructed under subsection (2)(a) or (b) of this section.

(4) The fees imposed by this section shall be paid at the time the notice of well construction is submitted to the department as provided by RCW 18.104.048. The department by rule may adopt procedures to permit the fees required for resource protection wells to be paid after the number of wells actually constructed has been determined. The department shall refund the amount of any fee collected for wells, borings, probes, or excavations as long as construction has not started and the department has received a refund request within one hundred eighty days from the time the

department received the fee. The refund request shall be made on a form provided by the department.

**Sec. 1425.** RCW 18.104.150 and 1993 c 387 s 20 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, all fees paid under this chapter shall be credited by the state treasurer to the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the fees collected under this chapter shall be allocated and expended by the director for the administration of the well construction, well operators' licensing, and education programs.

(2) The department shall provide grants to local governing entities that have been delegated portions of the well construction program pursuant to RCW 18.104.043 to assist in supporting well inspectors hired by the local governing body. Grants provided to a local governing body shall not exceed the revenues generated from fees for the portion of the program delegated and from the area in which authority is delegated to the local governing body.

(3) All fees collected under RCW 18.104.055(3) must be deposited into the water resources project account created in section 8 of this act. Subject to legislative appropriation, the director shall allocate and expend fees collected under RCW 18.104.055(3) for projects designed to measure or improve stream flow, projects that restore or enhance aquatic habitat, or water infrastructure projects. The director may seek the advice of an advisory committee when allocating or expending fees collected under RCW 18.104.055(3).

NEW SECTION. Sec. 1426. A new section is added to chapter 90.54 RCW to read as follows:

(1) The water resources project account is created in the state treasury. All receipts collected under RCW 18.104.055(3) must be deposited into the account. Moneys in the account may only be spent after appropriation. Moneys in the account may only be used for projects designed to measure or improve stream flow, projects that restore or enhance aquatic habitat, or water infrastructure projects.

(2) Consistent with RCW 43.01.036, the department must submit a report to the legislature by December 1, 2020, that includes:

(a) The amount of fees collected under RCW 18.104.055(3);

(b) How these fees were allocated;

(c) A description of the projects;

(d) An evaluation of the effectiveness of the projects; and

(e) Any recommendations to the legislature regarding the fees collected under RCW 18.104.055(3).

NEW SECTION. Sec. 1427. Section 2 of this act expires July 23, 2017.

NEW SECTION. Sec. 1428. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1429. Except for section 3 of this act, which takes effect July 23, 2017, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 1430. Nothing in this act shall be construed to affect the ability of any person to pursue a cause of action cognizable under Washington state law for the protection of the person's water right."

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 19.27.097, 36.70A.070, 36.70A.070, 58.17.110, 90.03.247, 18.104.055, and 18.104.150; adding a new section to chapter 90.54 RCW; creating

a new section; providing an effective date; providing an expiration date; and declaring an emergency."

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Carlyle and without objection, the following floor amendment no. 303 by Senators Carlyle, Chase, McCoy, Mullet and Van De Wege on page 1, line 10 to floor striking amendment no. 298 was withdrawn.

Beginning on page 1, line 10 of the amendment, after "water," strike all material through "right." on page 22, line 13 and insert "(or) another form sufficient to verify the existence of an adequate water supply, or, until December 31, 2018, and except in the areas listed in subsection (4) of this section, a water well report for a groundwater withdrawal exempt from permitting under RCW 90.44.050 and not prohibited by an applicable water resources management rule adopted by the department of ecology. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of enterprise services to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

(4) A water well report for a groundwater withdrawal exempt from permitting under RCW 90.44.050 and not prohibited by an applicable water resources management rule adopted by the department of ecology may not be used as evidence of an adequate water supply for a building necessitating potable water in the following areas: Water resource inventory areas subject to a federally administered adjudication; water resource inventory areas with instream flow rules adopted pursuant to chapter 90.54 RCW after 2001; and the Yakima basin, water resource inventory areas 37, 38, and 39, the Skagit basin, water resource inventory areas 3 and 4, and the Methow basin, water resource inventory area 48.

(5) In order for a building permit applicant to be eligible to rely on a water well report for a groundwater withdrawal exempt from permitting under RCW 90.44.050 and not prohibited by an applicable water resources management rule adopted by the department of ecology as evidence of adequate water supply, the applicant must submit a valid and fully complete building permit application, as defined in RCW 19.27.095, to the appropriate permitting authority by December 31, 2018.

**Sec. 2.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall

be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. In providing for the protection of the quantity of groundwater used for public water supplies under this subsection, a county or city may, until December 31, 2018, rely on or refer to applicable water resources management rules adopted by the department of ecology, except in the following areas: Water resource inventory areas subject to a federally administered adjudication; water resource inventory areas with instream flow rules adopted pursuant to chapter 90.54 RCW after 2001; and the Yakima basin, water resource inventory areas 37, 38, and 39, the Skagit basin, water resource inventory areas 3 and 4, and the Methow basin, water resource inventory area 48. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth,

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agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, which until December 31, 2018, and except in the areas listed in subsection (1) of this section, may include measures that rely on or refer to applicable water resources management rules adopted by the department of ecology; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do

not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

- (i) Land use assumptions used in estimating travel;
- (ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to

assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which

prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 3.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation

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airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. In providing for the protection of the quantity of groundwater used for public water supplies under this subsection, a county or city may, until December 31, 2018, rely on or refer to applicable water resources management rules adopted by the department of ecology, except in the following areas: Water resource inventory areas subject to a federally administered adjudication; water resource inventory areas with instream flow rules adopted pursuant to chapter 90.54 RCW after 2001; and the Yakima basin, water resource inventory areas 37, 38, and 39, the Skagit basin, water resource inventory areas 3 and 4, and the Methow basin, water resource inventory area 48. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources, which until December 31, 2018, and except in the areas listed in subsection (1) of this section, may include measures that rely on or refer to applicable water resources management rules adopted by the department of ecology; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must

include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing

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programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element may include the provisions in section 3 of this act. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**NEW SECTION. Sec. 4.** (1) A joint legislative task force on water supply is established to review the treatment of groundwater withdrawals that are exempt from permitting requirements under RCW 90.44.050 and to review the implementation of RCW 19.27.097 and 36.70A.070. The task force must consist of the following members:

(a) Appointed by the president of the senate, two members from each of the two largest caucuses of the senate;

(b) Appointed by the speaker of the house of representatives, two members from each of the two largest caucuses of the house of representatives;

(c) A representative from the department of ecology, chosen by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, chosen by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, chosen by the director of the department of agriculture;

(f) One individual for each of the following groups, appointed by the consensus of the cochair of the committee:

- (i) An environmental advocacy organization;
- (ii) An organization representing Washington counties;
- (iii) An organization representing Washington cities; and
- (iv) An organization representing the development community;

and  
(g) Representatives of three Indian tribes, two invited by the cochair to participate at the recommendation of the northwest Indian fisheries commission, and one invited to participate at the recommendation of the Columbia river intertribal fish commission.

(2) The first meeting of the task force must occur by September 30, 2017. One cochair of the task force must be a member of the largest caucus of the house of representatives, and one cochair must be a member of the largest caucus of the senate, as those caucuses existed as of the effective date of this section.

(3) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochair reasonably request.

(4) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5)(a) By December 1, 2018, the joint legislative task force must make recommendations to the legislature.

(b) Recommendations of the joint legislative task force must be made by a two-thirds majority of the members of the committee. The representatives of the departments of ecology, fish and wildlife, and agriculture are not entitled to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the committee may also be submitted to the legislature.

(6) The joint legislative task force expires June 30, 2019.

(7) This section expires July 1, 2019.

**NEW SECTION. Sec. 5.** (1) Sections 1 and 3 of this act expire January 1, 2019.

(2) Section 2 of this act expires July 23, 2017.

**NEW SECTION. Sec. 6.** Except for section 3 of this act, which takes effect July 23, 2017, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 22, beginning on line 15 of the title amendment, after "and insert" strike all material through "emergency." on line 19 and insert "amending RCW 19.27.097, 36.70A.070, and 36.70A.070; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 298 by Senator Warnick to Engrossed Second Substitute Senate Bill No. 5239.

The motion by Senator Warnick carried and striking floor amendment no. 298 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Second Engrossed Second Substitute Senate Bill No. 5239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Becker, Fortunato, Schoesler, Angel, Sheldon, Padden, Takko and Ericksen spoke in favor of passage of the bill.



Senators Carlyle, McCoy, Nelson, Liias and Wellman spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5239.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5239 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Van De Wege and Wellman

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGES FROM THE HOUSE

June 29, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1140,  
HOUSE BILL NO. 1406,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 29, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1716,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 29, 2017

MR. PRESIDENT:

The House has passed:

THIRD ENGROSSED SENATE BILL NO. 5517,  
ENGROSSED SENATE BILL NO. 5646,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

#### SUPPLEMENTAL INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1140 by Representatives Jenkins, Rodne and Ormsby

AN ACT Relating to judicial stabilization trust account surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1624 by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

AN ACT Relating to working connections child care eligibility for vulnerable children; amending RCW 43.215.135; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1716 by Representatives Hudgins and Manweller

AN ACT Relating to creating the construction registration inspection account as a dedicated account to fund contractor registration and compliance, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, elevators, lifting devices, and moving walks; amending RCW 70.87.210; adding a new section to chapter 18.27 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 51.44 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 1140, Substitute House Bill No. 1624, and House Bill No. 1716 were placed on the second reading calendar.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5375, by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden, Zeiger, Ranker, Darneille, Palumbo, Pedersen, Pearson, Frockt and Hasegawa

Renaming the cancer research endowment authority to the Andy Hill cancer research endowment.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Fain, the rules were suspended and Senate Bill No. 5375 was returned to second reading for the purpose of amendment.

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## MOTION

Senator Fain moved that the following floor amendment no. 301 by Senator Fain be adopted:

On page 8, line 32 after "costs." insert "Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section."

On page 9, after line 20, insert the following:

"Sec. 9. RCW 42.56.270 and 2017 c 317 s 17 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contract for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150,

when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; ~~(and)~~

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.-- (section 16, chapter 317, Laws of 2017), which may be submitted to or obtained by the state liquor and cannabis board; and

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the Andy Hill cancer research endowment; and amending RCW 43.348.010, 43.348.020, 43.348.030, 43.348.040, 43.348.050, 43.348.060, 43.348.070, 43.348.080, and 42.56.270."

Senators Fain and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 301 by Senator Fain on page 8, line 32 to Senate Bill No. 5375.

The motion by Senator Fain carried and floor amendment no. 301 was adopted by voice vote.

#### MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5375.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoessler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5901, by Senate Committee on Ways & Means (originally sponsored by Senator Braun)

Concerning eligibility for the working connections child care and early childhood education and assistance programs. Revised for 1st Substitute: Concerning eligibility for the early childhood education and assistance program.

The bill was read on Third Reading.

Senators Braun and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5901.

#### ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Cleveland, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Conway, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen and Saldaña

SUBSTITUTE SENATE BILL NO. 5901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5952, by Senators Padden and O'Ban

Concerning the department of corrections.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5952 was substituted for Senate Bill No. 5952 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following striking floor amendment no. 296 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 10.** The legislature finds that serious allegations arose in 2016 against the department of corrections regarding the department's early release error. The governor's office and senate engaged in investigations that resulted in reports with recommendations to address the matter. The purpose of this act is to implement the legislative recommendations contained in those reports. One of the recommendations in the senate report, based upon testimony from hearings, included enhancing protections for whistleblowers. These reforms will assist in strengthening public safety as well as procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

**PART 1**

**CREATING THE DEPARTMENT OF CORRECTIONS OMBUDS**

**NEW SECTION. Sec. 11.** Subject to the availability of amounts appropriated for this specific purpose, the office of the corrections ombuds is created for the purpose of providing information to inmates, family members, representatives of inmates, department employees, and others regarding the rights

of inmates; providing technical assistance to support inmate self-advocacy; identifying systemic issues and responses for the governor and the legislature to act upon; reporting to the legislature; and ensuring compliance with relevant statutes, rules, and policies pertaining to conditions of correctional facilities, services, and treatment of inmates under the jurisdiction of the department.

**NEW SECTION. Sec. 12.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse" means any act or failure to act by a department employee, subcontractor, or volunteer which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an inmate.

(2) "Corrections ombuds" or "ombuds" means the corrections ombuds, staff of the corrections ombuds, and volunteers with the office of the corrections ombuds.

(3) "Council" means the ombuds advisory council established in section 4(1) of this act.

(4) "Department" means the department of corrections.

(5) "Inmate" means a person committed to the physical custody of the department, including persons residing in a correctional institution or facility and persons received from another state, another state agency, a county, or the federal government.

(6) "Neglect" means a negligent act or omission by any department employee, subcontractor, or volunteer which caused, or may have caused, injury or death to an inmate.

(7) "Office" means the office of the corrections ombuds.

(8) "Organization" means the private nonprofit organization that operates the office of the corrections ombuds.

**NEW SECTION. Sec. 13.** (1) Subject to the availability of amounts appropriated for this specific purpose, no later than October 1, 2017, the governor shall convene an ombuds advisory council with several purposes in support of the ombuds function. The council shall participate in a priority setting process for the purpose of developing priority recommendations to the ombuds, review data collected by the ombuds, review reports issued by the ombuds prior to their release, and make recommendations to the ombuds regarding the accomplishment of its purposes. The council also has authority to issue its own reports and recommendations. The council must biannually review the ombuds' performance, including its compliance with its internal bylaws and other adopted standards of practice, reporting to the governor and the legislature regarding its findings. The council must provide the legislature with recommendations regarding the ombuds budget and changes in the law that would enhance the effectiveness of the ombuds.

(2) The council initially consists of the following four members:

(a) The president of the senate shall appoint one member from each of their respective caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(3) The remaining council members consist of the following members, appointed by the governor, and subject to senate confirmation:

(a) Two former inmates who have successfully reintegrated into the community and are no longer in the custody of the department;

(b) Two family members of current inmates;

(c) One expert with significant criminal justice or correctional experience who is not an employee or contractor with the state of Washington;

(d) A community member with extensive knowledge and experience in issues related to racial, ethnic, or religious diversity within the correctional system;

(e) A community member with extensive knowledge and experience in the accommodation needs of individuals with disabilities;

(f) Two former department of corrections employees;

(g) A current department of corrections chaplain; and

(h) A community member with dispute resolution training who has experience working in the criminal justice or corrections field.

(4) The council also includes:

(a) The department staff serving as the internal ombuds, if any;

(b) A bargaining unit representative; and

(c) A representative of the governor's office.

(5) After the full membership is attained, the council shall develop a process for replacing members in case of resignation or expiration of terms.

(6) Councilmembers serve a term of two years, except that the council shall create and implement a system of staggered terms, and no member other than the department staff serving as the internal ombuds may serve more than two consecutive terms. The council shall convene at least quarterly. Councilmembers serve without compensation, except that funds appropriated for the implementation of this chapter may be used to reimburse members who are not employees of Washington state for expenses necessary to the performance of their duties.

**NEW SECTION. Sec. 14.** (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the office of the corrections ombuds. The contract must last for a period of two years and may be renewed at the end of the term. The department of commerce shall select an organization that possesses, directly or through subcontracts, significant legal expertise, competence with mediation and alternative dispute resolution, and experience working within criminal justice and correctional environments. Other relevant experience may include, but is not limited to, addressing issues relating to chemical dependency treatment, disability and disability-related accommodation, respect for racial, ethnic, and religious diversity, and other civil rights and conditions issues. The selected organization must have experience and the capacity to communicate effectively regarding criminal justice issues with policymakers, stakeholders, and the general public, and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The organization must be an objective and neutral entity that will impartially investigate complaints.

(4) The organization is subject to financial and other audits by the state auditor's office, and its employees must abide by the provisions of chapter 42.52 RCW except when such provisions are inconsistent with this chapter.

**NEW SECTION. Sec. 15.** (1) The ombuds shall:

(a) Establish priorities for use of the limited resources appropriated to implement this chapter;

(b) Maintain a statewide toll-free telephone number, a collect telephone number, a web site, and a mailing address for the receipt of complaints and inquiries;

(c) Provide information, as appropriate, to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates;

(d) Provide technical assistance to support inmate participation in self-advocacy;

(e) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies with a view toward the appropriate health, safety, welfare, and rehabilitation of inmates;

(f) Monitor and participate in legislative and policy developments affecting correctional facilities;

(g) Establish a statewide uniform reporting system to collect and analyze data related to complaints regarding the department;

(h) Establish procedures to receive, investigate, and resolve complaints;

(i) Submit annually to the council, the governor's office, and the legislature, by November 1st of each year, a report analyzing the work of the office, including any recommendations; and

(j) Adopt and comply with rules, policies, and procedures necessary to implement this chapter.

(2)(a) The ombuds may initiate and attempt to resolve an investigation upon his or her own initiative, or upon receipt of a complaint from an inmate, a family member, a representative of an inmate, a department employee, or others, regarding any allegation of the following that may adversely affect the health, safety, welfare, and rights of inmates:

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

(v) Alleged violations of law by the department.

(b) Prior to filing a complaint with the ombuds, a person shall have reasonably pursued resolution of the complaint through the internal grievance, administrative, or appellate procedures with the department. However, in no event may an inmate be prevented from filing a complaint more than ninety business days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c) The ombuds may decline to investigate any complaint as provided by the rules adopted under this chapter.

(d) If the ombuds does not investigate a complaint, the ombuds shall notify the complainant of the decision not to investigate and the reasons for the decision.

(e) The ombuds may not investigate any complaints relating to an inmate's underlying criminal conviction.

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department.

(g) The ombuds may refer complainants and others to appropriate resources, agencies, or departments.

(h) The ombuds may not levy any fees for the submission or investigation of complaints.

(i) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 8 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state their recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

(i) Consider the matter further;

(ii) Modify or cancel any action;

(iii) Alter a rule, practice, or ruling;

(iv) Explain in detail the administrative action in question;

(v) Rectify an omission; or

(vi) Take any other action.

(j) If the ombuds so requests, the department must, within the time specified, inform the ombuds about any action taken on the

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recommendations or the reasons for not complying with the recommendations.

(k) If the ombuds believes, based on the investigation, that there has been or continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the ombuds must report the finding to the governor and the appropriate committees of the legislature.

(l) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

(3) This chapter does not require inmates to file a complaint with the ombuds in order to exhaust available administrative remedies for purposes of the prison litigation reform act of 1995, P.L. 104-134.

**NEW SECTION. Sec. 16.** (1) The department must permit the ombuds to enter and inspect, at any reasonable time, any correctional facility for the purpose of carrying out its duties under this chapter. The ombuds may inspect, view, photograph, and video record all areas of the facility that are used by inmates or are accessible to inmates. Before releasing any photographs or video recordings taken within a correctional facility, the ombuds must consult with the department concerning any safety or security issues.

(2) The department must allow the ombuds reasonable access to:

(a) Inmates, which includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person; and

(b) Department employees, or other persons, who might be reasonably believed to have knowledge of the incident under investigation, which includes the opportunity to interview those individuals.

(3) Upon the ombuds' request, the department shall grant the ombuds the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombuds considers necessary in an investigation of a complaint filed under this chapter, and must assist the ombuds in obtaining the necessary releases of documents that are specifically restricted or privileged for use by the ombuds.

(4) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must provide the ombuds with access to the requested documentation:

(a) Within five business days after the ombuds' request when the records pertain to an inmate death, threats of bodily harm, or the denial of necessary medical treatment;

(b) In all other circumstances, not later than thirty business days after the ombuds' request.

(5) A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombuds must provide the ombuds with access to such records.

(6) The department may not hinder the lawful actions of the ombuds or employees of the office, or willfully refuse to comply with lawful demands of the office.

(7) The ombuds must work with the department to minimize disruption to the operations of the department due to ombuds activities, and must comply with the department's security

clearance processes, provided these processes do not impede the activities outlined in this chapter.

**NEW SECTION. Sec. 17.** (1) The ombuds shall treat all matters under investigation, including the identities of service recipients, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombuds to perform the duties of the office and to support any recommendations resulting from an investigation.

(2) Upon receipt of information that by law is confidential or privileged or exempt from disclosure under chapter 42.56 RCW, the ombuds shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law.

(3) Investigative records of the office of the ombuds are confidential and are exempt from public disclosure under chapter 42.56 RCW. Records provided to and communications with the office of the ombuds related to an investigation are also exempt from public disclosure under chapter 42.56 RCW

**NEW SECTION. Sec. 18.** (1) Identifying information about complainants or witnesses is not subject to any method of legal compulsion and may not be revealed to the legislature or the governor except under the following circumstances:

(a) The complainant or witness waives confidentiality;

(b) Under a legislative subpoena when there is a legislative investigation for neglect of duty or misconduct by the ombuds or ombuds' office when the identifying information is necessary to the investigation of the ombuds' acts; or

(c) Under an investigation or inquiry by the governor as to neglect of duty or misconduct by the ombuds or ombuds' office when the identifying information is necessary to the investigation of the ombuds' acts.

(2) For the purposes of this section, "identifying information" includes the complainant's or witness's name, location, telephone number, likeness, social security number or other identification number, or identification of immediate family members.

**NEW SECTION. Sec. 19.** The privilege described in section 9 of this act does not apply when:

(1) The ombuds or ombuds' staff member has direct knowledge of an alleged crime, and the testimony, evidence, or discovery sought is relevant to that allegation;

(2) The ombuds or a member of the ombuds' staff has received a threat of, or becomes aware of a risk of, imminent serious harm to any person, and the testimony, evidence, or discovery sought is relevant to that threat or risk; or

(3) The ombuds has been asked to provide general information regarding the general operation of, or the general processes employed at, the ombuds' office.

**NEW SECTION. Sec. 20.** (1) A civil action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

**PART 2**

**DEPARTMENT OF CORRECTIONS**

**Sec. 21.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The ~~((system should))~~ highest duty of the department and the secretary is to ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

(5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

(6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

(7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

(8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

(9) The system should meet those national standards which the state determines to be appropriate.

NEW SECTION. Sec. 22. A new section is added to chapter 72.09 RCW to read as follows:

To ensure public safety and the administration of justice, if the department has actual knowledge or reason to believe that a computer calculation error is or has caused an error in the calculation of the release date for any prisoner, the department shall immediately manually calculate the release date of that

prisoner as well as the release dates of any similarly sentenced prisoners.

NEW SECTION. Sec. 23. A new section is added to chapter 72.09 RCW to read as follows:

On December 1st of each year, and in compliance with RCW 43.01.036, the department must submit a report to the governor and relevant policy and fiscal committees of the legislature that details any information technology backlog at the department along with specific requirements and plans to address such backlog.

### PART 3

#### JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

NEW SECTION. Sec. 24. (1) Pursuant to chapter 43.09 RCW, the joint legislative audit and review committee must conduct a performance audit of the information technology and records related units at the department of corrections, including:

(a) The administrative structure of the units, including whether the units should be restructured to respond efficiently to changes in sentencing laws and other emergent issues;

(b) The sufficiency of staffing levels and expertise at each of the units; and

(c) An evaluation of the advance corrections project's impact on workload and staff resources at each of the units.

(2) The joint legislative audit and review committee shall report its findings to the governor and relevant policy and fiscal committees of the legislature by December 1, 2018.

### PART 4

#### SENTENCING REFORM

NEW SECTION. Sec. 25. A new section is added to chapter 9.94A RCW to read as follows:

In consultation with the administrative office of the courts, superior court judges' association, Washington association of prosecuting attorneys, Washington association of criminal defense lawyers, Washington public defender association, and Washington association of county clerks, the department shall develop a mandatory sentencing elements worksheet. The worksheet shall be used to identify and record the elements of the court's order that are required by the department to calculate an offender's confinement term, and community custody term when ordered. The Washington administrative office of the courts must include the mandatory sentencing elements worksheet in a specific section within its felony judgment and sentence forms.

Sec. 26. RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. In addition, each felony judgment and sentence document must contain in a specific section the mandatory sentencing elements worksheet developed by the department of corrections in section 16 of this act. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The caseload forecast council shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section.

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(3) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the caseload forecast council as required in subsection (2) of this section, the caseload forecast council shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the caseload forecast council.

**Sec. 27.** RCW 9.94A.585 and 2002 c 290 s 19 are each amended to read as follows:

(1) A sentence within the standard sentence range, under RCW 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For purposes of this section, a sentence imposed on a first-time offender under RCW 9.94A.650 shall also be deemed to be within the standard sentence range for the offense and shall not be appealed.

(2) A sentence outside the standard sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the standard sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing court are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard sentence range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing courts and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law or to address a missing, incomplete, or illegible mandatory sentencing elements section required pursuant to RCW 9.94A.480(1). Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

**NEW SECTION. Sec. 28.** (1) Subject to the availability of amounts appropriated for this specific purpose, the sentencing guidelines commission shall contract for the services of one or more external consultants to evaluate the state's sentencing laws and practices. The consultant must have demonstrated experience in conducting significant research studies and demonstrated successful experience in evaluating sentencing systems or practices. The evaluation must include:

(a) Recommendations for changing and improving sentencing laws and practices to:

- (i) Reduce complexity and implementation challenges;
- (ii) Reduce unwarranted disparity;
- (iii) Increase postconviction review;
- (iv) Reduce costs to taxpayers;
- (v) Promote fairness and equity;

(vi) Reduce unintended and unnecessary impacts on the community; and

(vii) Achieve the intended purposes of sentencing as set forth in RCW 9.94A.010;

(b) Recommendations for:

(i) A phased prospective and retroactive implementation of any proposed changes; and

(ii) Establishing an ongoing review of sentencing laws and practices; and

(c) An assessment of:

(i) Sentence lengths among different categories of offenders;

(ii) Whether those sentences conform to current research literature on the relationship between sentence lengths and recidivism;

(iii) Sentencing changes adopted by the legislature since 1981, including frequency, nature, and impact;

(iv) Disparity in sentencing laws between similarly situated offenders, including the rationale for such disparities;

(v) The impact of the elimination of the parole system; and

(vi) The state's sentencing laws and practices as compared to other states and other sentencing models.

(2) The consultant shall work cooperatively with the sentencing guidelines commission members to obtain any additional recommendations or input consistent with the purposes of this section. Recommendations from the sentencing guidelines commission shall be included in the consultant's final report.

(3) The consultant may request data and information needed to accomplish its work from the office of financial management, the caseload forecast council, the administrative office of the courts, the department of corrections, and the department of social and health services, and such data and information must be provided to the consultant.

(4) The consultant shall complete its evaluation and submit a report to the commission, the joint legislative task force on criminal sentencing under section 20 of this act, the appropriate committees of the legislature, and the governor by September 1, 2018. The contract for services must include a requirement for three briefings before the legislature to take place during the 2018 interim and 2019 regular legislative session, including for the joint legislative task force on sentencing, the house of representatives, and the senate.

(5) This section expires July 1, 2019.

**NEW SECTION. Sec. 29.** (1) A joint legislative task force to simplify criminal sentencing is established.

(2) The task force is composed of seventeen members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint one member representing each of the following:

(i) Washington association of sheriffs and police chiefs;

(ii) Washington state patrol;

(iii) Caseload forecast council;

(iv) Washington association of prosecuting attorneys;

(v) Washington association of criminal defense attorneys or the Washington defender association;

(vi) Washington state association of counties;

(vii) Office of the attorney general;

(viii) American civil liberties union of Washington;

(ix) Sentencing guidelines commission;

(x) Department of corrections;



- (xi) Superior court judges' association; and
- (xii) Administrative office for the courts.

(3) The task force shall review sentencing laws after consideration of the study under section 19 of this act and the consultant's recommendations. The task force shall develop recommendations to reduce sentencing implementation complexities and errors, improve the effectiveness of the sentencing system, and promote public safety. The task force must consider recommendations that:

- (a) Reduce sentencing complexity while reducing punishment;
- (b) Reduce sentencing complexity while increasing punishment; and
- (c) Reduce sentencing complexity and do not either reduce or increase punishment under existing law.

(4) The legislative membership shall convene the initial meeting of the task force to receive the report from the consultant under section 19 of this act no later than September 30, 2018. The legislative members shall choose the task force's cochairs, which must include one senator and one representative from among the legislative membership of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(5) The task force shall submit a report, which may include findings, recommendations, and proposed legislation, to the governor and the appropriate committees of the legislature by December 1, 2019.

(6) The task force may request data, information, and other assistance needed to accomplish its work from the office of financial management, the caseload forecast council, the administrative office of the courts, the department of corrections, and the department of social and health services, and such data, information, and assistance must be provided to the task force.

(7) Staff support for the task force must be provided by the senate committee services and the house office of program research.

(8) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

- (10) This section expires December 31, 2019.

#### PART 5

#### GENERAL PROVISIONS

**Sec. 30.** RCW 49.60.210 and 2011 1st sp.s. c 42 s 25 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2)(a) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

(b) A settlement of any cause of action brought by an employee under this subsection may not contain a provision prohibiting the employee from future work in state government unless the government agency has a significant ongoing concern for the

public health, safety, or welfare as a result of the person's future employment.

(3) It is an unfair practice for any employer, employment agency, labor union, government agency, government manager, or government supervisor to discharge, expel, discriminate, or otherwise retaliate against an individual assisting with an office of fraud and accountability investigation under RCW 74.04.012, unless the individual has willfully disregarded the truth in providing information to the office.

NEW SECTION. Sec. 31. In the contract for the next regularly scheduled performance audit under RCW 42.40.110 following the effective date of this section, the office of financial management must require the audit to review the ability of department of corrections employees to use the state employee whistleblower program. The audit must include findings and recommendations, including possible changes to improve the effectiveness of the whistleblower program.

NEW SECTION. Sec. 32. Sections 16 through 18 of this act apply to sentences imposed on or after July 1, 2018.

NEW SECTION. Sec. 33. Sections 2 through 11 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 34. Section 20 of this act takes effect July 1, 2018."

On page 1, line 2 of the title, after "error;" strike the remainder of the title and insert "amending RCW 72.09.010, 9.94A.480, 9.94A.585, and 49.60.210; adding new sections to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and providing expiration dates."

Senator Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 296 by Senator Padden to Substitute Senate Bill No. 5952.

The motion by Senator Padden carried and striking floor amendment no. 296 was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5952.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rossi, Saldaña, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Lias, Nelson, Ranker, Rolfes and Takko

NINTH DAY, JUNE 29, 2017

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:18 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

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EVENING SESSION

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The Senate was called to order at 5:03 p.m. by President Habib.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

THIRD ENGROSSED SENATE BILL NO. 5517,  
ENGROSSED SENATE BILL NO. 5646.

SECOND READING

HOUSE BILL NO. 1716, by Representatives Hudgins and Manweller

Creating the construction registration inspection account as a dedicated account to fund contractor registration and compliance, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, elevators, lifting devices, and moving walks.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 1716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, further consideration of House Bill No. 1716 was deferred and the bill held its place on the third reading calendar.

The Senate resumed consideration of House Bill No. 1716.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1716.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1716 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Carlyle

HOUSE BILL NO. 1716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

Concerning working connections child care eligibility for vulnerable children.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Billig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1624.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1624 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Becker, Honeyford, Padden, Schoesler and Short

SUBSTITUTE HOUSE BILL NO. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain and without objection, House Bill No. 1140 which had been placed on the day's second reading calendar, was referred to the Committee on Ways & Means.

MOTION

At 5:16 p.m., on motion of Senator Fain, the Senate adjourned until 7:55 o'clock a.m. Friday, June 30, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

**TENTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, June 30, 2017

The Senate was called to order at 7:57 a.m. by the Acting President Pro Tempore of the Senate, Senator Short presiding.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

June 29, 2017

SB 5968 Prime Sponsor, Senator Ericksen: Regarding the funding of oil spill prevention and oil spill response. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hobbs.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

June 26, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAY J. MANNING, reappointed June 20, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9288.

June 26, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

BETHANY S. RIVARD, reappointed June 20, 2017, for the term ending June 30, 2021, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9289.

June 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAMES T. WILCOX JR, reappointed June 29, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9290.

MOTION

On motion of Senator Fain, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

June 29, 2017

MADAM PRESIDENT:

The House has passed:

SECOND ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 1661,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 1777,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

June 29, 2017

MADAM PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341,

HOUSE CONCURRENT RESOLUTION NO. 4400,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 29, 2017

MADAM PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 29, 2017

MADAM PRESIDENT:

The House has passed:

SENATE BILL NO. 5252,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5254,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 29, 2017

MADAM PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5303,

SUBSTITUTE SENATE BILL NO. 5901,

SENATE BILL NO. 5969,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5976 by Senators Rivers and Liias

AN ACT Relating to wages or hours of individual providers; amending RCW 74.39A.270; and declaring an emergency.

Placed on the 2<sup>nd</sup> reading calendar.

SB 5977 by Senator Rossi

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

HB 1406 by Representatives Barkis, Blake, Chandler, Fitzgibbon and Wilcox

AN ACT Relating to adjusting the surface mining funding structure; and amending RCW 78.44.085.

Held at the Desk.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of House Bill No. 1406 which was held at the desk and Senate Bill No. 5976 which was placed on the second reading calendar.

MOTION

On motion of Senator Fain, Engrossed Substitute House Bill No. 2222 which had been previously held at the desk on June 29, 2017 was referred to the Committee on Health Care.

MOTION

At 8:00 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:46 a.m. by President Habib. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Ms. Linda Jansson and Ms. Rose Baran, presented the Colors. The President led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Jan Angel, 26<sup>th</sup> Legislative District, Port Orchard.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5252,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5254,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5303,  
SUBSTITUTE SENATE BILL NO. 5901,  
SENATE BILL NO. 5969.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 1341 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, McCaslin, Stonier, Muri and Pollet)

AN ACT Relating to professional certification for teachers and school administrators; amending RCW 28A.410.210, 28A.410.220, 28A.410.250, and 28A.410.270; adding new sections to chapter 28A.410 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1597 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz and Doglio)

AN ACT Relating to increasing revenue to the state wildlife account by increasing commercial fishing license fees and streamlining wholesale fish dealing, buying, and selling requirements; amending RCW 77.12.170, 77.12.177, 77.15.096, 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565, 77.15.568, 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020, 77.65.090, 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170, 77.65.190,

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77.65.200, 77.65.240, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.390, 77.65.440, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.65.580, 77.65.590, 77.70.150, 77.70.190, 77.70.220, 77.70.280, 77.70.290, 77.70.300, 77.70.340, 77.70.430, 77.70.490, 82.27.020, 82.27.070, 69.07.100, and 36.71.090; reenacting and amending RCW 77.08.010, 77.65.210, 77.65.220, and 77.65.370; adding a new section to chapter 77.65 RCW; creating new sections; repealing RCW 77.65.290, 77.65.300, 77.65.360, 77.65.515, 77.65.520, and 77.65.900; and providing an effective date.

Referred to Committee on Appropriations.

2E2SHB 1661 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

AN ACT Relating to creating the department of children, youth, and families; amending RCW 43.215.030, 43.17.010, 43.17.020, 43.06A.030, 43.215.100, 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 28A.150.510, 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051, 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540, 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 28A.225.010, 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415, 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.06A.100, 43.20A.090, 43.06A.060, 43.06A.070, 43.15.020, 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section to chapter 43.06A RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050, 43.215.060,

43.215.065, 43.215.070, 43.215.080, 43.215.090, 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102, 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130, 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137, 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195, 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215, 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230, 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270, 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307, 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335, 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370, 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415, 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440, 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457, 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476, 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502, 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530, 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550, 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900, 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, 43.215.040, and 44.04.220; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1677 by House Committee on Capital Budget (originally sponsored by Representatives Peterson, Pike, Senn, McBride, DeBolt, Macri, Stonier, Riccelli and Fey)

AN ACT Relating to local government infrastructure funding; amending RCW 43.155.010, 43.155.020, 43.155.068, 43.155.070, and 43.155.075; reenacting and amending RCW 43.155.050; creating new sections; and providing an expiration date.

E2SHB 1777 by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

AN ACT Relating to financing early learning facilities to support the needed expansion of early learning classrooms across Washington; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, under suspension of the rules all bills listed on the day's supplemental introduction report were placed on the second reading calendar.

MOTION

At 10:51 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 12:32 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1042,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REMARKS BY THE PRESIDENT

President Habib: "The President and Secretary Goodman would together would like to, on behalf of the state Senate, acknowledge and give our profound gratitude to Andy Staubitz and his entire team. Particularly all of those who we may not be seeing during the interim, those who step up and serve the state and serve us in the state Senate, providing security for us during our session. Often believing that it will be 105 days, sometimes serving for 180 days, but we would not be able to do what we do here in the state Senate without the tremendous professionalism and courage of those who serve us and the public and all the staff here in the Senate, each and every day that we do that. So I would just like to ask the Senate to join me in thanking them for all of there service to our state."

The Senate rose and recognized the service and contributions made by the Sergeant At Arms staff during the 2017 sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5898, by Senate Committee on Ways & Means (originally sponsored by Senator Braun)

Concerning eligibility for public assistance programs.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Substitute Senate Bill No. 5898 was returned to second reading for the purpose of amendment.

MOTION

Senator Braun moved that the following floor striking amendment no. 304 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 35.** RCW 74.08A.260 and 2011 1st sp.s. c 42 s 2 are each amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(5) The department may waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8)(a) ~~((From July 1, 2011, through June 30, 2012,))~~ Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for ~~((one))~~ a child under the age of two years ~~((or two or more children under the age of six years))~~. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. ~~((Beginning July 1, 2012, the department shall phase in the work activity requirements that were suspended, beginning with those recipients closest to reaching the sixty-month limit of receiving temporary assistance for needy families under RCW 74.08A.010(1). The phase in shall be accomplished so that a fairly equal number of recipients required to participate~~

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~~in work activities are returned to those activities each month until the total number required to participate is participating by June 30, 2013.)) Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis. ((Recipients who participate in the WorkFirst program on a voluntary basis shall be provided an option to participate in the program on a part-time basis, consisting of sixteen or fewer hours of activities per week. Recipients also may participate voluntarily on a full-time basis.))~~

(b)(i) The period of suspension of work activities under this subsection provides an opportunity for the legislative and executive branches to oversee redesign of the WorkFirst program. To realize this opportunity, both during the period of suspension and following reinstatement of work activity requirements as redesign is being implemented, a legislative-executive WorkFirst oversight task force is established, with members as provided in this subsection (8)(b).

(ii) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(iii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iv) The governor shall appoint members representing the department of social and health services, the department of early learning, the department of commerce, the employment security department, the office of financial management, and the state board for community and technical colleges.

(v) The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.

(c) The task force shall:

(i) Oversee the partner agencies' implementation of the redesign of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(iv) Make recommendations to the governor and the legislature regarding:

(A) Policies to improve the effectiveness of the WorkFirst program over time;

(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and

(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program.

(d) The partner agencies must provide the task force with regular reports on:

(i) The partner agencies' progress toward meeting the outcome and performance measures established under (c) of this subsection;

(ii) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and

(iii) The characteristics of families who have been unsuccessful on the program and have lost their benefits either through sanction or the sixty-month time limit.

(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.

(f) The task force shall meet on a quarterly basis beginning September 2011, or as determined necessary by the task force cochairs.

(g) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

**Sec. 36.** RCW 74.08A.270 and 2007 c 289 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of ~~((one))~~ two years.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or
- (d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of ~~((twelve))~~ twenty-four months over the parent's lifetime."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 74.08A.260 and 74.08A.270."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 304 by Senator Braun to Substitute Senate Bill No. 5898.

The motion by Senator Braun carried and floor striking amendment no. 304 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Ranker spoke in favor of passage of the bill.



The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5898.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5976, by Senators Rivers and Liias

Addressing wages or hours of individual providers.

The measure was read the second time.

#### MOTION

On motion of Senator , the rules were suspended, Senate Bill No. 5976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5976.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5976 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 5976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz and Doglio)

Increasing revenue to the state wildlife account by increasing commercial fishing license fees and streamlining wholesale fish dealing, buying, and selling requirements.

The measure was read the second time.

#### MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1597.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1597 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, McCoy and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5934, by Senator Padden

Concerning convicted persons.

#### MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5934 was substituted for Senate Bill No. 5934 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5934 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Capital Budget (originally sponsored by Representatives Peterson, Pike, Senn, McBride, DeBolt, Macri, Stonier, Riccelli and Fey)

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Concerning local government infrastructure funding.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute House Bill No. 1677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Frockt and Wellman spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1677.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1677 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Chase, Hasegawa and McCoy

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

Concerning the financing of early learning facilities.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Second Substitute House Bill No. 1777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1777.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1777 and the bill passed the

Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Padden, Short and Warnick

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

June 30, 2017

SB 5251 Prime Sponsor, Senator Takko: Concerning tourism marketing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5251 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5883 Prime Sponsor, Senator Braun: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Hasegawa; Keiser and Padden.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5939 Prime Sponsor, Senator Ericksen: Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance

for renewable energy system component recycling. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5939 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Hasegawa; Padden and Schoesler.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5947 Prime Sponsor, Senator Pearson: Concerning the Columbia river salmon and steelhead endorsement program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senator Rivers.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Bailey.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5965 Prime Sponsor, Senator Honeyford: Relating to the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5965 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Darneille and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Conway; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5975 Prime Sponsor, Senator Fain: Relating to paid family and medical leave. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget and Padden.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5977 Prime Sponsor, Senator Rossi: Relating to revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Conway; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Carlyle; Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Darneille and Keiser.

Referred to Committee on Rules for second reading.

June 30, 2017

HB 1140 Prime Sponsor, Representative Jinkins: Extending surcharges on court filing fees for deposit in the judicial stabilization trust account to July 1, 2021. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Vice Chair; Padden and Warnick.

Referred to Committee on Rules for second reading.

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ESHB 2222 Prime Sponsor, Committee on Health Care & Wellness: Protecting information obtained to develop or implement an individual health insurance market stability program. Reported by Committee on Health Care

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Conway; Keiser; Miloscia; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Bailey and O'Ban.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Supplemental Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

SECOND SUPPLEMENTAL AND FIRST READING

HB 1042 by Representatives Springer, Harris, Jinkins, Fitzgibbon, Tharinger and Sawyer  
AN ACT Relating to eliminating the office of the insurance commissioner's school district or educational service district annual report; amending RCW 28A.400.275; and repealing RCW 48.02.210 and 48.62.181.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 1042 was placed on the second reading calendar.

MOTION

At 1:06 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:01 p.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:  
The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1716,

and the same are herewith transmitted.

MR. PRESIDENT:  
The Speaker has signed:

SENATE BILL NO. 5252,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 5254,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5303,  
THIRD ENGROSSED SENATE BILL NO. 5517,  
ENGROSSED SENATE BILL NO. 5646,  
SUBSTITUTE SENATE BILL NO. 5901,  
SENATE BILL NO. 5969,  
SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:  
The House has passed:

ENGROSSED HOUSE BILL NO. 2190,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:  
The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898,  
SENATE BILL NO. 5976,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1624,  
HOUSE BILL NO. 1716.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

THIRD SUPPLEMENTAL AND FIRST READING

EHB 2190 by Representative Ormsby  
AN ACT Relating to budget stabilization account transfers; and amending RCW 43.79.496.

Referred to Committee on Appropriations.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2190 was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5883, by Senator Braun

Relating to fiscal matters. Revised for 1st Substitute: Making operating appropriations for the 2015-2017 and 2017-2019 fiscal biennia.

## MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5883 was substituted for Senate Bill No. 5883 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Hobbs moved that the following floor amendment no. 319 by Senators Bailey, Chase, Hobbs, Liias, McCoy, Palumbo, Pearson and Ranker be adopted:

On page 123, after line 37, insert the following:

"(aaa) \$96,000 of the general fund—state appropriation for fiscal year 2018 and \$96,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Snohomish county to purchase Naloxone, to be distributed to law enforcement officers, community partners, and individuals who are highly susceptible to overdose due to transition from detox facilities."

Senator Hobbs spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 319 by Senators Bailey, Chase, Hobbs, Liias, McCoy, Palumbo, Pearson and Ranker on page 123, after line 37 to Substitute Senate Bill No. 5883.

The motion by Senator Hobbs did not carry and floor amendment no. 319 was not adopted by voice vote.

## MOTION

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Ranker, Keiser, Ericksen, Walsh and Baumgartner spoke in favor of passage of the bill.

Senator Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5883.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5883 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Chase, Cleveland, Hasegawa, Kuderer, Liias, McCoy, Mullet, Padden, Palumbo and Wellman

SUBSTITUTE SENATE BILL NO. 5883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5934 which had been deferred earlier in the day.

## MOTION

Senator Padden moved that the following floor striking amendment no. 295 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

### "PART I

#### SERIOUSNESS LEVEL OF CRIMES

**Sec. 101.** RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

#### TABLE 2

#### CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

|      |                                                                                                     |
|------|-----------------------------------------------------------------------------------------------------|
| XVI  | Aggravated Murder 1 (RCW 10.95.020)                                                                 |
| XV   | Homicide by abuse (RCW 9A.32.055)                                                                   |
|      | Malicious explosion 1 (RCW 70.74.280(1))                                                            |
|      | Murder 1 (RCW 9A.32.030)                                                                            |
| XIV  | Murder 2 (RCW 9A.32.050)                                                                            |
|      | Trafficking 1 (RCW 9A.40.100(1))                                                                    |
| XIII | Malicious explosion 2 (RCW 70.74.280(2))                                                            |
|      | Malicious placement of an explosive 1 (RCW 70.74.270(1))                                            |
| XII  | Assault 1 (RCW 9A.36.011)                                                                           |
|      | Assault of a Child 1 (RCW 9A.36.120)                                                                |
|      | Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))                                  |
|      | Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)                                        |
|      | Rape 1 (RCW 9A.44.040)                                                                              |
|      | Rape of a Child 1 (RCW 9A.44.073)                                                                   |
|      | Trafficking 2 (RCW 9A.40.100(3))                                                                    |
| XI   | Manslaughter 1 (RCW 9A.32.060)                                                                      |
|      | Rape 2 (RCW 9A.44.050)                                                                              |
|      | Rape of a Child 2 (RCW 9A.44.076)                                                                   |
|      | Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520) |
|      | Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)            |
| X    | Child Molestation 1 (RCW 9A.44.083)                                                                 |
|      | Criminal Mistreatment 1 (RCW 9A.42.020)                                                             |
|      | Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))                                 |
|      | Kidnapping 1 (RCW 9A.40.020)                                                                        |
|      | Leading Organized Crime (RCW 9A.82.060(1)(a))                                                       |
|      | Malicious explosion 3 (RCW 70.74.280(3))                                                            |

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- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run—Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Sale of, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Taking Motor Vehicle Without Permission 1 (third or subsequent offense) (RCW 9A.56.070)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.---(1) (section 6(1), chapter 266, Laws of 2017))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Sale of, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)

- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Residential Burglary (RCW 9A.52.025)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- ~~((Residential Burglary (RCW 9A.52.025)))~~
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Malicious Mischief 1 (motor vehicle, third or subsequent offense) (RCW 9A.48.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Possession of Stolen Vehicle (third or subsequent offense) (RCW 9A.56.068)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)

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- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft of Motor Vehicle (third or subsequent offense) (RCW 9A.56.065)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Malicious Mischief 2 (motor vehicle, third or subsequent offense) (RCW 9A.48.080)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

- Taking Motor Vehicle Without Permission 2 (third or subsequent offense) (RCW 9A.56.075)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Vehicle Prowl 1 (third or subsequent offense) (RCW 9A.52.095)
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft from a Vulnerable Adult 2 (RCW 9A.56.---(2) (section 6(2), chapter 266, Laws of 2017))
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)



Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

## PART II

### COMMUNITY CUSTODY: CONCURRENT

**Sec. 201.** RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. However, unless the court expressly orders that the community custody terms run consecutively to each other, such terms shall run concurrently to each other even if the court orders the confinement terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior

convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection,))~~ Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ((supervision)) custody with conditions not currently in effect, under the prior sentence or sentences of community ((supervision)) custody the court may require that the conditions of community ((supervision)) custody contained in the second or later sentence begin during the immediate term of community ((supervision)) custody and continue throughout the duration of the consecutive term of community ((supervision)) custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Unless the court expressly orders that the community custody terms run consecutively, such terms run concurrently to each other even if the court orders the confinement terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) ~~((In the case of consecutive sentences,))~~ All periods of total confinement shall be served before any partial confinement, community ((restitution, community supervision)) custody, or any other requirement or conditions of any of the sentences. ((Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty four months.))

**Sec. 202.** RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

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(ii) Assault of a child in the second degree;  
 (iii) A crime against persons where it is determined in accordance with RCW ((9.94A.602)) 9.94A.825 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

**NEW SECTION. Sec. 203.** A new section is added to chapter 9.94B RCW to read as follows:

Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision that the court has expressly ordered to run consecutively, the aggregate of the community supervision period shall not exceed twenty-four months.

**NEW SECTION. Sec. 204.** The department of corrections must recalculate the scheduled end dates for terms of community custody, community supervision, and community placement so that they run concurrently to previously imposed sentences of community custody, community supervision, community placement, probation, and parole. This section applies to each offender currently in confinement or under active supervision, regardless of whether the offender is sentenced after the effective date of this section, and regardless of whether the offender's date of offense occurred prior to the effective date of this section or after.

**NEW SECTION. Sec. 205.** The legislature declares that the department of corrections' recalculations of community custody terms pursuant to this act do not create any expectations that a particular community custody term will end before July 1, 2017, and offenders have no reason to conclude that the recalculation of their community custody terms before July 1, 2017, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2017.

**NEW SECTION. Sec. 206.** The department of corrections has the authority to begin implementing sections 201 through 204 of this act upon the effective date of this section.

### PART III

#### COMMUNITY CUSTODY: MOTOR VEHICLE OFFENSE PILOT

**NEW SECTION. Sec. 301.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this purpose, a pilot program is established for the supervision of offenders convicted of felonies relating to the theft or taking of a motor vehicle.

(2) Notwithstanding the provisions of RCW 9.94A.701, until June 30, 2019, the court may sentence an offender to community custody for a term of one year when the court sentences the person to the custody of the department for theft of a motor vehicle (RCW 9A.56.065), possession of a stolen vehicle (RCW 9A.56.068), taking a motor vehicle without permission in the first degree (RCW 9A.56.070), taking a motor vehicle without permission in the second degree (RCW 9A.56.075), or a crime against property with a prior conviction for one of the preceding motor vehicle crimes.

(3) Notwithstanding the provisions of RCW 9.94A.501, the department shall supervise any offender sentenced to community custody pursuant to subsection (2) of this section.

(4) No later than November 1, 2020, the department must submit a report to the governor and the appropriate committees of the legislature analyzing the effectiveness of supervision in reducing recidivism among offenders committing felonies relating to the theft or taking of a motor vehicle. The department shall consult with the Washington state institute for public policy in guiding its data tracking efforts and preparing the report.

(5) This section expires December 31, 2020.

### PART IV

**COMMUNITY CUSTODY: GOOD TIME**

**Sec. 401.** RCW 9.94A.501 and 2016 sp.s. c 28 s 1 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

- (a) Offenders convicted of:
  - (i) Sexual misconduct with a minor second degree;
  - (ii) Custodial sexual misconduct second degree;
  - (iii) Communication with a minor for immoral purposes; and
  - (iv) Violation of RCW 9A.44.132(2) (failure to register); and
- (b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of positive achievement time pursuant to section 402 of this act.

**NEW SECTION. Sec. 402.** A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn positive achievement time in accordance with procedures that are developed and adopted by the department.

(a) The positive achievement time shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month of community custody served, offenders may earn positive achievement time of ten days.

(c) Positive achievement time is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn positive achievement time if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(e) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(f) Is serving community custody pursuant to early release under RCW 9.94A.730.

**NEW SECTION. Sec. 403.** The department of corrections has discretion to implement sections 401 and 402 of this act over a period of time not to exceed twelve months. For any offender under active supervision by the department as of the effective date of this section, he or she is not eligible to earn positive achievement time pursuant to section 402 of this act until he or she has received an orientation by the department regarding positive time.

**PART V****HABITUAL PROPERTY OFFENDERS**

**NEW SECTION. Sec. 501.** (1) The legislature finds there to be a significant number of property crimes in Washington and that the current practices in the criminal justice system are ineffective in reducing recidivism.

(2) The legislature further finds that a large portion of property crimes in Washington are committed by habitual offenders. Increasing the sanctions for habitual property offenders will provide more effective deterrents to recidivism. The legislature intends to enhance the courts' discretion to more appropriately sentence habitual property offenders with significant histories of burglary and theft.

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**NEW SECTION. Sec. 502.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The prosecuting attorney may file a special allegation when sufficient evidence exists to show that the accused is a habitual property offender.

(2) In a criminal case in which there has been a special allegation and the accused has been convicted of the underlying crime, the court shall make a finding of fact prior to sentencing whether the person is a habitual property offender based on the person's criminal history. If the court finds beyond a reasonable doubt that the person is a habitual property offender, the person shall be sentenced in accordance with RCW 9.94A.533(15).

(3) For purposes of this section, a person is a habitual property offender if:

(a) The present felony conviction for which the person is being sentenced is for residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft;

(b) The person has an offender score of nine points or higher;

(c) At least nine of the points in the person's offender score result from any combination of the following felony offenses: Residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft; and

(d) The person has either received drug treatment related to any felony conviction or has refused drug treatment related to any felony conviction.

**Sec. 503.** RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or

both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual

motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the

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victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15)(a) The following additional times shall be added to the standard sentence range if the court finds that the offender is a habitual property offender pursuant to section 502 of this act:

(i) Twenty-four months if the offender is being sentenced for a felony defined as a class B felony;

(ii) Twelve months if the offender is being sentenced for a felony defined as a class C felony.

(b) A sentence imposed pursuant to this subsection is not to exceed the statutory maximum for the crime as established in RCW 9A.20.021.

(c) Notwithstanding any other provision of law, all habitual property offender enhancements imposed under this subsection (15) are mandatory and shall be served in total confinement. However, whether or not the mandatory minimum

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term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

#### PART VI

#### MOTOR VEHICLE PROPERTY OFFENDERS

**Sec. 601.** RCW 9.94A.525 and 2017 c 272 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions

and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, (~~(2)~~) Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2

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(motor vehicle), count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, ~~((#))~~ Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2 (motor vehicle) conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order RCW 26.50.110, felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

**PART VII**

**IDENTICARDS FOR PERSONS RELEASED FROM DEPARTMENT OF CORRECTIONS**

NEW SECTION. **Sec. 701.** The legislature intends to create an identicard program to assist incarcerated offenders to obtain a state-issued identicard to aid and prepare offenders for release from prison and reentry into the community. The legislature finds that each step that assists individuals being released from prisons helps incarcerated offenders avoid predictable conditions that lead to future recidivism. In accordance with executive order 16-05 building safe and strong

communities through successful reentry, this act intends to ensure that offenders released from state prisons have adequate identification in order to increase public safety and reduce recidivism.

NEW SECTION. **Sec. 702.** A new section is added to chapter 72.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, working in conjunction with the department of licensing, shall create and implement an identicard program to provide offenders released within Washington state a state-issued identicard pursuant to RCW 46.20.117.

(2) An offender is eligible for an original, renewal, or replacement identicard pursuant to this section, provided he or she:

(a) Meets the department of licensing criteria under RCW 46.20.117;

(b) Is sentenced to the custody of the department, and is incarcerated within a correctional facility with an earned release date that is more than one year from his or her admission date;

(c) Has not been found to be subject to an immigration detainer or removal order and does not become subject to a removal order during the period of incarceration. The department must inquire as to a person's immigration status prior to issuance of an identicard in a manner consistent with RCW 10.70.140;

(d) Is expected to be released to a location within Washington state; and

(e) Pays a fee of eighteen dollars for the cost of the identicard.

(3) A state law enforcement agency, court, or the department may not be prohibited from investigating the legal presence of a person or identifying a defendant's legal presence on a judgment and sentence form or any other investigatory or arrest materials provided to the department after conviction for the purposes of this act.

**Sec. 703.** RCW 46.20.117 and 2017 c 122 s 1 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) ~~(i)~~ Does not hold a valid Washington driver's license;

~~((#))~~ (ii) Proves his or her identity as required by RCW 46.20.035; and

~~((#))~~ (iii) Pays the required fee. Except as provided in (b) of this subsection or subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is: ~~((#))~~ (A) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; or ~~((#))~~ (B) under the age of eighteen and does not have a permanent residence address as determined by the department by rule. For those persons, the fee must be the actual cost of production of the identicard; or

(b) Is eligible for issuance of an identicard under section 702 of this act.

(i) A valid identification card issued by the department of corrections may serve as sufficient proof of identity and residency for an applicant under this subsection (1)(b);

(ii) An identicard issued under this subsection (1)(b) must expire two years from the first anniversary of the offender's birthdate after issuance; and

(iii) The department shall charge a fee of eighteen dollars for an identicard issued under this subsection (1)(b).

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Except as provided in subsection (1)(b) or (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.



(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or  
 (b)(i) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

(ii) An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec. 704.** RCW 46.20.117 and 2017 c 122 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a)(i) Does not hold a valid Washington driver's license;  
 ((b)) (ii) Proves his or her identity as required by RCW 46.20.035; and

((c)) (iii) Pays the required fee. Except as provided in (b) of this subsection or subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is: ((d)) (A) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; or ((e)) (B) under the age of eighteen and does not have a permanent residence address as determined by the department by rule. For those persons, the fee must be the actual cost of production of the identicard; or

(b) Is eligible for issuance of an identicard under section 702 of this act.

(i) A valid identification card issued by the department of corrections may serve as sufficient proof of identity and residency for an applicant under this subsection (1)(b);

(ii) An identicard issued under this subsection (1)(b) must expire two years from the first anniversary of the offender's birthdate after issuance; and

(iii) The department shall charge a fee of eighteen dollars for an identicard issued under this subsection (1)(b).

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (1)(b) or (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or  
 (b)(i) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

(ii) An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**NEW SECTION. Sec. 705.** The department of corrections and the department of licensing may enter into a memorandum of understanding to meet the requirements of sections 702 through 704 of this act, and have discretion to implement sections 702 through 704 of this act over a period of time not to exceed twelve months from the effective date of this section.

#### PART VIII

#### APPLICABILITY AND EXPIRATION

**Sec. 801.** 2013 2nd sp.s. c 14 s 10 (uncodified) is amended to read as follows:

Section((s 1 and)) 5 of this act expires July 1, 2018.

**NEW SECTION. Sec. 802.** The following acts or parts of acts are each repealed:

- (1) 2015 c 291 s 9;
- (2) 2015 c 291 s 15 (uncodified); and
- (3) 2015 c 291 s 16 (uncodified).

**NEW SECTION. Sec. 803.** Sections 201 through 204 of this act apply retroactively and prospectively regardless of the date of an offender's underlying offense.

**NEW SECTION. Sec. 804.** Section 704 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect August 30, 2017.

**NEW SECTION. Sec. 805.** Section 703 of this act expires August 30, 2017.

**NEW SECTION. Sec. 806.** Sections 201 through 206, 401 through 403, and 703 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 9.94A.589, 9.94B.050, 9.94A.501, 9.94A.533, 9.94A.525, 46.20.117, and 46.20.117; amending 2013 2nd sp.s. c 14 s 10 (uncodified); reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.94B RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; creating new sections; repealing 2015 c 291 s 9; repealing 2015 c 291 ss 15 and 16 (uncodified); prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

#### MOTION

Senator Darneille moved that the following floor amendment no. 322 by Senators Darneille and Saldaña to floor striking amendment no. 295 be adopted:

On page 39 of the amendment, beginning on line 33, strike all of subsection (3)

Correct any internal references accordingly.

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Senator Darneille spoke in favor of adoption of the amendment to the striking amendment.

ROLL CALL

POINT OF INQUIRY

Senator O'Ban: "Would the prime sponsor yield to a question?"

President Habib: "He does yield."

Senator O'Ban: "Senator Padden, amendment 322 to the striking amendment on Senate Bill 5934, removes the declaration that state law enforcement, the court, or DOC may not be prohibited from investigating the legal presence of a person or identifying a defendant's legal presence on a judgment and sentence form or any other investigatory or arrest materials provided to the department after conviction. As you know, the Department of Corrections is required under RCW 10.70.140 to inquire as to the nationality of persons committed to its facilities and if it shall appear that the person is an alien, to immediately notify the United States Immigration officer in charge of the district where the facility is located. Is Senate Bill 5934 intended to limit, in any way, the duty of the Department of Corrections to fulfill this statutory duty?"

Senator Padden: "Thank you, Senator O'Ban. I understand there has been some concern regarding the application of the language contained in Senate Bill 5934.

This bill as amended retains a provision that the Department must inquire as to a person's immigration status prior to the issuance of an identicard in a manner consistent with RCW 10.70.140. We have contacted the Department are assured that it will continue to perform the inquiries as to immigration status of those in its custody and to continue interact with and provide information to the United States Immigration authorities as required by law. The bill does not therefore abrogate, amend, or curtail the statutory duty of the department under RCW 10.70.140."

The President declared the question before the Senate to be the adoption of floor amendment no. 322 by Senators Darneille and Saldaña on page 39, line 33 to floor striking amendment no. 295.

The motion by Senator Darneille carried and floor amendment no. 322 was adopted by voice vote.

Senator Padden spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 295 by Senator Padden, as amended, to Substitute Senate Bill No. 5934.

The motion by Senator Padden carried and floor striking amendment no. 295, as amended, was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5934 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5934.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5934 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5934, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:47 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

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EVENING SESSION

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The Senate was called to order at 4:57 p.m. by President Habib.

MOTION

On motion of Senator Fain and without objection, under suspension of the rules the Committee on Rules was relieved of further consideration of Senate Bill No. 5605 and the bill was placed on the second reading calendar.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2163,

ENGROSSED HOUSE BILL NO. 2242,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

PARLIAMENTARY INQUIRY

Senator Baumgartner: "Thank you Mr. President. We just moved a bill out of committee without going to the ninth order, is that because we suspended the rules?"

REPLY BY THE PRESIDENT

President Habib: "That right. Senator Fain made a motion just a moment ago to suspend the rules and relieve the Rules Committee of Senate Bill No. 6605."

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

#### FOURTH SUPPLEMENTAL AND FIRST READING

EHB 2163 by Representative Ormsby  
AN ACT Relating to revenue.

Referred to Committee on Finance.

EHB 2242 by Representatives Sullivan, Harris, Lytton and Taylor

AN ACT Relating to funding fully the state's program of basic education by providing equitable education opportunities through reform of state and local education contributions; amending RCW 28A.150.410, 28A.400.205, 28A.400.200, 84.52.053, 84.52.0531, 84.52.0531, 28A.500.010, 28A.500.050, 84.52.065, 84.55.010, 84.52.043, 84.52.043, 84.48.080, 84.52.070, 84.55.070, 84.69.020, 84.36.381, 84.36.630, 84.52.067, 84.52.825, 79.64.110, 28A.150.200, 28A.150.260, 28A.165.005, 28A.165.015, 28A.165.055, 28A.150.390, 28A.150.392, 28A.185.020, 28A.150.1981, 28A.150.220, 28A.320.330, 28A.505.140, 28A.505.100, 28A.505.040, 28A.505.050, 28A.505.060, 41.59.935, 41.05.021, 41.05.022, 41.05.026, 41.05.050, 41.05.055, 41.05.075, 41.05.130, 41.05.143, 41.05.670, 28A.400.270, 28A.400.275, 28A.400.280, 28A.400.350, 41.56.500, 41.59.105, 48.02.210, 28A.545.030, 28A.545.070, and 28A.510.250; reenacting and amending RCW 84.48.110, 84.55.092, 41.05.011, and 41.05.120; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.500 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.59 RCW; adding a new section to chapter 41.05 RCW; creating new sections; recodifying RCW 28A.300.600, 28A.300.602, 28A.300.604, and 28A.500.050; repealing RCW 28A.500.020, 28A.500.030, 28A.150.261, 28A.400.201, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025; repealing 2015 c 2 s 2; repealing 2015 3rd sp.s. c 38 ss 1, 3, and 4, and 2015 c 2 ss 1, 4, and 5 (uncodified); providing effective dates; providing expiration dates; and declaring an emergency.

#### MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2163 and Engrossed House Bill No. 2242 were placed on the second reading calendar.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898,  
SENATE BILL NO. 5976.

#### MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Manweller)

Protecting information obtained to develop or implement an individual health insurance market stability program.

The measure was read the second time.

#### MOTION

Senator Rivers moved that the following floor amendment no. 318 by Senator Rivers be adopted:

On page 2, line 35 after "2019." Insert the following:

"(7) The study conducted under this section to examine individual market stability options must be conducted one time only, and the data requested for purposes of the study must be mutually agreed on between the commissioner and the carriers."

Senators Rivers and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 318 by Senator Rivers on page 2, line 35 to Engrossed Substitute House Bill No. 2222.

The motion by Senator Rivers carried and floor amendment no. 318 was adopted by voice vote.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 2222 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2222 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2222 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator O'Ban

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

HOUSE BILL NO. 1042, by Representatives Springer, Harris, Jinkins, Fitzgibbon, Tharinger and Sawyer

Eliminating the office of the insurance commissioner's school district or educational service district annual report.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 1042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1042.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senator O'Ban)

Clarifying obligations under the involuntary treatment act.

The bill was read on Third Reading.

MOTION

On motion of Senator O'Ban, the rules were suspended and Engrossed Substitute Senate Bill No. 5106 was returned to second reading for the purpose of amendment.

MOTION

Senator O'Ban moved that the following striking floor amendment no. 320 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

**"Part One – Joel's Law Amendments**

**Sec. 807.** RCW 71.05.201 and 2016 c 107 s 1 are each amended to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated mental health professional investigation or the request for a designated mental health professional investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated mental health professional investigation.

(3)(a) The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency((, which shall execute the order without delay)) and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or

emergency room determined by the designated mental health professional. The designated mental health agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated mental health professional. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 808.** RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s 1 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated ((mental health professional)) crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the

person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency((, which shall execute the order without delay)) and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 809.** RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ((regional support network)) behavioral health organization or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201 and, to the extent feasible, provide the immediate family member, guardian, or conservator with written or electronic information about the petition process. If provision of written or electronic information is not feasible, the designated mental health professional or designated mental health professional agency must refer the immediate family member, guardian, or conservator to a web site where published information on the petition process may be accessed. The designated mental health professional or designated mental health professional agency must document the manner and date on which the information

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required under this subsection was provided to the immediate family member, guardian, or conservator.

(3) A designated mental health professional or designated mental health professional agency must, upon request, disclose the date of a designated mental health professional investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

**Sec. 810.** RCW 71.05.203 and 2016 sp.s. c 29 s 223 are each amended to read as follows:

(1) The department and each behavioral health organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201 and, to the extent feasible, provide the immediate family member, guardian, or conservator with written or electronic information about the petition process. If provision of written or electronic information is not feasible, the designated crisis responder or designated crisis responder agency must refer the immediate family member, guardian, or conservator to a web site where published information on the petition process may be accessed. The designated crisis responder or designated crisis responder agency must document the manner and date on which the information required under this subsection was provided to the immediate family member, guardian, or conservator.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

**NEW SECTION. Sec. 811.** By December 15, 2017, the administrative office of the courts, in collaboration with stakeholders, including but not limited to judges, prosecutors, defense attorneys, the department of social and health services, behavioral health advocates, and families, shall: (1) Develop and publish on its web site a user's guide to assist pro se litigants in the preparation and filing of a petition under RCW 71.05.201; and (2) develop a model order of detention under RCW 71.05.201 which contains an advisement of rights for the detained person.

**NEW SECTION. Sec. 812.** Sections 1 and 3 of this act expire April 1, 2018.

**NEW SECTION. Sec. 813.** Sections 2 and 4 of this act take effect April 1, 2018.

**Part Two – Less Restrictive Alternative Revocations**

**Sec. 814.** RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated mental health

professional, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility, or designated mental health professional ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel((,)) or advise((, or admonish)) the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated mental health professional, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or evaluation and treatment facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated mental health professional or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated mental health professional when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated mental health professional or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person

subject to a court order under this section to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment, or initiate proceedings under this subsection (4) without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated mental health professional or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated mental health professional or secretary shall ((notify the court that originally ordered commitment within two judicial days of a person's detention and)) file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated mental health professional shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated mental health professional, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 815.** RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility, or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel ~~((or))~~ or advise ~~((or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a

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court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court

must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 816.** RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each amended to read as follows:

(1) ~~Either an~~ agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ~~((if)).~~ The agency, facility, or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel~~((:))~~ or advise~~((, or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and



(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

### Part Three – Initial Detention Investigations

**Sec. 817.** RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

~~((A))~~ If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated mental health professional conducting ~~((an))~~ the evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated mental health professional))~~ shall take serious consideration of observations and opinions by an examining emergency room physician((s)), advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated mental health professional must document ~~((the))~~ his or her consultation with ((an examining emergency room physician)) this professional, ((including)) if the professional is available, or his or her review of the ((physician's)) professional's written observations or opinions regarding whether detention of the person is appropriate.

**Sec. 818.** RCW 71.05.154 and 2016 sp.s. c 29 s 214 are each amended to read as follows:

~~((A))~~ If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated crisis responder conducting ~~((an))~~ the evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated crisis responder))~~ shall take serious consideration of observations and opinions by an examining emergency room physician((s)), advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated crisis responder must document ~~((the))~~ his or her consultation with ((an examining emergency room physician)) this professional, ((including)) if the professional is available, or his or her review of the ((physician's)) professional's written observations or opinions regarding whether detention of the person is appropriate.

### Part Four – Evaluation and Petition by Chemical Dependency Professionals

**Sec. 819.** RCW 70.96A.140 and 2016 sp.s. c 29 s 102 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of ~~((chemical dependency))~~ a substance use disorder, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

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If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a ~~((chemical dependency))~~ substance use disorder treatment program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or ~~((chemical dependency))~~ substance use disorder treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person ~~((is chemically dependent))~~ has a substance use disorder and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment.

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) ~~((Two physicians;))~~ One physician, physician assistant, or advanced registered nurse practitioner; and

(B) ~~((One physician and a mental health professional;~~

~~(C) One physician assistant and a mental health professional; or~~

~~(D) One psychiatric advanced registered nurse practitioner and a mental health professional.~~

~~((ii) The persons signing the petition must have examined the person))~~ One physician, physician assistant, advanced registered nurse practitioner, or designated chemical dependency specialist.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition ~~((: PROVIDED, HOWEVER, That))~~. ~~The ((above specified))~~ seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays ~~((: PROVIDED FURTHER, That))~~. The court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served ~~((by the designated chemical dependency specialist))~~ on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony including, if possible, the testimony, which may be telephonic, of at least one licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or ~~((mental health~~

~~professional))~~ designated chemical dependency specialist who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person ~~((is chemically dependent))~~ has a substance use disorder shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or ~~((mental health professional))~~ designated chemical dependency specialist, he or she shall be given an opportunity to be examined by a court appointed licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by a preponderance of the evidence and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is

available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of fourteen days unless sooner discharged. A person committed to a less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she (~~is chemically dependent~~) has a substance use disorder and is likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed (~~(- PROVIDED, That,)).~~ The court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a (~~chemically dependent~~) person with a substance use disorder committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a (~~chemically dependent~~) person with a substance use disorder committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, designated chemical dependency specialist, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a qualified person and requests an examination, the court shall employ a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, designated chemical dependency specialist, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived

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unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

**Sec. 820.** RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance

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use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential

treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 821.** RCW 71.05.210 and 2016 sp.s. c 29 s 224 and 2016 c 155 s 2 are each reenacted and amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional)),~~ physician assistant, or advanced registered nurse practitioner; and

(ii) One ~~((physician assistant and a))~~ mental health professional~~((or~~

~~((iii) One advanced registered nurse practitioner and a mental health)).~~ If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a chemical dependency professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in

proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 822.** RCW 71.05.210 and 2016 sp.s. c 29 s 225 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional)), physician assistant, or advanced registered nurse practitioner; and~~

(ii) One ~~((physician assistant and a))~~ mental health professional~~((or~~

~~((iii) One advanced registered nurse practitioner and a mental health professional)).~~ If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a chemical dependency professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 823.** RCW 71.05.230 and 2016 sp.s. c 29 s 230, 2016 c 155 s 5, and 2016 c 45 s 1 are each reenacted and amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety

additional days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

(4)~~(a)~~(i) The professional staff of the agency or facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed ~~((either))~~ by:

~~((a) Two physicians))~~ (A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

~~((b))~~ (B) One physician ~~((and a)), physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional((or~~

~~((c) One physician assistant and a mental health professional; or~~

~~((d) One psychiatric advanced registered nurse practitioner and a mental health professional)).~~

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing

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involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Sec. 824.** RCW 71.05.290 and 2016 sp.s. c 29 s 235, 2016 c 155 s 6, and 2016 c 45 s 3 are each reenacted and amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

~~((a) Two physicians)) (A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and~~

~~((b)) (B) One physician ((and a)), physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional((;~~

~~(c) One physician assistant and a mental health professional; or~~

~~(d) One psychiatric advanced registered nurse practitioner and a mental health professional)).~~

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

**Sec. 825.** RCW 71.05.300 and 2016 sp.s. c 29 s 236 and 2016 c 155 s 7 are each reenacted and amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if

the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, ~~((or))~~ psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

**Sec. 826.** RCW 71.05.360 and 2016 sp.s. c 29 s 244 and 2016 c 155 s 8 are each reenacted and amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license if the person is committed under RCW 71.05.240 or 71.05.320 for mental health treatment.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder or substance use disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-



two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder or substance use disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program the personnel of the facility or the designated crisis responder shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (a) To present evidence on his or her behalf;
- (b) To cross-examine witnesses who testify against him or her;
- (c) To be proceeded against by the rules of evidence;
- (d) To remain silent;
- (e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and

evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, physician assistant, psychiatric advanced registered nurse practitioner, or ~~(licensed mental health)~~ other professional person to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

**Sec. 827.** RCW 71.05.760 and 2016 sp.s. c 29 s 201 are each amended to read as follows:

(1)(a) By April 1, 2018, the department, by rule, must combine the functions of a designated mental health professional and designated chemical dependency specialist by establishing a designated crisis responder who is authorized to conduct investigations, detain persons up to seventy-two hours to the proper facility, and carry out the other functions identified in this chapter and chapter 71.34 RCW. The behavioral health

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organizations shall provide training to the designated crisis responders as required by the department.

(b)(i) To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(A) Psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or social worker;

(B) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(C) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(D) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(E) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

(ii) Training must include chemical dependency training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(c) The department must develop a transition process for any person who has been designated as a designated mental health professional or a designated chemical dependency specialist before April 1, 2018, to be converted to a designated crisis responder. The behavioral health organizations shall provide training, as required by the department, to persons converting to designated crisis responders, which must include both mental health and chemical dependency training applicable to the designated crisis responder role.

(2)(a) The department must ensure that at least one sixteen-bed secure detoxification facility is operational by April 1, 2018, and that at least two sixteen-bed secure detoxification facilities are operational by April 1, 2019.

(b) If, at any time during the implementation of secure detoxification facility capacity, federal funding becomes unavailable for federal match for services provided in secure detoxification facilities, then the department must cease any expansion of secure detoxification facilities until further direction is provided by the legislature.

**Part Five - Technical**

NEW SECTION. **Sec. 828.** Section 13 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 829.** Sections 8, 11, and 13 of this act expire April 1, 2018.

NEW SECTION. **Sec. 830.** Sections 9, 12, 14, 15, and 17 through 21 of this act take effect April 1, 2018.

NEW SECTION. **Sec. 831.** Sections 9 and 15 of this act expire July 1, 2026.

NEW SECTION. **Sec. 832.** Sections 10 and 16 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.201, 71.05.203, 71.05.203, 71.05.590, 71.05.590, 71.05.590, 71.05.154, 71.05.154, 70.96A.140, 71.05.210, and 71.05.760; reenacting and amending RCW 71.05.201, 71.05.020, 71.05.210, 71.05.230,

71.05.290, 71.05.300, and 71.05.360; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 320 by Senator O'Ban to Engrossed Substitute Senate Bill No. 5106.

The motion by Senator O'Ban carried and floor striking amendment no. 320 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1140, by Representatives Jinkins, Rodne and Ormsby

Extending surcharges on court filing fees for deposit in the judicial stabilization trust account to July 1, 2021.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 1140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1140.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1140 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Walsh, Wellman and Zeiger

Voting nay: Senators Baumgartner, Brown, Ericksen, Honeyford, Schoesler, Short, Van De Wege, Warnick and Wilson

HOUSE BILL NO. 1140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5316 with the following amendment(s): 5316.E AMH JINK H2915.1

Beginning on page 13, line 4, strike all of section 20

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 28, after line 36, insert the following:

"Sec. 45. RCW 47.68.250 and 2016 c 20 s 3 are each amended to read as follows:

#### SECTION 40 CONFORMING AMENDMENT.

(1) Every aircraft must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

(3) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and must be collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account (~~(in the transportation fund)~~).

(4) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or

she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

(5) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft that is owned by a nonresident if:

(i) The aircraft remains in this state or is based in this state, or both, for a period less than ninety days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of ninety days or longer, but only when:

(A) The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

(B) An employee of the facility providing these services is on board the airplane during any flight testing; and

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection (5)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection (5)(c)(ii) and that written statements conform with the provisions of RCW 9A.72.085;

(d) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; and

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

(6) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

(7) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the

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lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

(8) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

**NEW SECTION. Sec. 46.** Section 45 of this act expires July 1, 2021.

**Sec. 47.** RCW 47.68.250 and 2016 c 20 s 4 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

(1) Every aircraft must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

(3) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account (~~in the transportation fund~~).

(4) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

(5) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft which is owned by a nonresident and registered in another state. However, if said aircraft remains in and/or ~~(be)~~ is based in this state for a period of ninety days or longer it is not exempt under this section;

(d) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

(6) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

(7) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

(8) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

**NEW SECTION. Sec. 48.** Section 47 of this act takes effect July 1, 2021.

**Sec. 49.** RCW 14.20.060 and 1998 c 187 s 2 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

The fees set forth in RCW 14.20.050 shall be paid to the secretary. The fee for any calendar year may be paid on and after the first day of December of the preceding year. The secretary shall give appropriate receipts therefor. The fees collected under this chapter shall be credited to the aeronautics account (~~of the transportation fund~~). The secretary may prescribe requirements for the possession and exhibition of aircraft dealer's licenses and aircraft dealer's certificates.

**Sec. 50.** RCW 82.44.190 and 1996 c 262 s 2 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

The transportation infrastructure account is hereby created in the ~~((transportation fund))~~ state treasury. Public and private entities may deposit moneys in the transportation infrastructure account from federal, state, local, or private sources. Proceeds from bonds or other financial instruments sold to finance surface transportation projects from the transportation infrastructure account shall be deposited into the account. Principal and interest payments made on loans from the transportation infrastructure account shall be deposited into the account. Moneys in the account shall be available for purposes specified in RCW 82.44.195. Expenditures from the transportation infrastructure account shall be subject to appropriation by the legislature. To the extent required by federal law or regulations promulgated by the United States secretary of transportation, the state treasurer is authorized to create separate subaccounts within the transportation infrastructure account.

**Sec. 51.** RCW 43.84.092 and 2017 c 290 s 8 are each amended to read as follows:

**SECTION 40 CONFORMING AMENDMENT.**

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, ((the drinking water assistance repayment account,)) the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the

freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, ((the transportation fund,)) the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington

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state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Fortunato moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5316.

Senator Fortunato spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fortunato that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5316.

The motion by Senator Fortunato carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5316 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5316, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890 with the following amendment(s): 5890-S.E2 AMH ENGR H2948.E

Strike everything after the enacting clause and insert the following:

"Sec. 52. RCW 74.13.270 and 1990 c 284 s 8 are each amended to read as follows:

(1) The legislature recognizes the need for temporary short-term relief for foster parents who care for children with emotional, mental, or physical handicaps. For purposes of this section, respite care means appropriate, temporary, short-term care for these foster children placed with licensed foster parents. The purpose of this care is to give the foster parents temporary relief from the stresses associated with the care of these foster children. The department shall design a program of respite care that will minimize disruptions to the child and will serve foster parents within these priorities, based on input from foster parents, foster parent associations, and reliable research if available.

(2)(a) For the purposes of this section, and subject to funding appropriated specifically for this purpose, short-term support shall include case aides who provide temporary assistance to foster parents as needed with the overall goal of supporting the parental efforts of the foster parents except that this assistance shall not include overnight assistance. The department shall contract with nonprofit community-based organizations in each region to establish a statewide pool of individuals to provide the support described in this subsection. These individuals shall be hired by the nonprofit community-based organization and shall have the appropriate training, background checks, and qualifications as determined by the department. Short-term support as described in this subsection shall be available to all licensed foster parents in the state as funding is available and shall be phased in by geographic region. To obtain the assistance of a case aide for this purpose, the foster parent may request the services from the nonprofit community-based organization and the nonprofit community-based organization may offer assistance to licensed foster families. If the requests for the short-term support provided in this subsection exceed the funding available, the nonprofit community-based organization shall have discretion to determine the assignment of case aides. The nonprofit community-based organization shall report all short-term support provided under this subsection to the department.

(b) Subject to funding appropriated specifically for this purpose, the Washington state institute for public policy shall prepare an outcome evaluation of the short-term support described in this subsection. The evaluation will, to the maximum extent possible, assess the impact of the short-term support services described in this subsection on the retention of foster homes and the number of placements a foster child receives while in out-of-home care as well as the return on investment to the state. The institute shall submit a preliminary report to the appropriate committees of the legislature and the governor by December 1, 2018, that describes the initial implementation of these services and descriptive statistics of the families utilizing these services. A final report shall be submitted to the appropriate committees of the legislature by June 30, 2020. At no cost to the institute, the department shall provide all data necessary to discharge this duty.

(c) Costs associated with case aides as described in this subsection shall not be included in the forecast.

(d) Pursuant to RCW 41.06.142(3), performance-based contracting under (a) of this subsection is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

**NEW SECTION. Sec. 53.** (1) No later than December 31, 2017, the department of social and health services, in consultation with stakeholders, including child placing agencies, foster parents, foster care advocates, and biological parents shall identify a system of support services to be provided to foster parents to assist foster parents in their parental efforts with foster children and a plan to implement these support services statewide, which may include contracts with community-based organizations.

(2) For the purpose of this section, "support services" shall include, but shall not be limited to, counseling, educational assistance, respite care, and hands-on assistance for children with high-risk behaviors.

(3) The department of social and health services shall submit the final plan, which shall include estimated costs to implement these support services and recommendations for implementing these support services in a phased-in manner to the appropriate committees and the legislature no later than January 15, 2018.

(4) This section expires February 1, 2018.

**NEW SECTION. Sec. 54.** (1) No later than December 31, 2017, the office of innovation, alignment, and accountability, in consultation with stakeholders, including child placing agencies, foster parents, foster care advocates, and biological parents shall identify a system of support services to be provided to foster parents to assist foster parents in their parental efforts with foster children and a plan to implement these support services statewide, which may include contracts with community-based organizations.

(2) For the purpose of this section, "support services" shall include, but shall not be limited to, counseling, educational assistance, respite care, and hands-on assistance for children with high-risk behaviors.

(3) The office of innovation, alignment, and accountability shall submit the final plan, which shall include estimated costs to implement these support services and recommendations for implementing these support services in a phased-in manner to the appropriate committees of the legislature no later than January 15, 2018.

(4) This section expires February 1, 2018.

**NEW SECTION. Sec. 55.** A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall design and implement an expedited foster licensing process.

(2) The expedited foster licensing process described in this section shall be available to individuals who:

(a) Were licensed within the last five years;

(b) Were not the subject of an adverse licensing action or a voluntary relinquishment;

(c) Seek licensure for the same residence for which he or she was previously licensed provided that any changes to family constellation since the previous license is limited to individuals leaving the family constellation; and

(d) Apply to the same agency for which he or she was previously licensed, with the understanding that the agency must be agreeable to supervise the home.

(3) The department shall make every effort to ensure that individuals qualifying for and seeking an expedited license are able to become licensed within forty days of the department receiving his or her application.

(4) The department shall only issue a foster license pursuant to this section after receiving a completed fingerprint-based background check, and may delay issuance of an expedited license solely based on awaiting the results of a background check.

(5) The department may issue a provisional expedited license pursuant to this section before completing a home study, but shall complete the home study as soon as possible after issuing a provisional expedited license.

(6) The department and its officers, agents, employees, and volunteers are not liable for injuries caused by the expedited foster licensing process.

**Sec. 56.** RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are each reenacted and amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

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(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care

facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

**NEW SECTION. Sec. 57.** A new section is added to chapter 13.34 RCW to read as follows:

(1) Within the department's appropriations, the department shall ensure that a case review panel reviews cases involving dependent children where permanency is not achieved for children within eighteen months after being placed in out-of-home care.

(2) The case review panel shall be comprised of, at a minimum, a lead social services specialist and either the office of the family and children's ombuds or another external organization with child welfare experience.

(3) Beginning September 1, 2018, the panel shall review all cases where, after the effective date of this section, a dependent child reaches eighteen months in out-of-home placement and has not achieved permanency. This review must occur by the child's nineteenth month in out-of-home placement. At each case review, the panel must develop a plan of action, including recommended next steps for the department to take, to achieve permanency.

(4) The department is encouraged to convene the case review panel regularly to review other cases involving dependent children as needed to ensure stability and permanency is achieved and length of stay for children in out-of-home placement is reduced.

**Sec. 58.** RCW 74.13.031 and 2015 c 240 s 3 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.



(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed.

Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there

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is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This

subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

**Sec. 59.** RCW 74.13A.025 and 2013 c 23 s 210 are each amended to read as follows:

The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted. In setting the amount of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary is authorized to establish maximum payment amounts that are reasonable and allow permanency planning goals related to adoption of children under RCW 13.34.145 to be achieved at the earliest possible date. To encourage adoption of children between the ages of fourteen and eighteen, and in particular those children between the ages of fourteen and eighteen who are hard to place for adoption, the secretary is authorized to include as part of any new negotiated adoption agreement executed after the effective date of this section continued eligibility for the Washington college bound scholarship pursuant to RCW 28B.118.010.

The amounts paid for the support of a child pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080 may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing rules and regulations to carry out the provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him or her with respect to child welfare.

**Sec. 60.** RCW 74.13A.030 and 1996 c 130 s 2 are each amended to read as follows:

To carry out the program authorized by RCW 26.33.320 and (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080, the secretary may make continuing payments or lump sum payments of adoption support. In lieu of continuing payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

Consistent with a particular child's needs, continuing adoption support payments shall include, if necessary to facilitate or support the adoption of a special needs child, an amount sufficient to remove any reasonable financial barrier to adoption as determined by the secretary under RCW (~~74.13.112~~) 74.13A.025.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by the secretary subject to the provisions of RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080.

**Sec. 61.** RCW 74.13A.047 and 2012 c 147 s 2 are each amended to read as follows:

(1) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection applies prospectively to adoption assistance agreements established on or after July 1, 2013, through June 30, 2017.

(2)(a) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than the following:

(i) For a child under the age of five, no more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(ii) For a child aged five through nine, no more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(iii) For a child aged ten through eighteen, no more than ninety-five percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(b) This subsection applies prospectively to adoption assistance agreements established on or after the effective date of this section.

(3) The department must establish a central unit of adoption support negotiators to help ensure consistent negotiation of adoption support agreements that will balance the needs of adoptive families with the state's need to remain fiscally responsible.

~~((3))~~ (4) The department must request, in writing, that adoptive families with existing adoption support contracts renegotiate their contracts to establish lower adoption assistance payments if it is fiscally feasible for the family to do so. The department shall explain that adoption support contracts may be renegotiated as needs arise.

**Sec. 62.** RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; ~~((e))~~

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

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(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**NEW SECTION. Sec. 63.** A new section is added to chapter 41.04 RCW to read as follows:

(1) The foster parent shared leave pool is created to allow employees to donate leave to be used as shared leave for any employee who is a foster parent needing to care for or preparing to accept a foster child in their home. Participation in the pool shall, at all times, be voluntary on the part of the employee. The department of social and health services, in consultation with the office of financial management, shall administer the foster parent shared leave pool.

(2) Employees, as defined in RCW 41.04.655, may donate leave to the foster parent shared leave pool.

(3) An employee, as defined in RCW 41.04.655, who is also a foster parent licensed pursuant to RCW 74.15.040 may request shared leave from the foster parent shared leave pool.

(4) Shared leave under this section may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

(5) Shared leave paid under this section must not exceed the level of the employee's state monthly salary.

(6) Any leave donated must be removed from the personally accumulated leave balance of the employee donating the leave.

(7) An employee who receives shared leave from the pool is not required to recontribute such leave to the pool, except as otherwise provided in this section.

(8) Leave that may be donated or received by any one employee shall be calculated as in RCW 41.04.665.

(9) As used in this section, "monthly salary" includes monthly salary and special pay and shift differential, or the monthly

equivalent for hourly employees. "Monthly salary" does not include:

- (a) Overtime pay;
- (b) Call back pay;
- (c) Standby pay; or
- (d) Performance bonuses.

(10) The office of financial management, in consultation with the department of social and health services, shall adopt rules and policies governing the donation and use of shared leave from the foster parent shared leave pool, including definitions of pay and allowances and guidelines for agencies to use in recordkeeping concerning shared leave.

(11) Agencies must investigate any alleged abuse of the foster parent shared leave pool and on a finding of wrongdoing, the employee may be required to repay all of the shared leave received from the foster parent shared leave pool.

(12) Higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions.

**NEW SECTION. Sec. 64.** A new section is added to chapter 43.06 RCW to read as follows:

Within the office of the governor's appropriations, the governor shall regularly acknowledge the contributions of foster parents to the state of Washington with, at a minimum, a letter signed by the governor. The department of social and health services shall provide to the office of the governor all data necessary to discharge this duty.

**NEW SECTION. Sec. 65.** A new section is added to chapter 74.13 RCW to read as follows:

(1) The child welfare system improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended solely for the following: (a) Foster home licensing; (b) achieving permanency for children; (c) support and assistance provided to foster parents in order to improve foster home retention and stability of placements; (d) improving and increasing placement options for youth in out-of-home care; and (e) preventing out-of-home placement.

(2) Revenues to the child welfare system improvement account consist of: (a) Legislative appropriations; and (b) any other public or private funds appropriated to or deposited in the account.

**NEW SECTION. Sec. 66.** RCW 74.13.107 (Child and family reinvestment account—Methodology for calculating savings resulting from reductions in foster care caseloads and per capita costs) and 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

**NEW SECTION. Sec. 67.** RCW 74.12.037 (Income eligibility—Unearned income exemption) and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s 4 are each repealed, effective July 1, 2018.

**NEW SECTION. Sec. 68.** The following acts or parts of acts are repealed:

(1) RCW 43.131.415 (Child and family reinvestment account and methodology for calculating savings—Termination) and 2012 c 204 s 4; and

(2) RCW 43.131.416 (Child and family reinvestment account and methodology for calculating savings—Repeal) and 2013 c 332 s 13 & 2012 c 204 s 5.

**NEW SECTION. Sec. 69.** Any residual balance of funds remaining in the child and family reinvestment account repealed by section 17 of this act must be transferred to the general fund.

**NEW SECTION. Sec. 70.** Pursuant to RCW 41.06.142(3), the competitive procurement process and contract provisions in this act are expressly mandated by the legislature and are not subject to the processes of RCW 41.06.142 (1), (4), and (5).

**NEW SECTION. Sec. 71.** Section 17 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2017.

**NEW SECTION. Sec. 72.** Section 18 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

**NEW SECTION. Sec. 73.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 74.** If any part of this act is found to be in conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and federal requirements that are a necessary condition to the receipt of federal funds by the state.

**Sec. 75.** RCW 26.44.030 and 2017 c 118 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal

government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is

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received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW

26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian (~~sign an agreement~~) agree to participate in services before services are initiated (~~that~~). The department shall inform(s) the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not (~~sign the consent form~~) agree to participate in services.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(22) The department shall make available on its public web site a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing.

**NEW SECTION. Sec. 76.** (1) The department of social and health services, with technical consultation from the caseload forecast council and associated technical work groups, shall review the forecasts of licensed foster care to ensure that all youth in licensed foster care are included in the caseload forecast and that maintenance level costs associated with these youth, not including costs associated with behavioral rehabilitation services, are accurately calculated.

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(2) The department of social and health services shall submit a report detailing their findings and any recommendations associated with this review to the governor and the appropriate committees of the legislature no later than December 1, 2017.

(3) This section expires January 1, 2018.

**NEW SECTION. Sec. 77.** Section 2 of this act takes effect only if neither Second Engrossed Second Substitute House Bill No. 1661 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5498 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

**NEW SECTION. Sec. 78.** Section 3 of this act takes effect only if Second Engrossed Second Substitute House Bill No. 1661 (including any later amendments or substitutes) or Substitute Senate Bill No. 5498 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

**NEW SECTION. Sec. 79. APPROPRIATIONS FOR THE OFFICE OF CIVIL LEGAL AID.** (1) The sums of \$648,000 from the state general fund for fiscal year 2018 and \$648,000 from the state general fund for fiscal year 2019, or so much thereof as may be necessary, are each appropriated to the office of civil legal aid and are provided solely for the office to provide legal representation for foster children in two counties at the initial shelter care hearing in dependency proceedings prior to termination of parental rights in conjunction with the research assessment authorized in subsection (2) of this section.

(2)(a) The sum of \$75,000, or so much thereof as may be necessary, is appropriated from the state general fund for fiscal year 2019 to the office of civil legal aid and is provided solely for the office to contract with the Washington state center for court research for a statistically reliable assessment of differential outcomes in dependency proceedings prior to termination of parental rights. The assessment must involve a randomized control test or other appropriate research methodology. The center may engage or otherwise associate with other researcher organizations, as appropriate, to help with data design, collection, and analysis. The assessment must compare impacts and outcomes for foster children who receive standards-based legal representation to those who are not represented by an attorney before termination of parental rights. The assessment must focus on dependent children in Grant, Lewis, Douglas, and Whatcom counties. The assessment must quantify differentials, if any, between the experience of children who are represented in the dependency proceeding and those who are not in relation to the following:

(i) The time to achieve permanency and permanency outcomes; and

(ii) Educational, social, or other relevant child welfare indicators as determined relevant by the center including, but not limited to, relevant child welfare indicators identified through consultation with foster children, youth, and other stakeholders involved in the research assessment.

The assessment must also identify and project cost savings to the state, if any, as a result of providing legal representation for children at the shelter care hearing.

(b) The office of the superintendent of public instruction and the children's administration or a successor agency shall provide, in compliance with the federal family education rights and privacy act, the center with necessary data including necessary personal identifiers. The office of the superintendent of public instruction shall consult with the center to ensure the validity of data elements and the interpretation of results.

(c) The Washington state center for court research shall report its initial findings to the legislature by December 31, 2019.

Subject to the availability of amounts appropriated during the 2019-2021 fiscal biennium or obtained from other sources, the center may continue the research assessment through December 31, 2021, and submit a supplemental report to the legislature. The report or reports may not include personal identifiers, or any personally identifiable information, as defined in the federal family educational rights and privacy act.

(d) The office of civil legal aid may apply for and receive grants, donations, or other contributions to help underwrite this research assessment effort."

Correct the title.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5890.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5890.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5890 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5890, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5890, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Ericksen: "Thank you Mr. President. I just would like to take a brief moment of personal privilege on the floor. As you all know it has been kind of a crazy year for myself during the early part of the session, traveling back and forth to D.C. and doing different things. I just want to say I was gone a lot and I appreciate the job and I just want to take a moment to say thank you to the state patrol for their incredible work on this past year and also take a moment to say thank you to Whatcom County Sheriff Bill Elfo and my deputies up there. (Senator chokes up)



Just to say thanks. I appreciate everything. You were at my house a lot and you did a great job.”

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5867, by Senator Braun

Creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Engrossed Senate Bill No. 5867 was returned to second reading for the purposes of amendment.

MOTION

Senator Van De Wege moved that the following striking floor amendment no. 323 by Senators Braun and Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 80.** The legislature finds that the most common form of long-term care provided to persons who are elderly, disabled, or have a developmental disability is provided by a family member in a personal residence. The legislature also finds that care provided by a family member who is chosen by the recipient is often the most appropriate form of care, allowing vulnerable individuals to remain independent while maintaining a sense of dignity and choice. The current system of medicaid services has complexities that may create obstacles for consumers who wish to be cared for by a family member and for family members who enter the system solely to provide care for their loved ones.

Therefore, the legislature intends to direct a study of the current options allowing for the delivery of medicaid personal care services by caregivers who are family members of the state's citizens who are aging, disabled, or who have a developmental disability. The legislature intends to promote more flexibility for clients to access their benefits and to reduce obstacles for clients who wish to hire family members to provide their care.

**NEW SECTION. Sec. 81.** (1) The joint legislative executive committee on aging and disability is directed to explore legislation that would allow family members to provide personal care services to persons with developmental disabilities, or long-term care needs under a voluntary consumer-directed medicaid service program. As part of this work, the committee must also include a discussion of consumer-directed approaches, including those approaches that allow family members of the consumer to provide care, and develop recommendations on:

- (a) Promoting consumer health, safety, and autonomy;
- (b) Ensuring adequate caregiver training and support;
- (c) Verifying the quality and appropriateness of care;
- (d) Reducing barriers for consumers who prefer to receive care from caregivers of their choosing, including family members; and

(e) Mitigating or minimizing potential liability issues that may arise in the context of consumer-directed programs.

(2) The joint legislative executive committee on aging and disability must submit a report with recommendations to the appropriate policy and fiscal committee of the legislature by July 1, 2018.

(3) This section expires July 1, 2018.

**Sec. 82.** RCW 74.39A.326 and 2009 c 571 s 1 are each amended to read as follows:

(1)(a) Except as provided under (b) of this subsection, the department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the care is provided to a client by a family member of the client. To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client.

(b) The department may, on a case-by-case basis based on the client's health and safety, make exceptions to (a) of this subsection to authorize payment or to provide for payment during a transition period of up to three months. Within available funds, the restrictions under (a) of this subsection do not apply when the care is provided to: (i) A client who is an enrolled member of a federally recognized Indian tribe; or (ii) a client who resides in the household of an enrolled member of a federally recognized Indian tribe.

(2) The department shall take appropriate enforcement action against a home care agency found to have charged the state for hours of service for which the department is not authorized to pay under this section, including requiring recoupment of any payment made for those hours and, under criteria adopted by the department by rule, terminating the contract of an agency that violates a recoupment requirement.

(3) For purposes of this section:

(a) "Client" means a person who has been deemed eligible by the department to receive in-home personal care or respite services.

(b) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such relatives when related by marriage.

(4) The department shall adopt rules to implement this section. The rules shall not result in affecting the amount, duration, or scope of the personal care or respite services benefit to which a client may be entitled pursuant to RCW 74.09.520 or Title XIX of the federal social security act."

On page 1, line 4 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.39A.326; creating new sections; and providing an expiration date."

Senator Van De Wege spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 323 by Senators Braun and Van De Wege to Engrossed Senate Bill No. 5867.

The motion by Senator Van De Wege carried and striking floor amendment no. 323 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Second Engrossed Senate Bill No. 5867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5867.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5867 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SECOND ENGROSSED SENATE BILL NO. 5867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5924, by Senators Fain and Keiser

Exchanging charitable, educational, penal, and reformatory institutions trust lands for community and technical college forest reserve lands.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5924 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5924.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5924 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Absent: Senator Ericksen

SENATE BILL NO. 5924, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5947, by Senator Pearson

Concerning the Columbia river salmon and steelhead endorsement program.

MOTION

On motion of Senator Pearson, Substitute Senate Bill No. 5947 was substituted for Senate Bill No. 5947 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 321 by Senator Rivers be adopted:

On page 2, line 7, after "land" strike "or to develop boat launches"

Senator Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 321 by Senator Rivers on page 2, line 7 to Substitute Senate Bill No. 5947.

The motion by Senator Rivers carried and floor amendment no. 321 was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute Senate Bill No. 5947 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5947.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Honeyford

ENGROSSED SUBSTITUTE SENATE BILL NO. 5947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2242, by Representatives Sullivan, Harris, Lytton and Taylor

Funding fully the state's program of basic education by providing equitable education opportunities through reform of state and local education contributions.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following floor amendment no. 326 by Senator Baumgartner be adopted:

On page 120, after line 2, insert the following:

"**NEW SECTION. Sec. 83.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Senator Baumgartner spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 326 by Senator Baumgartner on page 120, after line 2 to Engrossed House Bill No. 2242.

The motion by Senator Baumgartner did not carry and floor amendment no. 326 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Rolfes, Hobbs, Rivers, Billig, Zeiger, Baumgartner and Miloscia spoke in favor of passage of the bill.

Senators Kuderer, Pedersen, Chase and Carlyle spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Conway, Darneille, Erickson, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Frockt, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Padden, Palumbo, Pedersen, Saldaña, Short, Van De Wege and Wellman

ENGROSSED HOUSE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5883, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5883.

MOTION

At 6:48 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

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EVENING SESSION

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The Senate was called to order at 7:26 p.m. by President Habib.

MOTION

On motion of Senator Fain, House Bill No. 1406 which had been previously held at the desk on June 30, 2017 was placed on the second reading calendar.

MOTION

At 7:27 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:01 p.m. by President Habib.

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1140,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1777,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898, SENATE BILL NO. 5976, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5883, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, ENGROSSED SUBSTITUTE SENATE BILL NO. 5947, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5605, by Senators Walsh and Billig

Aligning the office of the superintendent of public instruction's background check authority with that of the department of early learning.

MOTIONS

On motion of Senator Walsh, Substitute Senate Bill No. 5605 was substituted for Senate Bill No. 5605 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Substitute Senate Bill No. 5605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Walsh and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5605.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341, by House Committee on Appropriations (originally sponsored by Representatives Bergquist, McCaslin, Stonier, Muri and Pollet)

Concerning professional certification for teachers and school administrators.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Second Substitute House Bill No. 1341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Rolfes and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1341.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1341 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1042,  
HOUSE BILL NO. 1140,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1777.

#### SECOND READING

SENATE BILL NO. 5975, by Senators Fain, Liias, Keiser, Saldaña, Miloscia, Cleveland, McCoy, Nelson, Ranker, Conway, Mullet, Hobbs, Takko, Palumbo, Pedersen and Chase

Relating to paid family and medical leave. Revised for 1st Substitute: Addressing paid family and medical leave.

#### MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Keiser, Saldaña, Miloscia, Liias, Takko, Wilson, and Conway spoke in favor of passage of the bill.

Senators Baumgartner, Angel, Padden and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5975.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Brown, Ericksen, Hawkins, Honeyford, Padden, Pearson, Rossi, Sheldon and Short

SUBSTITUTE SENATE BILL NO. 5975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5947.

#### MOTION

At 9:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Majority Coalition Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 10:47 p.m. by President Habib.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2242,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SENATE BILL NO. 5867,  
SUBSTITUTE SENATE BILL NO. 5975,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 5977, by Senator Rossi

Relating to revenue.

#### MOTIONS

On motion of Senator Baumgartner, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Baumgartner, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Rossi spoke in favor of passage of the bill.

Senator Ranker spoke against passage of the bill.

#### MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Fain and without objection, senators were limited to speaking but once and for no more than two minutes on each question under debate for the remainder of the day by voice vote.

## MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Schoesler spoke in favor of passage of the bill.

## PARLIAMENTARY INQUIRY

Senator Braun: "Senate Rule 22 provides that a member may not vote on any question upon which he or she is 'personally or directly interested.' This bill contains a provision that reduces the B & O (Business and Occupation) tax rate for thousands of manufacturing businesses in the state. As you know, I am part owner in a manufacturing business that would see a reduction in its B & O tax rate. My question is, pursuant to Rule 22, should I abstain from voting?"

## RULING BY THE PRESIDENT

President Habib: "Our Legislature is a citizen legislature, meaning that we expect that members have jobs and interests outside Olympia. We expect that some bills will touch your lives. It is my opinion that since your business is part of a very large class of businesses that will see a benefit through reduced taxes in this bill, and that this manufacturing class already exists – meaning that we are not carving out a new exemption or reduction that more narrowly benefits you or your business—your interest is not direct enough to prevent you from voting on this measure.

I would also remind you that Rule 22 also provides that every member within the bar of the Senate shall vote unless excused by a unanimous vote of the members present."

Senators Short, Mullet, Ericksen and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5977.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Darneille, Frockt, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes and Saldaña

SUBSTITUTE SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND ENGROSSED SUBSTITUTE SENATE BILL  
NO. 5106,  
ENGROSSED SENATE BILL NO. 5316,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL  
NO. 5890  
ENGROSSED HOUSE BILL NO. 2242.

## MOTION

At 11:07 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:21 p.m. by President Habib.

## SECOND READING

ENGROSSED HOUSE BILL NO. 2190, by Representative Ormsby

Addressing budget stabilization account transfers to the general fund. (REVISED FOR ENGROSSED: Addressing budget stabilization account transfers and appropriations. )

The measure was read the second time.

## MOTION

On motion of Senator Braun, the rules were suspended, Engrossed House Bill No. 2190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2190.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2190 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Carlyle, Liias and Van De Wege

ENGROSSED HOUSE BILL NO. 2190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SECOND ENGROSSED SENATE BILL NO. 5867,  
SUBSTITUTE SENATE BILL NO. 5975.

SECOND READING

ENGROSSED HOUSE BILL NO. 2163, by Representative Ormsby

Relating to revenue.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 329 by Senator Braun be adopted:

On page 8, line 17, after "rate of" strike "3.852 percent" and insert ":

- (a) 0.963 percent from January 1, 2018, through December 31, 2018;
  - (b) 1.926 percent from January 1, 2019, through December 31, 2019;
  - (c) 2.889 percent from January 1, 2020, through December 31, 2020; and
  - (d) 3.852 percent from January 1, 2021, and thereafter"
- On page 46, after line 33, insert the following:

**"Part V**

**Public Utility Privilege Tax Distributions**

**Sec. 501.** RCW 54.28.055 and 1986 c 189 s 1 are each amended to read as follows:

(1) After computing the tax imposed by RCW 54.28.025(1), the department of revenue ~~((shall))~~ **must** instruct the state treasurer to distribute the amount collected on the first business day of July as follows:

- (a) Fifty percent to the state general fund for the support of schools; and
- (b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district ~~((shall))~~ **must** receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries ~~((as defined in RCW 27.12.010(4)))~~, rural county library districts ~~((as defined in RCW 27.12.010(5)))~~, intercounty rural library districts ~~((as defined in RCW 27.12.010(6)))~~, and island library districts ~~((as defined in RCW 27.12.010(7)))~~. The population of a library district, for purposes of such a distribution, ~~((shall))~~ **does** not include any population within the library district and the impact area that also is located within a city or town.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share ~~((shall))~~ **must** be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population ~~((shall))~~ **must** be calculated in accordance with data to be provided by the office of financial management.

**Sec. 502.** RCW 54.28.055 and 2017 c 323 s 105 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the department of revenue must instruct the state treasurer to distribute the amount collected under RCW 54.28.025(1) on the first business day of July as follows:

- (a) Fifty percent to the state general fund for the support of schools; and
- (b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district, and library district must receive a percentage of the amount for distribution to counties, cities, fire protection districts, and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries, rural county library districts, intercounty rural library districts, and island library districts as those terms are defined in RCW 27.12.010. The population of a library district, for purposes of such a distribution, does not include any population within the library district and the impact area that also is located within a city or town.

(3) Distributions under this section must be adjusted as follows:

(a) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share must be prorated among the state and remaining local districts.

(b) The department of revenue must instruct the state treasurer to adjust distributions under this section, in whole or in part, to account for each county's, city's, fire protection district's, and library district's proportionate share of amounts previously distributed under this section and subsequently refunded to a public utility district under RCW 82.32.060.

(4) All distributions directed by this section to be made on the basis of population must be calculated in accordance with population data as last determined by the office of financial management."

Renumber the remaining part and sections consecutively and correct any internal references accordingly.

On page 47, after line 35, insert the following:

"(5) Section 502 of this act takes effect January 1, 2018."

On page 48, after line 2, insert the following:

"NEW SECTION. **Sec. 507.** Section 501 of this act expires January 1, 2018."

On page 1, line 3 of the title, after "82.14.495," strike "and 82.14.500" and insert "82.14.500, 54.28.055, and 54.28.055"

On page 1, line 8 of the title, after "dates; providing" strike "an expiration date" and insert "expiration dates"

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 329 by Senator Braun on page 8, line 17 to Engrossed House Bill No. 2163.

The motion by Senator Braun carried and floor amendment no. 329 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed House Bill No. 2163 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2163 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2163 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pearson, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Walsh, Warnick and Wellman

Voting nay: Senators Angel, Baumgartner, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, Miloscia, O'Ban, Padden, Rivers, Rossi, Sheldon, Short, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 2163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1406, by Representatives Barkis, Blake, Chandler, Fitzgibbon and Wilcox

Adjusting the surface mining funding structure.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1406.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1406 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Braun, Ericksen, Padden, Palumbo, Schoesler, Short and Walsh

HOUSE BILL NO. 1406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:38 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:00 o'clock a.m. by President Habib.

MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5106,

ENGROSSED SENATE BILL NO. 5316,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5947,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

PERSONAL PRIVILEGE

Senator Baumgartner: "Very quickly, I just wanted to say Senator Fain referenced the one person still watching on television, that would be my retired father, who used to be a forestry professor, who just texted me 'You all seem like nice people who must be very, very tired. Cyrus is doing a good job too.'"

REPLY BY THE PRESIDENT

President Habib: "I am resisting every urge to have that spread upon the journal, Senator Baumgartner."

SECOND READING



ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, by House Committee on Education (originally sponsored by Representatives MacEwen, Dolan, Appleton, Haler, Harris, Sells, Tarleton, J. Walsh, Santos and Doglio)

Providing flexibility in high school graduation requirements and supporting student success during the transition to a federal every student succeeds act-compliant accountability system.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 2224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2224.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2224 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
1341,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222.

#### SECOND READING

SENATE BILL NO. 5965, by Senator Honeyford

Relating to the capital budget.

#### MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5965 was substituted for Senate Bill No. 5965 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 330 by Senators Frockt, Honeyford and Schoesler be adopted:

On page 81, strike everything from line 12 through line 21

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Honeyford and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 330 by Senators Frockt, Honeyford and Schoesler to Substitute Senate Bill No. 5965.

The motion by Senator Honeyford carried and floor amendment no. 330 was adopted by voice vote.

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5965.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5965 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Liias and Palumbo

ENGROSSED SUBSTITUTE SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:16 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:32 a.m. by President Habib.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGES FROM THE HOUSE

July 1, 2017

MR. PRESIDENT:  
The House has passed:

TENTH DAY, JUNE 30, 2017

2017 3RD SPECIAL SESSION

SUBSTITUTE SENATE BILL NO. 5605,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

July 1, 2017

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5924,  
SUBSTITUTE SENATE BILL NO. 5977,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

#### SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1661, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

Creating the department of children, youth, and families.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following floor amendment no. 305 by Senator Padden be adopted:

On page 4, after line 40, insert the following:

"(11) The legislature finds that the relationship between parent and child is of paramount importance to the department of children, youth, and families. Department actions must be tailored towards maintaining parental rights and parental involvement in the life of the child. Decisions made by department employees should first prioritize the parental rights of the legal parent(s) or guardian followed secondly by what is in the best interest of the child."

On page 79, line 6, after "with" insert "parental rights."

On page 79, line 10, after "child" insert "and preservation of parental rights"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 305 by Senator Padden on page 4, after line 40 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 305 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 306 by Senator Padden be adopted:

On page 4, after line 40, insert the following:

"(11) The legislature finds that a cohesive family dynamic is vital to the well-being of our state's children. The legislature further finds that children frequently disagree with rules, parameters, or restrictions put in place by their parents or guardians. It is the priority of the legislature and intent of this act that the department shall not interfere with parents who set rules, parameters, or restrictions related to their child's romantic preferences or lifestyle choices."

On page 75, line 32, after "(3)" insert "The court in a fact-finding hearing may not consider any information related to current or past disagreements between the child and the child's parent(s) about the child's romantic preferences and lifestyle choices or rules, parameters, and restrictions set by the parent(s) related to the child's romantic preferences or lifestyle choices."

(4)"

On page 76, line 16, after "evidence." insert "Any information related to romantic preferences or lifestyle choices by the child must be redacted from the social file prior to being considered in the fact-finding hearing."

On page 77, at the beginning of line 22, strike "(4)" and insert "~~((4))~~ (5)"

On page 107, line 4, after "the child." insert "Rules, restrictions, or parameters set by parents as a reaction to disagreements between the parents and the child related to the child's romantic preferences or lifestyle choices may not be considered abuse or neglect and may not be considered when determining abuse or neglect."

On page 109, line 6, after "9A.42.100." insert "Rules, restrictions, or parameters set by parents or disagreements between the parents and the child related to romantic preference or lifestyle choices of the child may not be considered when determining whether negligent treatment or maltreatment has occurred."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 306 by Senator Padden on page 4, after line 40 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 306 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 311 by Senator Padden be adopted:

On page 9, line 34, after "procedure" insert "except for health and safety rules related to mandatory water and environmental testing for home-based day care providers"

On page 10, beginning on line 6, after "act" strike all material through "decisions" on line 11

On page 35, line 38, after "act" insert "except for rules related to mandatory water and environmental testing"

On page 38, line 4, after "providers." insert "The rule-making authority does not include any authority to mandate or require water testing for home day care providers."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 311 by Senator Padden on page 9, line 34 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 311 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 312 by Senator Padden be adopted:

On page 9, line 34, after "procedure" insert ". All proposed rules must be reviewed and analyzed for potential operational cost increases on providers by the oversight board prior to submission of a preproposal inquiry for rule making. If the board determines that a proposed rule will result in a net operating cost increase for providers, the rule must be approved unanimously by the board or the board must issue a corresponding rule clarifying its obligation to reimburse the provider for cost of the rule"

On page 11, line 26, after "outcomes," insert "an analysis of new department rules, the financial and operational impact of new department rules on providers and stakeholders, and a recommendation for how to mitigate disproportionate and inequitable financial or operational impact on providers and stakeholders,"

On page 150, line 29, after "agencies;" strike "and" and insert "((and))"

On page 150, line 33, after "persons)" insert "; and  
(10) To consult with home-based day care providers to identify rules that have a disparate economic impact on home-based day care providers and consult with providers for how to mitigate disparate economic impact that results from department rule making. The secretary must publish a report to the department's web site including stakeholder feedback about the financial and operational impact of department rules"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 312 by Senator Padden on page 9, line 34 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 312 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 313 by Senator Padden be adopted:

On page 10, line 27, after "(13)" insert "The oversight board for children, youth, and families shall review all new rules proposed by the department. The review shall take place before any rule becomes effective, unless the rule is adopted as an emergency rule, in which case the oversight board shall review the rule as soon as practicable. To take effect, or to remain in effect in the case of an emergency rule, the rule must be approved by a two-thirds vote of the membership of the oversight board.

(14)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 313 by Senator Padden on page 10, line 27 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 313 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following floor amendment no. 314 by Senator Padden be adopted:

On page 10, line 30, after "families," insert "financial and operational impact of department rules on providers, and"

On page 10, line 32, after "department." insert "The department is prohibited from issuing rules that result in a net operational cost increase for child care providers."

On page 10, line 36, after "services," insert "and equitably formulating rules with appreciation for differences in provider size and capacity,"

On page 23, line 15, after "settings" insert "appreciating that a common set of expectations and standards may not be appropriate for all early learning and child care settings as common expectations and standards may not be appropriate for home-based child care providers"

On page 27, beginning on line 15, after "agreements" strike "that do not involve a violation of health and safety standards"

On page 27, line 20, after "are" strike "not"

On page 27, line 21, after "may" insert "also"

On page 28, line 5, after "act" insert "and must include at least one home-based child care provider"

On page 28, beginning on line 26, after "rules" strike "that do not relate to health and safety standards and"

On page 37, line 27, after "families." insert "The private-public partnership shall prioritize home-based day care providers for receipt of a waiver from state agency rules."

On page 38, after line 4, insert the following:

"(3) Rules that directly or indirectly result in increased operating costs for home-based day care providers may not be proposed by the department or the secretary."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 314 by Senator Padden on page 10, line 30 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 314 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 307 by Senator Padden on page 17, line 37 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 17, line 37, after "has" strike "the full authority" and insert "no authority"

On page 18, line 32, after "may" insert "not"

#### MOTION

Senator Padden moved that the following floor amendment no. 308 by Senator Padden be adopted:

On page 19, beginning on line 22, after "department of" strike all material through "(18)" on line 23 and insert "early learning, ((and)) (18) the department of children, youth, and families, and (19)"

TENTH DAY, JUNE 30, 2017

2017 3RD SPECIAL SESSION

On page 20, beginning on line 2, after "the" strike all material through "(18)" on line 3 and insert "director of early learning, (and) (18) the secretary of children, youth, and families, and (19)"

Beginning on page 29, line 25, strike all material through page 68, line 10

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Beginning on page 225, line 3, strike all of section 802

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 259, line 25, after "9;" insert "and"

On page 259, beginning on line 27, after "322" strike all material through "105" on line 29

Beginning on page 259, line 33, after "(2)" strike all material through "(5)" on page 260, line 1

On page 260, at the beginning of line 3, strike "(6)" and insert "(3)"

Beginning on page 260, line 4, strike all of section 821

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 263, line 1, after "114," strike "and 801 through 803" and insert "801, and 802"

On page 263, beginning on line 17, after "115," strike all material through "227," on line 18

On page 263, beginning on line 18, after "513," strike all material through "803" on line 19 and insert "801, 802,"

On page 1, beginning on line 3 of the title, after "44.04.220," strike all material through "43.88.096," on line 7

On page 2, beginning on line 8 of the title, after "42.17A.705," strike all material through "43.43.832," on line 9

On page 2, beginning on line 12 of the title, after "sections;" strike all material through "43.215.909;" on line 33

On page 2, line 34 of the title, after "13.40.800," strike all material through "43.215.907,"

On page 2, line 35 of the title, after "43.20A.780," strike all material through "43.215.040" and insert "and 43.20A.850"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 308 by Senator Padden on page 19, line 22 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 308 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 309 by Senator Padden on page 24, line 35 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 24, line 35, after "(b)" insert "The department must convene a monthly stakeholder meeting or information session where input and comments are requested from stakeholders regarding specific language used to display and present the information described in (a) and (c) of this subsection. Language related to license determinations must be reviewed for whether it is helpful to the consumer and whether the language is too inflammatory. The single source of information must be reviewed annually by the oversight board for children, youth, and families, and any language that chills consumer use of the single source or

is unfairly inflammatory shall be removed. The department shall issue a report detailing the usefulness of the web resource and explaining instances where inflammatory language was used and then replaced on the web resource.

(c)"

On page 25, at the beginning of line 3, strike "(c)" and insert "~~((c))~~ (d)"

On page 25, at the beginning of line 6, strike "(d)" and insert "~~((d))~~ (e)"

On page 25, at the beginning of line 9, strike "(e)" and insert "~~((e))~~ (f)"

MOTION

Senator Padden moved that the following floor amendment no. 310 by Senator Padden be adopted:

On page 28, line 22, after "within" strike "ten" and insert "thirty"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 310 by Senator Padden on page 28, line 22 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 310 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 315 by Senator Padden on page 68, line 10 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 68, after line 10, insert the following:

"NEW SECTION. Sec. 228. (1) By November 1, 2017, the department of children, youth, and families shall complete a review of all rules relating to family day care providers that create potential costs for home day care providers.

(2) The department must reimburse licensed family day care providers for all costs incurred by the provider after January 1, 2018, in complying with department rules. Costs may be incurred before or after licensure if the cost was necessary to obtain or maintain a family day care license from the department. No reimbursement is needed if the department repeals the rule in question and provides notice to the family day care provider before the cost being incurred."

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 316 by Senator Padden on page 225, line 37 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 225, line 37, after "families" strike "." and insert ", except that all rules adopted after July 1, 2015, are suspended pending review by the oversight board for children, youth, and families under section 101 of this act. The oversight board must affirm rules adopted between July 1, 2015, and the date of the first official meeting of the oversight board by majority vote in order for such rules to take effect.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

## MOTION

Senator Padden moved that the following floor amendment no. 317 by Senator Padden be adopted:

On page 263, beginning on line 17, strike all of section 825 and insert the following:

"NEW SECTION. Sec. 825. Sections 104 and 115 of this act take effect July 1, 2018."

On page 263, line 22, after "July 1," strike "2019" and insert "2024"

On page 263, after line 22, insert the following:

"NEW SECTION. Sec. 827. Sections 102, 105 through 114, 201 through 227, 301 through 337, 401 through 419, 501 through 513, 801 through 803, and 805 through 822 of this act take effect July 1, 2023."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 317 by Senator Padden on page 263, line 17 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 317 was not adopted by voice vote.

## MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Darneille, Walsh and Angel spoke in favor of passage of the bill.

Senators Miloscia and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute House Bill No. 1661.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1661 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Froct, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Ericksen, Honeyford, Miloscia, Padden, Pearson and Short

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

July 1, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2243,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

## MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

## FIFTH SUPPLEMENTAL AND FIRST READING

HB 2243 by Representatives McCaslin and Barkis

AN ACT Relating to the siting of schools and school facilities; and adding a new section to chapter 36.70A RCW.

## MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 2243 was placed on the second reading calendar.

## SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5605,

SENATE BILL NO. 5924,

SUBSTITUTE SENATE BILL NO. 5977.

## MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

## SECOND READING

SENATE BILL NO. 5939, by Senators Ericksen and Palumbo

Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling.

## MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5939 was substituted for Senate Bill No. 5939 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Ericksen moved that the following floor amendment no. 324 by Senator Ericksen be adopted:

On page 27, after line 21, insert the following:

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**"NEW SECTION. Sec. 10.** A new section is added to chapter 80.28 RCW to read as follows:

The definitions in this section apply throughout this section and section 11 of this act unless the context clearly requires otherwise.

(1) "Community solar company" means a person, firm, or corporation, other than an electric utility or a community solar cooperative, that owns a community solar project and provides community solar project services to project participants.

(2) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts.

(3) "Community solar project services" means the provision of electricity generated by a community solar project, or the provision of the financial benefits associated with electricity generated by a community solar project, to multiple project participants, and may include other services associated with the use of the community solar project such as system monitoring and maintenance, warranty provisions, performance guarantees, and customer service.

(4) "Electric utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(5) "Project participant" means a customer who enters into a lease, power purchase agreement, loan, or other financial agreement with a community solar company in order to obtain a beneficial interest in, other than direct ownership of, a community solar project.

(6) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

**NEW SECTION. Sec. 11.** A new section is added to chapter 80.28 RCW to read as follows:

(1) No community solar company may engage in business in this state except in accordance with the provisions of this chapter. Engaging in business as a community solar company includes advertising, soliciting, offering, or entering into an agreement to own a community solar project and provide community solar project services to electric utility customers.

(2) A community solar company must register with the commission before engaging in business in this state or applying for certification from the Washington State University extension energy program under section 6(1) of this act. Registration with the commission as a community solar company must occur on an annual basis. The registration must be on a form prescribed by the commission and contain that information as the commission may by rule require, but must include at a minimum:

- (a) The name and address of the community solar company;
- (b) The name and address of the community solar company's registered agent, if any;
- (c) The name, address, and title of each officer or director;
- (d) The community solar company's most current balance sheet;
- (e) The community solar company's latest annual report, if any;
- (f) A description of the services the community solar company offers or intends to offer, including financing models; and
- (g) Disclosure of any pending litigation against it.

(3) As a precondition to registration, the commission may require the procurement of a performance bond or other mechanism sufficient to cover any advances or deposits the community solar company may collect from project participants or order that the advances or deposits be held in escrow or trust.

(4) The commission may deny registration to any community solar company that:

- (a) Does not provide the information required by this section;

(b) Fails to provide a performance bond or other mechanism, if required;

(c) Does not possess adequate financial resources to provide the proposed service; or

(d) Does not possess adequate technical competency to provide the proposed service.

(5) The commission must take action to approve or issue a notice of hearing concerning any application for registration within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application after a hearing.

(6) The commission may charge a community solar company an annual application fee to recover the cost of processing applications for registration under this section.

(7) The commission may adopt rules that describe the manner by which it will register a community solar company, ensure that the terms and conditions of community solar projects or community solar project services comply with the requirements of this act, establish the community solar company's responsibilities for responding to customer complaints and disputes, and adopt annual reporting requirements. In addition to the application fee authorized under subsection (6) of this section, the commission may adopt regulatory fees applicable to community solar companies pursuant to RCW 80.04.080, 80.24.010, and 80.24.020. Such fees may not exceed the cost of ensuring compliance with this chapter.

(8) The commission may suspend or revoke a registration upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that a registered community solar company or its agent has violated this chapter or the rules of the commission, or that the community solar company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States.

(9) For the purpose of ensuring compliance with this chapter, the commission may issue penalties against community solar companies for violations of this chapter as provided for public service companies pursuant to chapter 80.04 RCW.

(10) Upon request of the commission, a community solar company registered under this section must provide information about its community solar projects or community solar project services.

(11) A violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of this act are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(12) For the purposes of RCW 19.86.170, actions or transactions of a community solar company may not be deemed otherwise permitted, prohibited, or regulated by the commission."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Ericksen and Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 324 by Senator Ericksen on page 27, after line 21 to Substitute Senate Bill No. 5939.

The motion by Senator Ericksen carried and floor amendment no. 324 was adopted by voice vote.

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5939.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5939 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Honeyford and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2243, by Representatives McCaslin and Barkis

Concerning the siting of schools and school facilities.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 2243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2243.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2243 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

HOUSE BILL NO. 2243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Baumgartner moved that the Senate adjourn until 10:00 a.m. Saturday, July 1, 2017.

Senators Fain and Liias spoke against the motion to adjourn.

The President declared the question before the Senate to be the motion by Senator Baumgartner to adjourn until 10:00 o'clock a.m. Saturday, July 1, 2017.

The motion by Senator Baumgartner did not carry.

#### MOTION

At 1:31 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:25 a.m. by President Habib.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939.

#### MOTION

Senator Fain moved that the Senate adjourn until 12:00 o'clock noon Monday, July 3, 2017.

Senator Nelson spoke against the motion to adjourn.

#### REMARKS BY THE PRESIDENT

President Habib: "Senator Nelson, a point of personal privilege, this is actually changed in the rules that this body adopted most recently, speaks directly to your ability to, that is unique to you, to participate in the legislative process. And the motion that Senator Fain made to adjourn is a debatable motion, so if you want to discuss whatever topic that you are trying to discuss pertinent to adjournment or not adjournment, I wouldn't do it under the auspices of a point of personal privilege."

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,  
and the same are herewith transmitted.

Senator Nelson again spoke against the motion to adjourn.

REMARKS BY THE PRESIDENT

NONA SNELL, Deputy Chief Clerk

President Habib: "Senator Nelson, please do not impugn motives on other senators, particularly not with respect to elections or candidacy. That is out of order."

SIGNED BY THE PRESIDENT

The President declared the question before the Senate to be the motion by Senator Fain to adjourn until 12:00 o'clock noon, Monday, July 3, 2017. The motion did not carry on a rising vote.

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5965,  
HOUSE BILL NO. 1406,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1661,  
ENGROSSED HOUSE BILL NO. 2163,  
ENGROSSED HOUSE BILL NO. 2190,  
HOUSE BILL NO. 2243.

MOTION

At 2:33 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

MOTION

The Senate was called to order at 3:45 a.m. by President Habib.

Senator Fain moved that the Senate adjourn until 12:00 o'clock noon Monday, July 3, 2017.

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5965,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Schoesler demanded that the previous question be put. The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Schoesler carried and the previous question was put by voice vote.

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1406,  
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1661,  
ENGROSSED HOUSE BILL NO. 2163,  
ENGROSSED HOUSE BILL NO. 2190,  
HOUSE BILL NO. 2243,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, there was an objection prior to the motion to call the previous question. The objection was heard on the floor by the members on the floor immediately after the motion to adjourn."

REPLY BY THE PRESIDENT

President Habib: "Senator Frockt, I did not hear anyone yell objection prior to that. Senator Liias, was that your point as well?"

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SENATE BILL NO. 5867,  
SUBSTITUTE SENATE BILL NO. 5975,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REMARKS BY SENATOR LIAS

Senator Liias: "Yes Mr. President. I actually said objection, I think three times, so I am sorry I didn't yell it loud enough for you, but I did want to object to that motion and speak to the motion to adjourn."

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5605,  
SENATE BILL NO. 5924,  
SUBSTITUTE SENATE BILL NO. 5977,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

REPLY BY THE PRESIDENT

President Habib: "Senator Liias, would you like to state your objection to the motion? I am going to entertain the objection even though I didn't hear it. If you have an objection of a parliamentary nature would you let me know what that is?"

REMARKS BY SENATOR LIAS

Senator Liias: "My objection is that we have a bill I believe the Senate should take up before we adjourn. So I wanted the

MR. PRESIDENT:

The Speaker has signed:

June 30, 2017



opportunity to speak to the capital budget, Engrossed House Bill No. 1075, which is here before us. I wanted to make that point that we should consider the capital budget before we adjourn.”

The President again declared the question before the Senate to be, “Shall the main question be now put?”

The motion by Senator Schoesler again carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the motion by Senator Fain to adjourn until 12:00 o’clock noon Monday, July 3, 2017.

At 3:51 a.m., the motion by Senator Fain carried and the Senate was adjourned until 12:00 o’clock noon Monday, July 3, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

THIRTEENTH DAY, JULY 3, 2017

2017 3RD SPECIAL SESSION

## THIRTEENTH DAY

## NOON SESSION

Senate Chamber, Olympia  
Monday, July 3, 2017

The Senate was called to order at 12:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

## MOTION

On motion of Senator Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

## MOTION

On motion of Senator Sheldon, the Senate advanced to the third order of business.

## MESSAGE FROM THE GOVERNOR

June 30, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on June 30, 2017, Governor Inslee approved the following Senate Bill entitled:

Substitute Senate Bill No. 5883  
Relating to fiscal matters.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

## MESSAGE FROM STATE OFFICERS

The following reports were submitted to the Office of the Secretary and received by the Senate:

**Department of Ecology** – “*Culverts as Mitigation*” pursuant to 77.95.185 RCW, report date June 23, 2017;

**Department of Ecology** – “*Reducing Greenhouse Emissions in Washington State Government*” pursuant to 70.235.060 RCW, report date June 1, 2017;

**Department of Fish and Wildlife** – “*Culverts as Mitigation*” pursuant to 77.95.185 RCW, report date June 23, 2017;

**Department of Fish and Wildlife** – “*Fish Barrier Removal Board Progress Report*” pursuant to 77.95.160 RCW, report date June 27, 2017;

**Health Benefit Exchange** – “*Financial Report for June 2017*” in accordance with Second Engrossed Substitute House Bill No. 2376, report date June 30, 2017;

**Health Benefit Exchange** – “*Per Member Per Month Quarterly Report, March 2017*” in accordance with Second Engrossed Senate Bill No. 6089, report date March 31, 2017;

**Health Benefit Exchange** - “*Per Member Per Month Quarterly Report, June 2017*” in accordance with Second Engrossed Senate Bill No. 6089, report date June 30, 2017;

**Department of Social & Health Services** – “*Forensic Admissions and Evaluations - Performance Targets 2016, October - December 2016*” pursuant to 10.77.068 RCW, report date April 28, 2017;

**Department of Transportation** – “*Fifth 144-Car Ferry Estimate*” in accordance with Engrossed Senate Bill No. 5096, report date June 1, 2017.

## MOTION

On motion of Senator Sheldon, the Senate advanced to the fourth order of business.

## MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

## MOTION

On motion of Senator Sheldon, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 5978 by Senators McCoy and Hunt

AN ACT Relating to creating an office of the state ombuds; amending RCW 43.03.028, 43.06A.010, 43.06B.010, 43.190.030, 43.382.005, and 51.14.300; reenacting and amending RCW 42.56.240; adding a new chapter to Title 43 RCW; repealing RCW 43.06A.020, 51.14.310, and 51.14.320; and providing an effective date.

Referred to Committee on State Government.

SB 5979 by Senators Hasegawa, Saldaña, McCoy, Hobbs, Conway and Hunt

AN ACT Relating to nonresident beneficiaries of wrongful death actions; and amending RCW 4.20.020.

Referred to Committee on Law & Justice.

SJM 8013 by Senators Warnick, Honeyford, Keiser, King, Chase, Hasegawa, Short, Becker, Schoesler, Hobbs and Billig

Requesting that the TRACON facilities at the Grant County International Airport be made permanent.

Referred to Committee on Transportation.

SJR 8210 by Senators Palumbo and Kuderer

Requiring bills to be available to members and the public for seventy-two hours prior to final passage.

Referred to Committee on State Government.

HCR 4400 by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton

Naming the building at 1063 Capitol Way "The Helen Sommers Building."

Referred to Committee on State Government.

MOTION

On motion of Senator Sheldon, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:04 p.m., on motion of Senator Sheldon, the Senate adjourned until 12:00 o'clock a.m. Wednesday, July 5, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia  
Wednesday, July 5, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Sheldon, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 5883

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 3<sup>rd</sup> day of July, 2017.

(Seal)

MARK NEARY, Assistant Secretary of State

MESSAGE FROM THE GOVERNOR

June 30, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 103(4); 136(2); 150(8); 207(12); 213(1) (a), page 108, lines 37-39, through page 109, line 2, beginning with "The administration" and ending with "administrative costs."; 217(1); 217(2); 222(4); 302(2); 610(13); 734; 964(3); and 1213(1), page 455, lines 6-9, Substitute Senate Bill No. 5883 entitled:

"AN ACT Relating to fiscal matters."

**Section 103(4), pages 4-5, Joint Legislative Audit and Review Committee, Evaluation of Market Rate Housing and Subsidized Housing Projects**

This section creates an evaluation and comparison of the cost efficiency of market rate housing in Washington versus publicly subsidized housing projects intended to assist low-income households. The solution to our state's housing crisis is less a comparison between market rate and subsidized housing than it is a comprehensive set of all available options to meet a serious need. For this reason, I have vetoed Section 103(4).

**Section 136(2), page 37, Department of Revenue, Contract with Sound Transit**

This subsection requires the Department of Revenue to renegotiate its contract with Sound Transit for the collection of sales tax. The department is required to charge Sound Transit an administrative fee of 1 percent, which is more than is charged under the current contract. This will reduce the funding available for Sound Transit to deliver the voter-approved transit package. For these reasons, I have vetoed Section 136(2).

**Section 150(8), page 48, Consolidated Technology Services Agency, Washington Business Onestop Portal**

The operating budget does not provide the Consolidated Technology Services agency with revenue for continuation of this project, and assumes the agency will spend existing fund balance. However, there is not sufficient funding available to spend on this project. For these reasons, I have vetoed Section 150(8).

**Section 207(12), pages 97-99, Department of Social and Health Services, Legislative-Executive 'WorkFirst Poverty Reduction Oversight Task Force**

Funding is provided for a legislative-executive WorkFirst poverty reduction oversight task force with the primary goal of reducing the overall percentage of families and individuals living in poverty. However, Section 207(12) provides the task force with oversight of the partner agencies' operations related to the WorkFirst and Temporary Assistance for Needy Families program. While I agree with the primary goal to reduce intergenerational poverty, this oversight is beyond the scope and authority necessary to develop a comprehensive poverty reduction plan. Therefore, I have vetoed Section 207(12), and I am directing the Department of Social and Health Services to form a workgroup that includes members of the Legislature and appropriate state agencies to develop a plan to address this important issue.

**Section 213(l)(a), page 108, lines 37-39, through page 109, line 2, beginning with "The administration" and ending with "administrative costs.", Health Care Authority, Pharmacy Preferred Drug List and Pharmacy Benefit Manager**

This section requires a substantive change in the administration of the prescription drug benefit by requiring the use of a single pharmacy benefits manager. The remainder of the section is an appropriation that directs the implementation of a preferred drug list and related transparency and reporting requirements. The vetoed language is a distinct, separate subject, constituting a separate section. The constitution prohibits two subjects contained in one bill, and therefore, the budget bill may not contain substantive law. Exercising my constitutional line

item veto authority, I am removing this separate pharmacy benefit manager section from the budget bill. For this reason, I have vetoed Section 213(1)(a), page 108, lines 37-39, through page 109, line 2, beginning with "The administration" and ending with "administrative costs."

**Section 217(1), pages 130-131, Department of Labor and Industries, Subminimum Teen Wage**

This section requires the Department of Labor and Industries to engage in rule making to review the minimum wage for employees under eighteen years of age in light of the enactment of Initiative 1433. In development of the rule, the department must consider several areas of research and have a proposed rule for consideration by December 1, 2017.

I-1433 increased Washington State's minimum wage and provided paid sick leave. Low-wage workers, including teen workers, have not been able to keep up with the cost of living even though workers are producing more. Instead of suppressing wages, I am committed to investing in job creation and job opportunities for all workers, including options that provide incentives for employers to hire teen workers and invest in pre-apprenticeship programs. Finally, the Legislature has for the past three years considered reducing wages for workers under age 18, and every effort has failed. For these reasons, I have vetoed Section 217(1).

**Section 217(2), page 131, Department of Labor and Industries, Occupational Disease Study**

The Department of Labor and Industries is required to conduct a study on occupational disease claims, including where employment is the proximate cause of diseases and conditions that are covered under industrial insurance.

The 2011 Legislature directed the department to contract with a research entity to study the frequency and severity of occupational disease claims. The research found that the evidence suggests little reason for concern over Washington's system. The system has adequate checks and balances which ensure that only work-related conditions are compensated. For these reasons, I have vetoed Section 217(2).

**Section 222(4), page 148, Employment Security Department, Center for Workers - King County**

The Employment Security Department is to contract with a center for workers in King County to provide rapid response services for dislocated workers through state funds from the Administrative Contingency Account. The department has sufficient dedicated federal funds to provide statewide rapid response services, including in King County. This proviso is unnecessary and it limits the department's ability to provide comprehensive statewide services and leverage statewide efficiencies and collaboration. For these reasons, I have vetoed Section 222(4).

**Section 302(2), pages 161-162, Department of Ecology, Burrowing Shrimp Control**

This subsection requires the Department of Ecology to report on the status of its environmental review and possible issuance of a permit to allow use of the pesticide Imidacloprid to control burrowing shrimp. This subsection also requires Ecology to identify the steps it will take to ensure a viable and economically feasible alternative if the pesticide use is not permitted.

Burrowing shrimp is a serious problem for the shellfish industry in Willapa Bay and Grays Harbor. However, the proviso inappropriately presumes the outcome of the environmental review and permitting process.

For these reasons, I have vetoed Section 302(2). While I am vetoing this subsection, I am directing the Department of Ecology to complete the environmental review process as soon as possible and to keep the Legislature informed of its progress.

**Section 610(13), page 250, The Evergreen State College, Local Government Study**

This subsection requires the Washington State Institute for Public Policy (WSIPP) to study comparative constitutional and statutory obligations and revenue capacity of local governments, and provide a report of its research and findings to the Legislature by December 30, 2017. The study is outside the scope of typical research projects performed by WSIPP, and the funding level is insufficient to contract for the work within the short timeline. For these reasons, I have vetoed Section 610(13).

**Section 734, pages 288-289, Transportation, Reductions to Agency Management**

This section reduces funding for management positions in agencies funded in the transportation budget. This is an unnecessary reduction in funding and would impact the ability of agencies to recruit and retain qualified staff as the state embarks on the largest transportation investment package in Washington history. For these reasons, I have vetoed Section 734.

**Section 964(3), page 329, Law Enforcement Officers' and Firefighters' Retirement System, (LEOFF) Distribution**

This language expresses the Legislature's intent that future distributions to the Local Law Enforcement Officers' and Firefighters' Retirement System Benefits Improvement Account may include transfers from the LEOFF 2 pension fund. I have consistently vetoed similar provisions in the past, and I remain concerned about the wisdom of such transfers from a retirement fund. For this reason, I have vetoed Section 964(3).

**Section 1213(1), page 455, lines 6-9, Health Care Authority, General Fund-State and Federal Appropriations**

The Legislature did not provide the Health Care Authority with sufficient funding for Healthier Washington savings restoration. Without these funds, the Health Care Authority will be unable to close the state fiscal year. For this reason, I have vetoed Section 1213(1), page 455, lines 6 through 9. Because this veto will result in more General Fund-State than is necessary to close the state fiscal year, I am directing the Health Care Authority to place the \$6.0 million GF-State appropriation into reserve.

For these reasons I have vetoed Sections 103(4); 136(2); 150(8); 207(12); 213(1)(a), page 108, lines 37-39, through page 109, line 2, beginning with "The administration" and ending with "administrative costs."; 217(1); 217(2); 222(4); 302(2); 610(13); 734; 964(3); and 1213(1), page 455, lines 6-9 of Substitute Senate Bill No. 5883.

With the exception of Sections 103(4); 136(2); 150(8); 207(12); 213(1)(a), page 108, lines 37-39, through page 109, line 2, beginning with "The administration" and ending with "administrative costs."; 217(1); 217(2); 222(4); 302(2); 610(13); 734; 964(3); and 1213(1), page 455, lines 6-9, Substitute Senate Bill No. 5883 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

CYRUS HABIB, President of the Senate

MOTION

PABLO G. CAMPOS, Deputy Secretary of the Senate

At 12:01 p.m., on motion of Senator Sheldon, the Senate adjourned until 9:00 o'clock a.m. Friday, July 7, 2017.

**SEVENTEENTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, July 7, 2017

The Senate was called to order at 9:00 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Sheldon, the Senate advanced to the third order of business.

MESSAGES FROM THE GOVERNOR

July 05, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on July 5, 2017, Governor Inslee approved the following Senate Bill entitled:

Substitute Senate Bill No. 5975  
Relating to paid family and medical leave.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

July 06, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on July 6, 2017, Governor Inslee approved the following Senate Bills entitled:

Second Engrossed Substitute Senate Bill No. 5106  
Relating to clarifying obligations under the involuntary treatment act.

Senate Bill No. 5252  
Relating to measuring the effectiveness of document recording fee surcharge funds that support homeless programs.

Engrossed Second Substitute Senate Bill No. 5254  
Relating to ensuring adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs.

Engrossed Substitute Senate Bill No. 5303  
Relating to aquatic invasive species management.

Engrossed Senate Bill No. 5316  
Relating to the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

Third Engrossed Senate Bill No. 5517  
Relating to rail dependent uses for purposes of the growth management act and related development regulations.

Engrossed Senate Bill No. 5646  
Relating to services provided by residential habilitation centers.

Second Engrossed Substitute Senate Bill No. 5890 ( Partial Veto)  
Relating to foster care and adoption support.

Engrossed Substitute Senate Bill No. 5898  
Relating to eligibility for public assistance programs.

Substitute Senate Bill No. 5901  
Relating to eligibility for the early childhood education and assistance program.

Senate Bill No. 5969  
Relating to increasing transparency in public employee collective bargaining through the posting of the content of bargaining agreements and meetings of the joint committee of employment relations.

Senate Bill No. 5976  
Relating to wages or hours of individual providers.

Sincerely,  
/s/  
Drew Shirk, Executive Director of Legislative Affairs

MOTION

At 9:01 a.m., on motion of Senator Sheldon, the Senate adjourned until 10:00 o'clock a.m. Monday, July 10, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TWENTIETH DAY

MORNING SESSION

Senate Chamber, Olympia  
Monday, July 10, 2017

The Senate was called to order at 10:00 o'clock a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Sheldon, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

July 07, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on July 7, 2017, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5605

Relating to aligning the office of the superintendent of public instruction's background check authority with that of the department of early learning.

Second Engrossed Senate Bill No. 5867

Relating to creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program.

Senate Bill No. 5924

Relating to exchanging charitable, educational, penal, and reformatory institutions trust lands for community and technical college forest reserve lands.

Engrossed Substitute Senate Bill No. 5939

Relating to promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling.

Substitute Senate Bill No. 5977

Relating to revenue.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

GUBERNATORIAL APPOINTMENTS

July 3, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GREG B. MARKLEY, appointed July 3, 2017, for the term ending December 31, 2018, as Member of the State Investment Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Ways & Means as Senate Gubernatorial Appointment No. 9291.

July 3, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ALISHIA F. TOPPER, appointed July 3, 2017, for the term ending June 30, 2021, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9292.

July 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PEDER DIGRE, appointed July 1, 2017, for the term ending June 30, 2018, as Member of the Washington Student Achievement Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9293.

July 5, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LOWEL J. KRUEGER, appointed July 5, 2017, for the term ending June 30, 2021, as Member of the Housing Finance Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Human Services, Mental Health & Housing as Senate Gubernatorial Appointment No. 9294.

July 6, 2017



TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL CHA, appointed July 1, 2017, for the term ending June 30, 2018, as Member of the Bellevue College Board of Trustees.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9295.

July 6, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF  
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

GREGORY A. CHRISTIANSEN, appointed July 1, 2017, for the term ending June 30, 2021, as Member of the Workforce Training and Education Coordinating Board.

Sincerely,  
JAY INSLEE, Governor

Referred to Committee on Higher Education as Senate Gubernatorial Appointment No. 9296.

MOTION

On motion of Senator Sheldon, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

At 10:02 a.m., on motion of Senator Sheldon, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 2:00 p.m. by Acting President Pro Tempore, Senator Warnick.

MOTION

At 2:00 p.m., on motion of Senator Schoesler, the Senate adjourned until 12:00 o'clock noon Tuesday, July 11, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TWENTY FIRST DAY

NOON SESSION

Senate Chamber, Olympia  
Tuesday, July 11, 2017

The Senate was called to order at 12:00 o'clock noon by the Vice President Pro Tempore, Senator Honeyford presiding. No roll call was taken.

MOTION

On motion of Senator Warnick, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Warnick, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Second Engrossed Substitute Senate Bill No. 5890

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 10th day of July, 2017.

/s/  
KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

July 6, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 13, Second Engrossed Substitute Senate Bill No. 5890 entitled:

"AN ACT Relating to foster care and adoption support."

Section 13 requires me to regularly acknowledge the contributions of foster parents by, at a minimum, sending them a signed letter. I am always striving to find ways to thank foster parents for what they do. I currently honor them by proclaiming the month of May as Foster Care Month and personally recognizing them at the annual foster parent application event. I will continue to identify ways to express my appreciation.

For these reasons I have vetoed Section 13 of Second Engrossed Substitute Senate Bill No. 5890. With the exception of Section 13, Second Engrossed Substitute Senate Bill No. 5890 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Senate Bill No. 5924

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 10th day of July, 2017.

/s/  
KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

July 7, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill No. 5924 entitled:

"AN ACT Relating to exchanging charitable, educational; penal, and reformatory institutions trust lands for community and technical college forest reserve lands."

This bill requires the Department of Natural Resources (Department) to exchange community and technical college forest reserve lands for lands of equal value held for the benefit of charitable, educational, penal, and reformatory institutions that are currently leased to certain community and technical colleges. This exchange will benefit all parties, including the Department as trust manager, certain community and technical colleges, and the beneficiaries of these trust lands.

But, I am vetoing Section 2, as the emergency clause is not necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

For these reasons I have vetoed Section 2 of Senate Bill No. 5924. With the exception of Section 2, Senate Bill No. 5924 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

We respectfully transmit for your consideration the following bill which was partially vetoed by the Governor, together with the official veto message setting forth his objections to the sections or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 5977

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 10th day of July, 2017.

KIM WYMAN, Secretary of State

(Seal)

MESSAGE FROM THE GOVERNOR

July 7, 2017

To the Honorable President and Members,  
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 201-205 and 601-606, Substitute Senate Bill No. 5977 entitled:

"AN ACT Relating to revenue."

Sections 201 to 205 reduce the general manufacturing business and occupation tax rate and the processing hire rate over four years, beginning in 2019. But at a time when we are asking homeowners to pay more in property taxes to support our children's education, Sections 201 to 205 instead give a tax break to business; and, 21 percent of the revenue from this tax break goes to out-of-state oil companies. This revenue could be used for education, mental health, public safety, and a host of other important public services.

Moreover, these tax reductions should be considered in a thoughtful, transparent process that incorporates public input and business accountability.

Sections 601 to 606 make sales and use tax exemptions to encourage the conversion of power plants to natural gas or biomass from coal. These sections incentivize a company to do something that it is already required to do by law, giving it an unfair advantage over other Washington companies.

For these reasons I have vetoed Sections 201-205 and 601-606 of Substitute Senate Bill No. 5977. With the exception of Sections 201-205 and 601-606, Substitute Senate Bill No. 5977 is approved.

Respectfully submitted,  
/s/  
Jay Inslee  
Governor

On motion of Senator Warnick, the bills partially vetoed were held at the desk.

MOTION

At 12:02 p.m., on motion of Senator Warnick, the Senate adjourned until 9:30 o'clock a.m. Friday, July 14, 2017.

JIM HONEYFORD, Vice President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**TWENTY FOURTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Friday, July 14, 2017

The Senate was called to order at 9:30 a.m. by the Acting President Pro Tempore of the Senate, Senator Shoesler presiding. No roll call was taken.

MOTION

On motion of Senator Hunt, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Hunt, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

July 11, 2017

SGA 9237 PAUL A PASTOR, reappointed on December 16, 2016, for the term ending August 2, 2018, as Member of the

Sentencing Guidelines Commission. Reported by Committee on Law & Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Padden, Chair; Angel; Darneille; Frockt and Wilson.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Hunt, the recommendation of the Standing Committee was accepted and the appointee listed on the Gubernatorial Standing Committee report was referred to the committee as designated.

MOTION

At 9:33 a.m., on motion of Senator Hunt, the Senate adjourned until 12:00 o'clock p.m. Monday, July 17, 2017.

MARK SCHOESLER, Acting President Pro Tempore of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**TWENTY SEVENTH DAY**

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NOON SESSION

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Senate Chamber, Olympia  
Monday, July 17, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Warnick, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

At 12:01 p.m., on motion of Senator Warnick, the Senate adjourned until 12:00 o'clock a.m. Wednesday, July 19, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

TWENTY NINTH DAY

NOON SESSION

Senate Chamber, Olympia  
Wednesday, July 19, 2017

The Senate was called to order at 12:00 o'clock noon by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

On motion of Senator Sheldon, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Sheldon, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

July 19, 2017

To the Honorable Hunter Goodman  
Secretary of the Senate  
Legislative Building  
Olympia, WA 98501

Dear Secretary Goodman:

I, Kim Wyman, Secretary of the State of Washington and custodian of the Seal of the State of Washington, do hereby certify that the attached is a true and correct copy of the certificate of appointments of Marlo Braun for the office of State Senator for the 20th Legislative District of the State of Washington, which seat was recently temporarily vacated by Senator John Braun. The appointment is valid from July 18 through July 23, 2017.

I further certify that Marlo Braun has been duly appointed to the office of State Senator from the 20th Legislative District of the State of Washington.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the State of Washington at the State Capitol in Olympia, Washington, this 19th day of July, 2017.

(Seal)

/s/

Wyman  
of State

Kim  
Secretary

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY

July 17, 2017

The Honorable Hunter G. Goodman  
Secretary of the Senate  
P.O. Box 40482  
Olympia, WA 98504-0482

RE: Leave of absence by John Braun, 20th Legislative District State Senator

Dear Secretary Goodman:

Consistent with the provisions of RCW 73.16.041, the Lewis County Board of County Commissioners has granted a leave of absence to John Braun, 20th Legislative District State Senator, for the time frame commencing approximately July 15, 2017, and running through approximately July 23, 2017.

The Board of County Commissioners has additionally appointed Marlo Braun as a temporary successor to Senator Braun's position during his leave of absence.

A certified copy of Resolution No. 17-209 documenting the above actions is enclosed for your records.

Respectfully,

/s/

Rieva Lester  
Clerk of the Board

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
LEWIS COUNTY, WASHINGTON

APPOINTING MARLO BRAUN AS TEMPORARY SUCCESSOR TO FILL THE POSITION OF 20TH LEGISLATIVE DISTRICT STATE SENATOR DUE TO SENATOR JOHN BRAUN ENTERING ACTIVE SERVICE OR TRAINING AS PROVIDED FOR UNDER RCW 73.16.041

RESOLUTION NO. 17-209

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Lewis County Board of County Commissioners {BOCC} has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, when any elected officer of the state enters active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035, the Board that would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, John Braun, 20th Legislative District State Senator, has advised the Boards of County Commissioners that he has been called to active service or training for a time frame commencing July 15, 2017, and running through approximately July 23, 2017; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Lewis County Board of County Commissioners (BOCC) is

desirous of granting a leave of absence to John Braun, 20th Legislative District State Senator, for a time frame of approximately July 15, 2017, through approximately July 23, 2017; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the BOCC is desirous of appointing a temporary successor to the position so vacated.

NOW, THEREFORE, BE IT RESOLVED by the Lewis County Board of County Commissioners, pursuant to the provisions of RCW 73.16.041, that the Board does hereby:

1. Grant a leave of absence to John Braun, 20th Legislative District State Senator, to cover the period of his active service and/or training for the time frame of approximately July 15, 2017, through approximately July 23, 2017; and
2. Appoint Marlo Braun as temporary successor of 20th Legislative District State Senator for the time frame of approximately July 15, 2017, through approximately July 23, 2017.

Done in open session this 17th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

APPROVED AS TO FORM:

/s/ Deputy Prosecuting Attorney Gary Stamper, Chair

/s/ Edna J. Fund, Vice

Chair

ATTEST:

/s/ Rieva Lester, Commissioner  
/s/ Robert C. Jackson, Clerk of the Board

(Seal)

BOARD OF COUNTY COMMISSIONERS,  
THURSTON COUNTY, WASHINGTON

RESOLUTION NO. 15492

In the matter of appointing Marlo Braun temporary successor to fill the position of 20th Legislative District State Senator due to Senator John Braun entry into active service or training as provided for under RCW 73.16.041.

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, John Braun, 20th Legislative District State Senator, has advised the Board of County Commissioners that he has been called to active service or training for a time frame commencing July 15, 2017, and running through approximately July 23, 2017;and

WHEREAS., pursuant to the provisions ofRCW 73.16.041, the Board of Thurston County Commissioners is desirous of granting a leave of absence to John Braun, 20th Legislative District State Senator for a time frame from approximately July 15, 2017, and running through approximately July 23, 2017, as well as appointing a temporary successor to the position so vacated.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of

Commissioners of Thurston County, State of Washington, pursuant to the provisions of RCW 73.16.041, that the Board does hereby:

1. Grant a leave of absence to John Braun, 20th Legislative District State Senator to cover the period of his active service and/or training for the time frame from approximately July 15, 2017, and running through approximately July 23, 2017;
2. Find and conclude that Marlo Braun is of the same party and resides in the same legislative district as Senator John Braun, in compliance with Washington Constitution Art. II Sec. 15; and
3. Appoint Marlo Braun as temporary successor of 20th Legislative District State Senator for the time frame from approximately July 15, 2017, and running through approximately July 23, 2017.

ADOPTED this 17th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS

Attest: THURSTON COUNTY, WASHINGTON

/s/ Clerk of the Board  
/s/ Bud Blake, Chair

Approved as to form only:  
JON TUNHEIM, Prosecuting Attorney  
/s/ John Hutchings, Commissioner

/s/ Civil Deputy Prosecuting Attorney  
Gary Edward, Commissioner

BOARD OF COUNTY COMMISSIONERS  
COWLITZ COUNTY, WASHINGTON

July 18, 2017

The Honorable Hunter G. Goodman  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

RE: Leave of absence by John Braun, 20th Legislative District State Senator

Dear Secretary Goodman,

Consistent with the provisions of RCW 73.16.041, the Board of County Commissioners has granted a leave of absence to John Braun, 20th Legislative District State Senator, for the time frame commencing approximately July 15, 2017 and running approximately through July 23, 2017.

TWENTY NINTH DAY, JULY 19, 2017

2017 3RD SPECIAL SESSION

The Board of County Commissioners has additionally appoint Marlo Braun as a temporary successor to Senator Braun's position during his leave of absence.

A certified copy of Resolution No. 17-061 documenting the above actions is enclosed for your records.

Sincerely,  
/s/  
Tiffany Ostreim  
Clerk of the Board

BEFORE THE BOARD OF COMMISSIONERS OF  
COWLITZ COUNTY, WASHINGTON

RESOLUTION NO. 17-061

In the matter of amending and rescinding the prior Resolution and to hereby appoint Marlo Braun as temporary successor to fill the position of 20th Legislative District State Senator of Senator John Braun under RCW 73.16.041 for a period hereunder stated

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of Cowlitz County Commissioners has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and

73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, John Braun, 20th Legislative District State Senator, has advised the Board of County Commissioners that he has been called to active service or training for a time frame commencing July 15, 2017, and running through approximately July 23, 2017; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Board of Cowlitz County Commissioners is desirous of granting a leave of absence to John Braun, 20th Legislative District State Senator for a time frame from approximately July 15, 2017, and running through approximately July 23, 2017, as well as appointing a temporary successor to the position so vacated; and

WHEREAS, a prior request for appointment of J. VanderStoep of Chehalis, WA has been amended to consider the appointment of Marlo Braun as the temporary successor, and that the 20th Legislative District counties of Clark, Lewis and Thurston have also been requested to instead consider appointment of Marlo Braun as a temporary successor; NOW THEREFORE

BE IT HEREBY RESOLVED by the Board of Commissioners of Cowlitz County, State of Washington, pursuant to the provisions of RCW 73.16.041, that:

1. The original Resolution appointing J. Vanderstoep is rescinded and amended as below;
2. A leave of absence is granted to John Braun, 20th Legislative District State Senator to cover the period of his active service and/or training for the time frame from approximately July 15, 2017, and running through approximately July 23, 2017;
3. Marlo Braun resides in the same legislative district as Senator John Braun, in compliance with Washington Constitution Art. II Sec. 15; and
4. Appointment of Marlo Braun as temporary successor of 20th Legislative District State Senator for the time frame from approximately July 15, 2017, and running through approximately July 23, 2017, is in the best public interest.

ADOPTED IN OPEN MEETING this 18th day of July, 2017.

Attest: (Seal) BOARD OF COUNTY COMMISSIONERS  
COWLITZ COUNTY, WASHINGTON

/s/ Clerk of the Board /s/ Joe Gardner, Chair

FORM PREVIOUSLY APPROVED /s/ Dennis Weber  
RYAN JURVAKAINEN, Commissioner  
Cowlitz County Prosecuting Attorney

/s/ Arne Mortensen  
Commissioner

BOARD OF COUNTY COUNCILORS  
CLARK COUNTY, WASHINGTON

July 18, 2017

The Honorable Hunter G. Goodman  
Secretary of the Senate  
P. O. Box 40482  
Olympia, WA 98504-0482

RE: Leave of absence by John Braun, 20th Legislative District State Senator

Dear Secretary Goodman,

Consistent with the provisions of RCW 73.16.041, the Board of County Councilors has granted a leave of absence to John Braun, 20th Legislative District State Senator, for the time frame commencing approximately July 15, 2017 and running approximately through July 23, 2017.

The Board of County Councilors has additionally appointed Marlo Braun as a temporary successor to Senator Braun's position during his leave of absence.

A certified copy of Resolution No. 2017-07-07 documenting the above actions is enclosed for your records.

Sincerely,  
/s/  
Rebecca Tilton  
Clerk of the Council

RESOLUTION NO. 2017-07-07



In the matter of appointing Marlo Braun temporary successor to fill the position of 20th Legislative District State Senator due to Senator John Braun entry into active service or training as provided for under RCW 73.16.041.

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Councilors of Clark County has the care of County property and the management of Count funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, John Braun, 20th Legislative District State Senator, has advised the Board of County Councilors that he has been called to active service or training for a time frame commencing July 15, 2017, and running through approximately July 23, 2017; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Board of County Councilors is desirous of granting a leave of absence to John Braun, 20th Legislative District State Senator for a time frame from approximately July 15, 2017, and running through approximately July 23, 2017, as well as appointing a temporary successor to the position so vacated.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Councilors of Clark County, State of Washington, pursuant to the provisions of RCW 73.16.041, that the Board does hereby:

1. Grant a leave of absence to John Braun, 20th Legislative District State Senator to cover the period of his active service and/or training for the time frame from approximately July 15, 2017, and running through approximately July 23, 2017;
2. Find and conclude that Marlo Braun is of the same party and resides in the same legislative district as Senator John Braun, in compliance with Washington Constitution Art. II Sec. 15; and
3. Appoint Marlo Braun as temporary successor of 20th Legislative District State Senator for the time frame from approximately July 15, 2017, and running through approximately July 23, 2017.

ADOPTED this 18<sup>th</sup> day of July, 2017.

BOARD OF COUNTY COUNCILORS  
CLARK COUNTY, WASHINGTON

Attest:

/s/  
Clerk of the Board

/s/  
Marc Boldt, Chair

Approved as to form only:  
ANTHONY F. GOLIK  
Prosecuting Attorney

Jeanne E. Stewart, Councilor  
Julie Olson, Councilor  
John Blom, Councilor

(Seal)

Eileen Quiring, Councilor

MOTION

On motion of Senator Sheldon, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5980 by Senator Ericksen

AN ACT Relating to changing solely the effective date of sections 107 through 109, chapter 28, Laws of 2017 3rd sp. sess. from August 1, 2017, to January 1, 2018; amending 2017 3rd sp.s. c 28 s 605 (uncodified); and declaring an emergency.

Held at the desk.

MOTION

On motion of Senator Sheldon, Senate Bill No. 5980 was held at the desk.

MOTION

At 12:02 p.m., on motion of Senator Sheldon, the Senate was declared to be at ease subject to the call of the President.

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EVENING SESSION

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The Senate was called to order at 6:29 p.m. by Acting President Pro Tempore Becker.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 5981 by Senators Honeyford and Warnick

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.10.027, 28B.20.725, and 28B.30.750; amending 2017 3rd sp.s. c 4 ss 1017, 1040, 1048, and 2001 (uncodified); reenacting and amending RCW 43.19.501; creating new sections; repealing 2017 3rd sp.s. c 4 ss 3043, 3059, and 3134 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.

MOTION

On motion of Senator Warnick, Senate Bill No. 5981 was held at the desk.

MOTION

At 6:29 p.m., on motion of Senator Warnick, the Senate adjourned until 1:00 o'clock p.m. Thursday, July 20, 2017.

CYRUS HABIB, President of the Senate

PABLO G. CAMPOS, Deputy Secretary of the Senate

**THIRTIETH DAY**

**AFTERNOON SESSION**

Senate Chamber, Olympia  
Thursday, July 20, 2017

The Senate was called to order at 1:01 p.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

**MOTION**

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Fain, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS**

July 12, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JERALD (JERRY) R. LITT, reappointed July 12, 2017, for the term ending June 30, 2023, as Member of the Transportation Commission.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Transportation as Senate Gubernatorial Appointment No. 9297.

**MOTION**

On motion of Senator Fain, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

**MOTION**

On motion of Senator Fain, the Senate advanced to the eighth order of business.

**MOTION**

Senator Fain moved adoption of the following resolution:

**SENATE RESOLUTION  
8677**

By Senators Schoesler and Nelson

WHEREAS, The 2017 Third Special Session of the Sixty-fifth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2017 Third Special Session of the

Sixty-fifth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2017 Regular, First, Second, and Third Special Sessions of the Sixty-fifth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

The motion by Senator Fain carried and the resolution was adopted by voice vote.

**PERSONAL PRIVILEGE**

Senator Braun, M.: "Thank you Mr. President. It is an honor to join you here today to do what I can to serve this state and to make sure everyone back home in our community is

represented by the Senate. As many of you know, I am here this week while the other Senator Braun serves his country in the United States Navy Reserves. While I consider myself a political newbie, I've actually had a lot of practice. As John likes to say I have been filling in for him at home for three decades while he spends his time on active duty and frankly more than enough time up here in Olympia, so I guess I am filling in for him here in the Senate just to add the decades of old Braun family tradition. While we are discussing traditions don't worry I have been warned about the Senate's tradition that strongly suggests that I provide you with a gift during my first floor speech. So on your desk you will find a first aid kit, which I am providing not only as a Registered Nurse but to help you guys heal any bumps and bruises that you might have obtained during this long, challenging session(s). Enjoy, and you get a lollipop for being good."

#### MOTION

At 1:15 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Majority Coalition Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

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#### EVENING SESSION

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The Senate was called to order at 7:27 p.m. by President Habib.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

July 20, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4409,

HOUSE CONCURRENT RESOLUTION NO. 4410,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 5982 by Senators Darnelle, Sheldon, Billig, Conway, McCoy, Wellman, Chase, Hasegawa and Hunt

AN ACT Relating to protecting people's information contained in voter registration records; amending RCW 29A.08.710; and declaring an emergency.

Referred to Committee on State Government.

SB 5983 by Senators Padden, Pearson, Rossi, Baumgartner and Honeyford

AN ACT Relating to authorizing employees to opt out of the paid family and medical leave provisions of chapter 5, Laws of 2017 3rd sp. sess. (SSB 5975); and amending RCW 50A.-,----

Referred to Committee on Commerce, Labor & Sports.

SB 5984 by Senators Kuderer, Wellman and Frockt

AN ACT Relating to expanding access to health care for all state residents with apple health on the health benefit exchange; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4409 by Representatives Sullivan and Kretz  
Returning bills to their house of origin.

Placed on 2<sup>nd</sup> reading.

HCR 4410 by Representatives Sullivan and Kretz  
Adjourning SINE DIE.

Placed on 2<sup>nd</sup> reading.

#### MOTION

On motion of Senator Fain, under suspension of the rules House Concurrent Resolution No. 4409 and House Concurrent Resolution No. 4410 were placed on the second reading calendar.

#### MOTION

On motion of Senator Fain, the Senate advanced to the sixth order of business.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The measure was read the second time.

#### MOTION

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4409.

HOUSE CONCURRENT RESOLUTION NO. 4409 having received a majority was adopted by voice vote.

#### SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Sullivan and Kretz

MOTION

Adjourning SINE DIE.

On motion of Senator Fain, the Senate reverted to the fourth order of business.

The measure was read the second time.

MESSAGES FROM THE HOUSE

MOTION

July 20, 2017

On motion of Senator Fain, the rules were suspended, House Concurrent Resolution No. 4410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MR. PRESIDENT:  
Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4409, the following Senate bills are returned to the Senate:

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4410.

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5239, ENGROSSED SENATE BILL NO. 5375, ENGROSSED SENATE BILL NO. 5720, ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, ENGROSSED SUBSTITUTE SENATE BILL NO. 5934, ENGROSSED SUBSTITUTE SENATE BILL NO. 5952, and the same are herewith transmitted.

HOUSE CONCURRENT RESOLUTION NO. 4410 having received a majority was adopted by voice vote.

NONA SNELL, Deputy Chief Clerk

MOTION

July 20, 2017

On motion of Senator Fain and without objections, the following measures on the second and third reading calendars or held at the desk were returned to the Committee on Rules:

MR. PRESIDENT:  
The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION NO. 4409, HOUSE CONCURRENT RESOLUTION NO. 4410, and the same are herewith transmitted.

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5038
- SENATE BILL NO. 5251
- SUBSTITUTE SENATE BILL NO. 5453
- THIRD SUBSTITUTE SENATE BILL NO. 5558
- SENATE BILL NO. 5799
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5894
- SUBSTITUTE SENATE BILL NO. 5915
- SENATE BILL NO. 5980
- SENATE BILL NO. 5981
- SENATE GUBERNATORIAL APPOINTMENT NO. 9124
- SENATE GUBERNATORIAL APPOINTMENT NO. 9183
- SENATE GUBERNATORIAL APPOINTMENT NO. 9265
- and SENATE GUBERNATORIAL APPOINTMENT NO. 9268.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

- HOUSE CONCURRENT RESOLUTION NO. 4409,
- HOUSE CONCURRENT RESOLUTION NO. 4410.

MOTION

MOTION

On motion of Senator Fain, the Journal for the 2017 Third Special Session of the 65<sup>th</sup> Legislature was approved.

At 7:30 p.m., on motion of Senator Fain, the 2017 Third Special Session of the Sixty-Fifth Legislature adjourned SINE DIE.

MOTION

CYRUS HABIB, President of the Senate

Under the provision of House Concurrent Resolution No. 4409, on motion of Senator Fain, the following House measures were returned to the House of Representatives:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075,
- HOUSE CONCURRENT RESOLUTION NO. 4400,

HUNTER G. GOODMAN, Secretary of the Senate

**SENATE ROSTER**

**AND**

**COMMITTEE ASSIGNMENTS**





| Name of Member          | District | Party | County                                                               | Mailing Address                                                   | Birth Year -<br>Place | Occupation                                 | Previous Years Served<br>House | Senate              |
|-------------------------|----------|-------|----------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------|--------------------------------------------|--------------------------------|---------------------|
| Angel, Jan              | 26       | R     | Kitsap (P), Pierce (P)                                               | PO Box 40426<br>Olympia, WA 98504-0426                            |                       | Legislator                                 | 2009-2013                      | Appt.<br>1/13/2014  |
| Bailey, Barbara         | 10       | R     | Island, Skagit (P),<br>Snohomish (P)                                 | PO Box 40010<br>Olympia, WA 98504-0410                            | MO                    | Mgmt/Training<br>Consultant                | 2003-2012                      | 2013-               |
| Baumgartner,<br>Michael | 6        | R     | Spokane (P)                                                          | PO Box 40406<br>Olympia, WA 98504-0406                            | 1975 - WA             | Consultant                                 |                                | 2011-               |
| Becker, Randi           | 2        | R     | Pierce (P), Thurston (P)                                             | PO Box 40402<br>Olympia, WA 98504-0402                            | 1948 - WA             | Retired Medical<br>Practice Admin          |                                | 2009-               |
| Billig, Andy            | 3        | D     | Spokane (P)                                                          | 25 W. Main Ave Ste 237<br>Spokane, WA 99201                       | 1968 - NY             | Baseball Executive                         | 2011/2012                      | 2013-               |
| Braun, John             | 20       | R     | Clark (P), Cowlitz (P),<br>Lewis (P), Thurston (P)                   | PO Box 40420<br>Olympia, WA 98504-0420                            | 1967 - OH             | President of Braun<br>Northwest            |                                | 2013-               |
| Braun, Marlo            | 20       | R     | Clark (P), Cowlitz (P),<br>Lewis (P), Thurston (P)                   | PO Box 40420<br>Olympia, WA 98504-0420                            |                       |                                            |                                |                     |
| Brown, Sharon           | 8        | R     | Benton (P)                                                           | PO Box 40408<br>Olympia, WA 98504-0408                            | 1962 - NY             | Attorney                                   |                                | Appt.<br>2/4/2013   |
| Carlyle, Reuven         | 36       | D     | King (P)                                                             | 1818 Westlake Ave N Ste 317<br>Seattle, WA 98109                  | 1965 -                | Software Engineer                          | 2009-2014                      | Appt.<br>1/7/2016   |
| Chase, Maralyn          | 32       | D     | King (P), Snohomish (P)                                              | 18560 1 <sup>st</sup> Ave. NE<br>Ste E-750<br>Shoreline, WA 98155 | WA                    | Legislator                                 | Appt. 1/7/2002,<br>2003-10     | 2011-               |
| Cleveland,<br>Annette   | 49       | D     | Clark (P)                                                            | PO Box 40449<br>Olympia, WA 98504-0449                            | 1962 - WA             | External Affairs,<br>Legacy Health Systems |                                | 2013-               |
| Conway, Steve           | 29       | D     | Pierce (P)                                                           | PO Box 40429<br>Olympia, WA 98504-0429                            | 1944 - OR             | Retired, Labor<br>Relations Specialist     | Appt. 1/25/1993,<br>1994-2010  | 2011-               |
| Dansel, Brian           | 7        | R     | Ferry, Lincoln,<br>Okanogan(P), Pend Oreille,<br>Spokane(P), Stevens | PO Box 40407<br>Olympia, WA 98504-0407                            | 1983 - WA             | Legislator                                 |                                | Appt.<br>1/13/2014  |
| Darneille, Jeannie      | 27       | D     | Pierce (P)                                                           | PO Box 40427<br>Olympia, WA 98504-0427                            | 1949 - AK             | Consultant, not-for-<br>profit org         | 2001-2012                      | 2013-               |
| Ericksen, Doug          | 42       | R     | Whatcom (P)                                                          | PO Box 40442<br>Olympia, WA 98504-0442                            | 1969 - WA             | Legislator                                 | 1999-2010                      | 2011-               |
| Fain, Joe               | 47       | R     | King (P)                                                             | PO Box 40447<br>Olympia, WA 98504-0447                            | 1980 - WA             | Legislator                                 |                                | 2011-               |
| Fortunato, Phil         | 31       | R     | King (P), Pierce (P)                                                 | PO Box 2201<br>Auburn, WA 98071                                   |                       | Environmental<br>Consultant                | 1999-2000                      |                     |
| Frocht, David           | 46       | D     | King (P)                                                             | 155 NE 100th St Ste 218<br>Seattle, WA 98125                      | 1969 - OH             | Attorney/Legislator                        | 2011                           | Appt.<br>11/14/2011 |



| Name of Member  | District | Party | County                                        | Mailing Address                           | Birth Year -<br>Place | Occupation                      | Previous Years Served<br>House | Senate               |
|-----------------|----------|-------|-----------------------------------------------|-------------------------------------------|-----------------------|---------------------------------|--------------------------------|----------------------|
| Hasegawa, Bob   | 11       | D     | King (P)                                      | PO Box 84331<br>Seattle, WA 98124         | WA                    | Operating Engineer              | 2005-2012                      | 2013-                |
| Hawkins, Brad   | 12       | R     | Chelan, Douglas, Grant (P),<br>Okanogan (P)   | PO Box 40412<br>Olympia, WA 98504-0412    |                       |                                 | 2013-2016                      |                      |
| Hobbs, Steve    | 44       | D     | Snohomish (P)                                 | PO Box 40444<br>Olympia, WA 98504-0444    | 1970 – WA             | UW Facilities Manager           |                                | 2007-                |
| Honeyford, Jim  | 15       | R     | Yakima (P)                                    | PO Box 40415<br>Olympia, WA 98504-0415    | 1939 – OR             | Farmer/Retired<br>Educator      | 1995-1998                      | 1999-                |
| Hunt, Sam       | 22       | D     | Thurston (P)                                  | PO Box 40422<br>Olympia, WA 98504-0422    | 1942 – MT             | Retired                         | 2001-2016                      |                      |
| Keiser, Karen   | 33       | D     | King (P)                                      | PO Box 40433<br>Olympia, WA 98504-0433    | 1947 – IA             | Ret. Communications<br>Director | 1996-2000                      | 2001-                |
| King, Curtis    | 14       | R     | Clark (P), Klickitat,<br>Skamania, Yakima (P) | PO Box 40414<br>Olympia, WA 98504-0414    | 1946 – WA             | Former Business Owner           |                                | 2007-                |
| Kuderer, Patty  | 48       | D     | King (P)                                      | PO Box 40448<br>Olympia, WA 98504-0448    |                       |                                 | Appt. 9/28/2015,<br>2016       |                      |
| Liias, Marko    | 21       | D     | Snohomish (P)                                 | PO Box 40421<br>Olympia, WA 98504-0421    | 1981 – WA             | Legislator                      | 2008-2014                      | Appt.<br>1/22/2014   |
| McCoy, John     | 38       | D     | Snohomish (P)                                 | PO Box 40438<br>Olympia, WA 98504-0438    | 1943 – WA             | Legislator                      | 2002-2013                      | Appt.<br>1/13/2014   |
| Miloscia, Mark  | 30       | R     | King (P), Pierce (P)                          | 30720 19th Ave S<br>Federal Way, WA 98003 | 1958 – MS             | Legislator                      | 1999-2012                      | 2015-                |
| Mullet, Mark    | 5        | D     | King (P)                                      | PO Box 40405<br>Olympia, WA 98504-0405    | 1972                  | Owner of Zeek's Pizza           |                                | 2012-                |
| Nelson, Sharon  | 34       | D     | King (P)                                      | PO Box 40434<br>Olympia, WA 98504-0434    | 1951 – MN             | Legislator                      | Appt. 11/5/2007-10             | 2010-                |
| O'Ban, Steve    | 28       | R     | Pierce (P)                                    | PO Box 40428<br>Olympia, WA 09504-0428    | 1961 - CA             | Attorney                        | 2013                           | Appt.<br>6/4/2013-   |
| Padden, Mike    | 4        | R     | Spokane (P)                                   | PO Box 40404<br>Olympia, WA 98504-0404    | 1946 – OR             | Judge (retired)                 | 1981-1995                      | Appt.<br>11/29/2011- |
| Palumbo, Guy    | 1        | D     | King (P), Snohomish (P)                       | PO Box 40401<br>Olympia, WA 98504-0401    |                       |                                 |                                |                      |
| Pearson, Kirk   | 39       | R     | King (P), Skagit<br>(P), Snohomish (P)        | PO Box 40439<br>Olympia, WA 98504-0439    | 1958 – WA             | Former Congressional<br>Aide    | 2001-2012                      | 2013-                |
| Pedersen, Jamie | 43       | D     | King (P)                                      | PO Box 40443<br>Olympia, WA 98504-0443    | 1968-WA               | Lawyer                          | 2007-2013                      | Appt.<br>12/16/2013  |

| Name of Member          | District | Party | County                                                             | Mailing Address                                     | Birth Year -<br>Place | Occupation                           | Previous Years Served          |                       |
|-------------------------|----------|-------|--------------------------------------------------------------------|-----------------------------------------------------|-----------------------|--------------------------------------|--------------------------------|-----------------------|
|                         |          |       |                                                                    |                                                     |                       |                                      | House                          | Senate                |
| Ranker, Kevin           | 40       | D     | San Juan, Skagit (P),<br>Whatcom (P)                               | PO Box 40440<br>Olympia, WA 98504-0440              | 1970 - England        | Coastal/Ocean Policy<br>Consultant   |                                | 2009-                 |
| Rivers, Ann             | 18       | R     | Clark (P)                                                          | PO Box 40418<br>Olympia, WA 98504-0418              |                       | Public Affairs<br>Consultant         | 2011-2012                      | Appt.<br>6/25/2012    |
| Rolfes, Christine       | 23       | D     | Kitsap (P)                                                         | P. O. Box 40423<br>Olympia, WA 09505-0423           | 1967 - NY             | Legislator                           | 2007-2010                      | Appt.<br>7/26/2011    |
| Rossi, Dino             | 45       | R     | King (P)                                                           | PO Box 40445<br>Olympia, WA 98504-0445              | 1959 - WA             | Commercial Real Estate<br>Investment |                                | 1997-2003             |
| Saldaña, Rebecca        | 37       | D     | King (P)                                                           | PO Box 40437<br>Olympia, WA 98504-0437              | 1977 - WA             | Non-Profit Consultant                |                                |                       |
| Schoesler, Mark         | 9        | R     | Adams, Asotin, Franklin<br>(P), Garfield, Spokane (P),<br>Whitman  | 1588 East Rosenoff Road<br>Ritzville, WA 99169      | 1957 - WA             | Self-Employed Farmer                 | 1993-2004                      | 2005-                 |
| Sheldon, Tim            | 35       | D     | Kitsap (P), Mason,<br>Thurston (P)                                 | PO Box 40435<br>Olympia, WA 98504-0435              | 1947 - WA             | Tree Farmer                          | 1991-1997                      | Elected<br>11/4/1997- |
| Short, Shelly           | 7        | R     | Ferry, Okanogan (P), Pend<br>Oreille, Spokane (P),<br>Stevens      | PO Box 40407<br>Olympia, WA 98504-0407              | 1962 - WA             | Legislator                           | 2009-2016                      |                       |
| Takko, Dean             | 19       | D     | Cowlitz (P), Grays Harbor<br>(P), Lewis (P), Pacific,<br>Wahkiakum | PO Box 40419<br>Olympia, WA 98504-0419              | 1950 - WA             | Legislator                           | Appt. 12/21/2004,<br>2005-2014 | Appt.<br>10/22/2015   |
| Van De Wege,<br>Kevin   | 24       | D     | Clallam, Grays Harbor (P),<br>Jefferson                            | PO Box 40424<br>Olympia, WA 98504-0424              | 1974 - WA             | Firefighter/Paramedic                | 2007-2016                      |                       |
| Walsh, Maureen          | 16       | R     | Benton (P), Columbia,<br>Franklin (P), Walla Walla                 | 1227 Murphy Lane SE<br>College Place, WA 99324      | 1960 - OH             | Small Business Owner                 | 2005-2016                      |                       |
| Warnick, Judy           | 13       | R     | Grant (P), Kittitas, Lincoln,<br>Yakima (P)                        | 326 S Cedar Street, Suite A<br>Moses Lake, WA 98837 | 1950 - WA             | Small Business Owner                 | 2007-2014                      | 2015-                 |
| Wellman, Lisa           | 41       | D     | King (P)                                                           | PO Box 40441<br>Olympia, WA 98504-0441              |                       |                                      |                                |                       |
| Wilson, Lynda           | 17       | R     | Clark (P)                                                          | PO Box 40417<br>Olympia, WA 98504-0417              | WA                    | Legislator                           | 2015-2016                      |                       |
| Zeiger, Hans            | 25       | R     | Pierce (P)                                                         | 101 S Meridian Suite D<br>Puyallup, WA 98371        | 1985 - WA             | Author                               | 2011-2016                      |                       |
| Goodman, Hunter G.      |          |       |                                                                    | PO Box 40482<br>Olympia, WA 98504-0482              | 1969 -                | Secretary of the Senate              |                                | 2013-                 |
| Campos, Pablo G. (Paul) |          |       |                                                                    | PO Box 40482<br>Olympia, WA 98504-0482              | 1964 - WA             | Deputy Secretary of the<br>Senate    |                                | 2003-2004;<br>2015-   |

Membership of  
Senate Standing Committees by Committee

2017

**Agriculture, Water, Trade & Economic Development (11) -- Warnick, Chair; Hawkins, Vice Chair; \*Chase; \*\*Wellman; Brown; Honeyford; McCoy; Pearson; Short; Takko; Van De Wege**

**Commerce, Labor & Sports (9) -- Baumgartner, Chair; Braun, Vice Chair; \*Keiser; Conway; Hasegawa; King; Rossi; Saldaña; Wilson**

**Early Learning & K-12 Education (7) -- Zeiger, Chair; Fain, Vice Chair; \*Rolfes; Billig; Mullet; Rivers; Warnick**

**Energy, Environment & Telecommunications (9) -- Ericksen, Chair; Sheldon, Vice Chair; \*Carlyle; Brown; Hobbs; Honeyford; Ranker; Short; Wellman**

**Financial Institutions & Insurance (7) -- Angel, Chair; Ericksen, Vice Chair; \*Mullet; Fain; Fortunato; Hobbs; Kuderer**

**Health Care (13) -- Rivers, Chair; Becker, Vice Chair; \*Cleveland; \*\*Kuderer; Bailey; Baumgartner; Conway; Fain; Keiser; Miloscia; Mullet; O'Ban; Walsh**

**Higher Education (5) -- Wilson, Chair; Bailey, Vice Chair; \*Palumbo; Baumgartner; Frockt**

**Human Services, Mental Health & Housing (7) -- O'Ban, Chair; Miloscia, Vice Chair; \*Darneille; Carlyle; Hunt; Padden; Walsh**

**Law & Justice (7) -- Padden, Chair; O'Ban, Vice Chair; \*Pedersen; Angel; Darneille; Frockt; Wilson**

**Local Government (5) -- Short, Chair; Angel, Vice Chair; \*Takko; Palumbo; Sheldon**

**Natural Resources & Parks (5) -- Pearson, Chair; Hawkins, Vice Chair; \*Van De Wege; Fortunato; McCoy**

**Rules (21) -- Habib, Chair; Sheldon, Vice Chair; Bailey; Becker; Billig; Braun; Chase; Cleveland; Ericksen; Fain; Hasegawa; Honeyford; King; Lias; McCoy; Miloscia; Nelson; O'Ban; Pearson; Rivers; Schoesler**

**State Government (5) -- Miloscia, Chair; Zeiger, Vice Chair; \*Hunt; Kuderer; Pearson**

**Transportation (15) -- King, Chair; Sheldon, Vice Chair; \*Hobbs; \*\*Lias; Baumgartner; Cleveland; Ericksen; Fortunato; Hawkins; O'Ban; Saldaña; Takko; Van De Wege; Walsh; Wilson**

**Ways & Means (23) -- Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair Capital Budget; \*Ranker; \*\*\*Rolfes; \*\*\*\*Frockt; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick; Zeiger**

\* Minority Ranking Member

\*\* Minority Asst. Ranking Member

\*\*\* Minority Asst. Ranking Member, Operating

\*\*\*\* Minority Asst. Ranking Member, Capital Budget

The Lt. Governor is a voting member of the Rules Committee

Membership Assignments to  
Senate Standing Committees by Member

2017

|                             |                                                                                                                                            |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Angel, Jan</b>           | Financial Institutions & Insurance, Chair; Local Government, Vice Chair; Law & Justice                                                     |
| <b>Bailey, Barbara</b>      | Higher Education, Vice Chair; Health Care; Rules; Ways & Means                                                                             |
| <b>Baumgartner, Michael</b> | Commerce, Labor & Sports, Chair; Health Care; Higher Education; Transportation                                                             |
| <b>Becker, Randi</b>        | Health Care, Vice Chair; Rules; Ways & Means                                                                                               |
| <b>Billig, Andy</b>         | Early Learning & K-12 Education; Rules; Ways & Means                                                                                       |
| <b>Braun, John</b>          | Ways & Means, Chair; Commerce, Labor & Sports, Vice Chair; Rules                                                                           |
| <b>Brown, Sharon</b>        | Ways & Means, Vice Chair; Agriculture, Water, Trade & Economic Development; Energy, Environment & Telecommunications                       |
| <b>Carlyle, Reuven</b>      | *Energy, Environment & Telecommunications; Human Services, Mental Health & Housing; Ways & Means                                           |
| <b>Chase, Maralyn</b>       | *Agriculture, Water, Trade & Economic Development; Rules                                                                                   |
| <b>Cleveland, Annette</b>   | *Health Care; Rules; Transportation                                                                                                        |
| <b>Conway, Steve</b>        | Commerce, Labor & Sports; Health Care; Ways & Means                                                                                        |
| <b>Darneille, Jeannie</b>   | *Human Services, Mental Health & Housing; Law & Justice; Ways & Means                                                                      |
| <b>Ericksen, Doug</b>       | Energy, Environment & Telecommunications, Chair; Financial Institutions & Insurance, Vice Chair; Rules; Transportation                     |
| <b>Fain, Joe</b>            | Early Learning & K-12 Education, Vice Chair; Financial Institutions & Insurance; Health Care; Rules; Ways & Means                          |
| <b>Fortunato, Phil</b>      | Financial Institutions & Insurance; Natural Resources & Parks; Transportation                                                              |
| <b>Frockt, David</b>        | ****Ways & Means; Higher Education; Law & Justice                                                                                          |
| <b>Hasegawa, Bob</b>        | Commerce, Labor & Sports; Rules; Ways & Means                                                                                              |
| <b>Hawkins, Brad</b>        | Agriculture, Water, Trade & Economic Development, Vice Chair; Natural Resources & Parks, Vice Chair; Transportation                        |
| <b>Hobbs, Steve</b>         | *Transportation; Energy, Environment & Telecommunications; Financial Institutions & Insurance                                              |
| <b>Honeyford, Jim</b>       | Ways & Means, Vice Chair Capital Budget; Agriculture, Water, Trade & Economic Development; Energy, Environment & Telecommunications; Rules |
| <b>Hunt, Sam</b>            | *State Government; Human Services, Mental Health & Housing                                                                                 |
| <b>Keiser, Karen</b>        | *Commerce, Labor & Sports; Health Care; Ways & Means                                                                                       |
| <b>King, Curtis</b>         | Transportation, Chair; Commerce, Labor & Sports; Rules                                                                                     |
| <b>Kuderer, Patty</b>       | **Health Care; Financial Institutions & Insurance; State Government                                                                        |
| <b>Liias, Marko</b>         | **Transportation; Rules                                                                                                                    |

|                           |                                                                                                                       |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>McCoy, John</b>        | Agriculture, Water, Trade & Economic Development; Natural Resources & Parks; Rules                                    |
| <b>Miloscia, Mark</b>     | State Government, Chair; Human Services, Mental Health & Housing, Vice Chair; Health Care; Rules; Ways & Means        |
| <b>Mullet, Mark</b>       | *Financial Institutions & Insurance; Early Learning & K-12 Education; Health Care                                     |
| <b>Nelson, Sharon</b>     | Rules                                                                                                                 |
| <b>O'Ban, Steve</b>       | Human Services, Mental Health & Housing, Chair; Law & Justice, Vice Chair; Health Care; Rules; Transportation         |
| <b>Padden, Mike</b>       | Law & Justice, Chair; Human Services, Mental Health & Housing; Ways & Means                                           |
| <b>Palumbo, Guy</b>       | *Higher Education; Local Government                                                                                   |
| <b>Pearson, Kirk</b>      | Natural Resources & Parks, Chair; Agriculture, Water, Trade & Economic Development; Rules; State Government           |
| <b>Pedersen, Jamie</b>    | *Law & Justice; Ways & Means                                                                                          |
| <b>Ranker, Kevin</b>      | *Ways & Means; Energy, Environment & Telecommunications                                                               |
| <b>Rivers, Ann</b>        | Health Care, Chair; Early Learning & K-12 Education; Rules; Ways & Means                                              |
| <b>Rolfes, Christine</b>  | *Early Learning & K-12 Education; ***Ways & Means                                                                     |
| <b>Rossi, Dino</b>        | Ways & Means, Vice Chair; Commerce, Labor & Sports                                                                    |
| <b>Saldaña, Rebecca</b>   | Commerce, Labor & Sports; Transportation                                                                              |
| <b>Schoesler, Mark</b>    | Rules; Ways & Means                                                                                                   |
| <b>Sheldon, Tim</b>       | Energy, Environment & Telecommunications, Vice Chair; Rules, Vice Chair; Transportation, Vice Chair; Local Government |
| <b>Short, Shelly</b>      | Local Government, Chair; Agriculture, Water, Trade & Economic Development; Energy, Environment & Telecommunications   |
| <b>Takko, Dean</b>        | *Local Government; Agriculture, Water, Trade & Economic Development; Transportation                                   |
| <b>Van De Wege, Kevin</b> | *Natural Resources & Parks; Agriculture, Water, Trade & Economic Development; Transportation                          |
| <b>Walsh, Maureen</b>     | Health Care; Human Services, Mental Health & Housing; Transportation                                                  |
| <b>Warnick, Judy</b>      | Agriculture, Water, Trade & Economic Development, Chair; Early Learning & K-12 Education; Ways & Means                |
| <b>Wellman, Lisa</b>      | **Agriculture, Water, Trade & Economic Development; Energy, Environment & Telecommunications                          |
| <b>Wilson, Lynda</b>      | Higher Education, Chair; Commerce, Labor & Sports; Law & Justice; Transportation                                      |
| <b>Zeiger, Hans</b>       | Early Learning & K-12 Education, Chair; State Government, Vice Chair; Ways & Means                                    |

\* Minority Ranking Member

\*\* Minority Asst. Ranking Member

\*\*\* Minority Asst. Ranking Member, Operating

\*\*\*\* Minority Asst. Ranking Member, Capital Budget

The Lt. Governor is a voting member of the Rules Committee.

2017

## SENATE ADMINISTRATION

|                          |                                |
|--------------------------|--------------------------------|
| Goodman, Hunter G.       | Secretary of the Senate        |
| Campos, Paul             | Deputy Secretary of the Senate |
| Anglin, Laura            | Sr. Senate Counsel             |
| Gorrell, Jeannie         | Sr. Senate Counsel             |
| Bannister, Sarah         | Sr. Executive Assistant        |
| Gay, Diane               | Payroll Analyst 2              |
| Hamlin, Marnie           | Staff Coordinator              |
| Hood, Kelsey             | Legislative Assistant          |
| Kochaniewicz, Sean       | Rostrum Operations Clerk       |
| McCartan, Emily          | Civic Ed/Intern Coordinator    |
| Wulff, Derrick           | Human Res Consultant II        |
| Yunker Carlson, Brittany | Sr. Workroom Clerk             |

## SENATORS PERSONAL STAFF

|                    |                           |                     |
|--------------------|---------------------------|---------------------|
| Ague, Starcia      | Session Aide              | Senator Frockt      |
| Allison, Jeremiah  | Session Aide              | Senator Baumgartner |
| Angelini, Vicki    | Sr. Legislative Assistant | Senator Bailey      |
| Arndt, Meagan      | Sr. Legislative Assistant | Senator Hunt        |
| Asare-Konadu, Akua | Legislative Assistant     | Senator Saldaña     |
| Ashlie, Erik       | Legislative Assistant     | Senator Hobbs       |
| Austin, Debbie     | Sr. Legislative Assistant | Senator Angel       |
| Austreng, Dane     | Session Aide              | Senator Mullet      |
| Bailey, Cameron    | Sr. Legislative Assistant | Senator Pearson     |
| Baldwin, Blake     | Legislative Assistant     | Senator Hawkins     |
| Barnfather, Linda  | Sr. Legislative Assistant | Senator Van De Wege |
| Baugh, Marcel      | Legislative Assistant     | Senator Hasegawa    |
| Baye, Ryan         | Session Aide              | Senator Hawkins     |
| Bell, Laura        | Sr. Legislative Assistant | Senator Rossi       |
| Bohler, Alexander  | Legislative Assistant     | Senator Fortunato   |
| Bulak, Arda        | Session Aide              | Senator Darneille   |
| Burgher, Noah      | Legislative Assistant     | Senator Wellman     |
| Burke, Kate        | Legislative Assistant     | Senator Billig      |
| Burnley, Beverly   | Session Aide              | Senator Sheldon     |
| Castro, Hannah     | Legislative Assistant     | Senator Warnick     |
| Cherniske, Mikhail | Session Aide              | Senator Rolfes      |
| Cocci, Holly       | Session Aide              | Senator Angel       |
| Comyns, Eleanor    | Legislative Assistant     | Senator Pedersen    |
| Cooper, Suzette    | Executive Assistant       | Senator Sheldon     |

## SENATORS PERSONAL STAFF

|                   |                              |                     |
|-------------------|------------------------------|---------------------|
| Culevski, Penka   | Session Aide                 | Senator Pedersen    |
| Day, Adam         | Legislative Assistant        | Senator Mullet      |
| Develle, Sara     | Session Aide                 | Senator Conway      |
| Edwards, Grace    | Session Aide                 | Senator Honeyford   |
| Fay, Jennifer     | Legislative Assistant        | Senator Kuderer     |
| Fisch, Lisa       | Sr. Legislative Assistant    | Senator Darneille   |
| Florez, Crystal   | Legislative Assistant        | Senator McCoy       |
| Frans, Susan      | Session Aide                 | Senator Van De Wege |
| Garland, Shannon  | Assoc. Legislative Assistant | Senator Short       |
| Golla, Remy       | Session Aide                 | Senator Chase       |
| Grimm, John       | Session Aide                 | Senator Padden      |
| Hall, Robert      | Session Aide                 | Senator Wellman     |
| Hallenberg, Aaron | Session Aide                 | Senator Zeiger      |
| Hardtke, Amber    | Sr. Legislative Assistant    | Senator Wilson      |
| Harman, Michael   | Session Aide                 | Senator Kuderer     |
| Harmon, Trixie    | Sr. Legislative Assistant    | Senator Miloscia    |
| Hasz, Josalun     | Session Aide                 | Senator Rivers      |
| Heinecke, Tara Jo | Legislative Assistant        | Senator Chase       |
| Hemmen, Eric      | Session Aide                 | Senator Bailey      |
| Herriot, Samantha | Session Aide                 | Senator Walsh       |
| Hitchens, Ashana  | Session Aide                 | Senator O'Ban       |
| Hoffman, Kate     | Legislative Assistant        | Senator Carlyle     |
| Kirry, Charlie    | Session Aide                 | Senator Warnick     |
| Kohlwes, Curt     | Executive Assistant          | Senator Liias       |
| Kronen, Jordan    | Session Aide                 | Senator Carlyle     |
| Kuehn, Matthew    | Session Aide                 | Senator Palumbo     |
| Lelli, Kimberlie  | Sr. Legislative Assistant    | Senator Conway      |
| Lewis, Michelle   | Sr. Legislative Assistant    | Senator O'Ban       |
| Macky, Annie      | Session Aide                 | Senator Hasegawa    |
| Marquez, Leo      | Session Aide                 | Senator Wilson      |
| May, Jeri         | Sr. Legislative Assistant    | Senator Braun       |
| Mayson, Jake      | Legislative Assistant        | Senator Brown       |
| McCoy, Matt       | Legislative Assistant        | Senator Baumgartner |
| McWain, Penelope  | Sr. Legislative Assistant    | Senator Honeyford   |
| Mead, Jared       | Legislative Assistant        | Senator Palumbo     |
| Minich, Jennifer  | Legislative Assistant        | Senator Keiser      |
| Mohn, Jeremy      | Executive Assistant          | Senator Nelson      |
| Nelson, Michael   | Session Aide                 | Senator Fain        |
| Olney, Jody       | Executive Assistant          | Senator McCoy       |
| Owens, Linda      | Executive Assistant          | Senator Rolfes      |

## SENATORS PERSONAL STAFF

|                       |                           |                   |
|-----------------------|---------------------------|-------------------|
| Pebley, Elizabeth     | Legislative Assistant     | Senator Rivers    |
| Peterson, Ruth        | Executive Assistant       | Senator Braun     |
| Posielski, Aleksander | Session Aide              | Senator Miloscia  |
| Rickard, Tyrus        | Legislative Assistant     | Senator Dansel    |
| Rolfson, Clairra      | Session Aide              | Senator Keiser    |
| Rude, Skylar          | Legislative Assistant     | Senator Walsh     |
| Rudicil, Jon          | Legislative Assistant     | Senator Frockt    |
| Ruff, Sandy           | Sr. Legislative Assistant | Senator Ericksen  |
| Russell, Nick         | Legislative Assistant     | Senator Zeiger    |
| Sanabria, Tristan     | Legislative Assistant     | Senator Becker    |
| Sanné, Tiffani        | Executive Assistant       | Senator Becker    |
| Schiewe, Kasey        | Session Aide              | Senator Hunt      |
| Sen Hoss, Rhona       | Session Aide              | Senator Cleveland |
| Simcock, Reed         | Session Aide              | Senator Billig    |
| Smith, Evan           | Session Aide              | Senator Liias     |
| Smith, Matthew        | Session Aide              | Senator Fortunato |
| Smith, Tawnya         | Executive Assistant       | Senator King      |
| Smolen, Jennifer      | Legislative Assistant     | Senator Hobbs     |
| Steelquist, Peter     | Legislative Assistant     | Senator Nelson    |
| Suttle, Darci         | Sr. Legislative Assistant | Senator Takko     |
| Takacs, Bailey        | Session Aide              | Senator Rossi     |
| Taylor, Andrew        | Legislative Assistant     | Senator Ranker    |
| Taylor, Jesse         | Legislative Assistant     | Senator Schoesler |
| Thomas, Christopher   | Session Aide              | Senator Takko     |
| Tonsberg, Catherine   | Session Aide              | Senator Saldaña   |
| Voye, Janet           | Legislative Assistant     | Senator Padden    |
| Williams, Ella        | Legislative Assistant     | Senator King      |
| Willman, Frazier      | Executive Assistant       | Senator Fain      |
| Wilson, Devon         | Session Aide              | Senator Hobbs     |
| Winters, Krista       | Sr. Executive Assistant   | Senator Schoesler |
| Winters, Vickie       | Sr. Legislative Assistant | Senator Cleveland |
| Woods, Amber          | Session Aide              | Senator Pearson   |
| Yuse, Maggie          | Session Aide              | Senator Ranker    |



## SENATE COMMITTEE SERVICES

|                        |                         |                       |                         |
|------------------------|-------------------------|-----------------------|-------------------------|
|                        | Howson, Susan           | Sr. Staff Director    |                         |
|                        | Gavigan, Curt           | Deputy Director       |                         |
| Adams, Jasmin          | Sr. Committee Assistant | Kim, Bonnie           | Staff Coord/Counsel     |
| Alishahi, Michele      | Fiscal Analyst II       | King, Dana            | Bill Report Assistant   |
| Aslani, Kayla          | Committee Clerk         | Klein, Evan           | Staff Counsel I         |
| Bauer, Shani           | Sr. Staff Counsel       | Kleis, Angela         | Bill Report Coordinator |
| Bezanson, Michael      | Fiscal Coordinator      | Knutzen, Bryce        | Committee Assistant     |
| Black, Kevin           | Sr. Staff Counsel       | Larsen, Ian           | Committee Assistant     |
| Bramlet, Erica         | Fiscal Analyst I        | Lindgren, Peter       | Committee Assistant     |
| Brown, Samuel          | Staff Coord/Counsel     | Llarenas, Joyce       | Committee Clerk         |
| Buchli, Kathleen       | Sr. Staff Coordinator   | MacKersie, Richelle   | Committee Assistant     |
| Burke-Cain, Melissa    | Sr. Staff Counsel       | Masterson, Daniel     | Fiscal Analyst I        |
| Carlson, Dean          | Fiscal Coordinator      | Mays, Samina          | Committee Assistant     |
| Cecil, Amanda          | Sr. Fiscal Analyst      | McCarthy, Clinton     | Staff Coord/Analyst     |
| Clancy, Andrew         | Committee Clerk         | Melchiori, Aldo       | Sr. Staff Counsel       |
| Cushing, Kimberly      | St. Staff Counsel       | Mendiola, Alison      | Staff Coord/Counsel     |
| Daley, Sierra          | Committee Clerk         | Mielke, Susan         | Sr. Staff Coord/Cnsl    |
| Dzieza, Rebecca        | Committee Clerk         | Millhorn, Kathryn     | Committee Assistant     |
| Edwards, Kamilah       | Committee Clerk         | Mitchell, Jeffrey     | Sr. Fiscal Counsel      |
| Epps, Karen            | Sr. Staff Coord/Counsel | Moore, Bryon          | Sr. Staff Coordinator   |
| Everett, Benjamin      | Committee Assistant     | Morfitt, Kelsey       | Session Counsel         |
| Fairfortune, Alexandra | Assoc. Staff Counsel    | Murray, Julie         | Sr. Budget Counsel      |
| Falkenberg, Nelson     | Committee Assistant     | Needham, Davis        | Committee Assistant     |
| Fisher, Corey          | Committee Assistant     | Needham, Mich'l       | Sr. Research Analyst    |
| Ford, Timothy          | Staff Coord/Counsel     | Odano, Jan            | Staff Coord/Analyst     |
| Gamble, Hayley         | Sr. Fiscal Analyst      | Olsen, Jeff           | Staff Coord/Analyst     |
| Graf, Carrie           | Staff Counsel I         | Purcell, Bronson      | Bill Report Assistant   |
| Herman, Jed            | Sr. Fiscal Analyst      | Ramsey, Richard       | Fiscal Coordinator      |
| Horton, Gaius          | Committee Clerk         | Riffer, Alison        | Committee Assistant     |
| Hovde, Maria           | Sr. Fiscal Analyst      | Rodger, Richard       | Sr. Staff Counsel       |
| Jaime, Sandy           | Committee Assistant     | Sacks, Jarrett        | Assoc. Staff Counsel    |
| Johnson, Carly         | Committee Assistant     | Simpson, Kelly        | Sr. Staff Coordinator   |
| Johnson, Kimberly      | Sr. Staff Counsel       | Stith, Sandy          | Sr. Fiscal Analyst      |
| Jones, Susan           | Staff Coord/Counsel     | Sugarman, Travis      | Sr. Fiscal Analyst      |
| Kato, Ailey            | Staff Counsel I         | Tupper-Bridges, James | Committee Assistant     |
| Keegan, Kellee         | Fiscal Analyst I        | Van Gorkom, Melissa   | Research Analyst II     |
| Kennedy, Alia          | Assoc. Staff Counsel    | Vogel, Gregory        | Assoc. Staff Counsel    |
| Kennedy, Ariel         | Executive Assistant     | Ward, David           | Fiscal Coordinator      |
| Kettel, James          | Sr. Fiscal Analyst      |                       |                         |

## MAJORITY COALITION CAUCUS STAFF

|                  |                     |
|------------------|---------------------|
| Troyer, James    | Sr. Staff Director  |
| Delaney, Ashlee  | Executive Assistant |
| Pierre, Manis    | Session Aide        |
| Schlatter, Dylan | Session Aide        |

## POLICY

|                    |                           |
|--------------------|---------------------------|
| Lawrence, Kathleen | Staff Coordinator/Analyst |
| Anderson, Zachary  | Assoc. Staff Counsel      |
| Crandall, James    | Staff Counsel I           |
| Eyler, Alicia      | Staff Counsel II          |
| Himebaugh, Daniel  | Sr. Staff Counsel         |
| Maynard, Jackson   | Sr. Staff Counsel         |
| Moore, Ryan        | Sr. Staff Counsel         |
| Shakotko, Veronica | Staff Counsel II          |
| Tremble, Matthew   | Staff Counsel I           |

## COMMUNICATIONS

|                    |                                |
|--------------------|--------------------------------|
| Wirtz, Kimberly    | Communications Director        |
| Martin, James      | Legislative Assistant          |
| Stallworth, Booker | Deputy Communications Director |
| Adamack, Joe       | Sr. Information Officer        |
| Boze, David        | Information Officer            |
| Brown, Dylan       | Information Officer            |
| Campbell, Eric     | Sr. Information Officer        |
| Espinoza, Laudan   | Sr. Information Officer        |
| Honcoop, Jess      | Information Officer            |
| Smith, Erik        | Sr. Information Officer        |

## DEMOCRATIC CAUCUS STAFF

|                        |                          |
|------------------------|--------------------------|
| Hesselholt, Claire     | Sr. Staff Director       |
| Lewis-Lechner, Heather | Sr. Leadership Counsel   |
| Dodds, Peter           | Sr. Executive Assistant  |
| Sherman, Mary          | Legislative Asst. Liason |

## POLICY

|                     |                           |
|---------------------|---------------------------|
| Forrester, Sydney   | Staff Coordinator/Counsel |
| Bridges, Matt       | Sr. Fiscal Analyst        |
| Christopher, Yasmin | Staff Counsel I           |
| Clifthorne, Sarah   | Research Analyst II       |
| Hall, Adam          | Staff Counsel I           |
| Johnson, Trish      | Research Analyst I        |
| Junejo, Samir       | Session Counsel           |
| McCarty, Hannah     | Staff Counsel II          |
| Pringle, Dave       | Research Analyst I        |
| Wilburn, Gary       | Sr. Staff Coordinator     |

## COMMUNICATIONS

|                   |                         |
|-------------------|-------------------------|
| Wasser, Aaron     | Communications Director |
| DeLong, Clare     | Information Officer     |
| Fowler, Jon       | Sr. Information Officer |
| Manugian, Richard | Sr. Information Officer |
| Mena, Sharlett    | Information Officer     |
| Sherman, Aaron    | Information Officer     |
| Vukonich, Nicole  | Information Officer     |
| West, Chris       | Information Officer     |

## OFFICE OF SENATE SECURITY

|                    |                          |
|--------------------|--------------------------|
| Staubitz, Andy     | Security Director        |
| Burt, Michael      | Deputy Security Director |
| Boad, Kenneth      | Asst. Sergeant at Arms   |
| Brickey, Christina | Legislative Assistant    |

## SECURITY STAFF

|                    |                        |                    |                |
|--------------------|------------------------|--------------------|----------------|
| Anderson, Chris    | Asst. Sergeant at Arms | Hoover, Alan       | Security Staff |
| Day, Gary          | Asst. Sergeant at Arms | Janda, Peter       | Security Staff |
| Harstock, Sean     | Asst. Sergeant at Arms | Jorgensen, Gerald  | Security Staff |
| Humbock, Gary      | Asst. Sergeant at Arms | Kampling, Terrence | Security Staff |
| Martin, William    | Asst. Sergeant at Arms | Matheson, Jennifer | Security Staff |
| Bryant, El Wanda   | Page Supervisor        | McClure, Charles   | Security Staff |
| Bodine, Tina       | Asst. Page Supervisor  | McGrady, Larry     | Security Staff |
| Villarreal, Margot | Asst. Page Supervisor  | Nelson, Richard    | Security Staff |
| Lacey, Elizabeth   | Page Dispatcher        | Nicklaus, Jack     | Security Staff |
| Bambara, Matthew   | Security Staff         | Olson, Roger       | Security Staff |
| Bierer, William    | Security Staff         | Owen, Joe          | Security Staff |
| Boede, Christina   | Security Staff         | Patstone, David    | Security Staff |
| Bradford, Delano   | Security Staff         | Patten, Gerard     | Security Staff |
| Denny, James       | Security Staff         | Peterson, Gregg    | Security Staff |
| Dunn, Anderson     | Security Staff         | Rivas, Juan        | Security Staff |
| Follett, Doug      | Security Staff         | Rogers, Ryan       | Security Staff |
| Gregory, Loren     | Security Staff         | Schlenker, Murray  | Security Staff |
| Hallom, Norris     | Security Staff         | Southwick, David   | Security Staff |
| Hamill, James      | Security Staff         | Sterba, Jeffery    | Security Staff |
| Hamre, Juanita     | Security Staff         | Welter, Michael    | Security Staff |
| Harvey, Robert     | Security Staff         |                    |                |

## LEGISLATIVE AGENCIES

OFFICE OF THE STATE ACTUARY (OSA)  
 JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC)  
 OFFICE OF THE CODE REVISER/STATUTE LAW COMMITTEE (SLC)  
 LEGISLATIVE ETHICS BOARD (LEB)  
 LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE (LEAP)  
 WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY (WSIPP)  
 LEGISLATIVE SUPPORT SERVICES (LSS)  
 JOINT LEGISLATIVE SYSTEMS COMMITTEE (JLSC)  
 JOINT TRANSPORTATION COMMITTEE (JTC)

The Washington State Legislative Intern Program is an academic internship for college students from around Washington State. Interns are assigned to Senate offices and are mentored by members and staff as they conduct research, track legislation, and work with constituents. In addition to building professional experience through their office work, interns earn academic credit and take part in seminars and workshops with state policymakers to gain a first-hand understanding of the legislative process.

The 43 Senate interns in 2017 represented 18 college campuses, a wide range of majors, and communities all over Washington.

Emily McCartan, Intern Coordinator  
Nathan Sulya, Assistant Coordinator

### 2017 Washington State Senate Interns

| <i>Name</i>           | <i>Senator / Office</i> | <i>University</i>                       |
|-----------------------|-------------------------|-----------------------------------------|
| Annest, Demetra       | Senator O'Ban           | Seattle University                      |
| Baer, Mary Elizabeth  | Senator Chase           | The Evergreen State College - Olympia   |
| Barrett, Cassandra    | Senator Billig          | Eastern Washington University           |
| Bembridge, Nicole     | Senator Hunt            | University of Washington - Seattle      |
| Black, Crystalyn      | Senator Miloscia        | Walla Walla University                  |
| Bridgewater, Jack     | Senator Baumgartner     | Washington State University - Pullman   |
| Chen, Sihao           | Senators Bailey         | University of Washington - Seattle      |
| Chindavongsa, Crystal | Senator Frockt          | University of Washington - Seattle      |
| Craig-Mickel, Eden    | Senator Braun           | Centralia College                       |
| da Cruz, Juliana      | Senator Pedersen        | University of Washington - Seattle      |
| Dillan, DeAnn         | Senator McCoy           | University of Washington - Tacoma       |
| Dolbinina, Irina      | Senator Padden          | Washington State University - Vancouver |
| Edminston, Madison    | Democratic Caucus       | University of Washington - Tacoma       |
| Foote, Rebecca        | Senator Schoesler       | Washington State University - Pullman   |
| Franco, Ricardo       | Senator Warnick         | University of Washington - Seattle      |
| Gordon, Kevin         | Senator Cleveland       | Washington State University - Vancouver |
| Hall, Zachary         | Senator Brown           | University of Washington - Seattle      |
| Hendrickson, Sam      | Senator Mullet          | University of Washington - Seattle      |
| Howell, Hannah        | Democratic Caucus       | Whitworth University                    |
| Kelsall, Porter       | Senator Van De Wege     | The Evergreen State College - Olympia   |
| Lennon, Benjamin      | Senator Ranker          | University of Washington - Seattle      |
| Lubchuk, Shelby       | Senator Becker          | University of Washington - Bothell      |
| Menzies, Scott        | Senator King            | University of Washington - Seattle      |
| Mills, Emmett         | Senator Wilson          | Western Washington University           |
| Myers, Sarah          | Senator Rolfes          | Pacific Lutheran University             |

| <i>Name</i>          | <i>Senator / Office</i>      | <i>University</i>                          |
|----------------------|------------------------------|--------------------------------------------|
| Nibler, Kiri         | Senator Walsh                | University of Washington - Seattle         |
| Owens-Cheatham, Dana | Senator Darneille            | The Evergreen State College - Tacoma       |
| Perez, Olivia        | Senators Saldaña and Wellman | University of Washington - Seattle         |
| Pitts, Emma          | Lt. Governor Habib           | Washington State University - Pullman      |
| Qteishat, Kamal      | Senator Hawkins              | Central Washington University - Ellensburg |
| Ramirez, Jesus       | Senator Zeiger               | Heritage University                        |
| Raza, Aysha          | Senator Hobbs                | University of Washington - Bothell         |
| Rubio Rivera, Victor | Senator Nelson               | Washington State University - Pullman      |
| Sherrill, BreAnn     | Senator Rivers               | The Evergreen State College - Olympia      |
| Southard, Matthew    | Senator Liias                | The Evergreen State College - Olympia      |
| Steinhauer, Cutis    | Senator Sheldon              | The Evergreen State College - Olympia      |
| Tibke, Connor        | Senator Pearson              | The Evergreen State College - Olympia      |
| Varvil, Jessica      | Senator Angel                | Saint Martin's University                  |
| Wehinger, Alexandra  | Senator Keiser               | Washington State University - Pullman      |
| Wei, Malisa          | Senators Carlyle and Conway  | University of Washington - Tacoma          |
| Welch, Amy           | Senator Fain                 | University of Washington - Tacoma          |
| Whitley, Cody        | Majority Coalition Caucus    | Eastern Washington University              |
| Williams, Merrill    | Senator Hasegawa             | The Evergreen State College - Tacoma       |

## 2017 Senate Pages

The Senate Page Program allows young students throughout Washington State the opportunity each year to take part in the legislative process and observe the Legislature and other branches of state government during the legislative session. The students also participate in the Page School learning about the legislative process, listening to guest speakers and developing their own legislation. The Program had 291 participants during the 2017 Regular Session.

Elwanda Bryant, Page Supervisor  
Tina Bodine, Asst. Page Supervisor  
Margot Villarreal, Asst. Page Supervisor  
Elizabeth Lacy, Page Dispatcher

Leo O'Leary, Page School Teacher  
Amy Rehwaldt, Assistant Page School Teacher

| Page                | Senate Sponsor    | Week of     | Page                  | Senate Sponsor    | Week of     |
|---------------------|-------------------|-------------|-----------------------|-------------------|-------------|
| Ahmed, Irfan        | Sen. Van De Wege  | April 17    | Charneski, Gabriella  | Sen. Hunt         | April 10    |
| Allen, Taylor       | Secretary Goodman | January 9   | Chase, Anson          | Republican Caucus | January 30  |
| Allyn, Marisa       | Sen. Rossi        | March 13    | Chavez, Elaine        | Sen. Warnick      | April 17    |
| Alvarez, Vincent    | Sen. Darneille    | March 13    | Chavez, Nicholas      | Sen. McCoy        | January 23  |
| Ames, Nicholas      | Sen. Sheldon      | February 13 | Cheam, Maya           | Sen. Mullet       | March 13    |
| Andersen, Lovina    | Sen. Schoesler    | April 17    | Cheatham, Jade        | Sen. Darneille    | April 10    |
| Anderson, Shaye     | Secretary Goodman | April 3     | Christensen, Madeline | Sen. Zeiger       | February 20 |
| Arcarese, Joseph    | Sen. Fain         | January 16  | Christoph, Calvin     | Sen. Darneille    | March 20    |
| Archuleta, Carter   | Sen. Angel        | April 10    | Church, William       | Sen. Becker       | April 10    |
| Arendse, Blake      | Sen. Walsh        | April 17    | Clark, Hunter         | Sen. Rivers       | January 9   |
| Armitage, Elliot    | Sen. Carlyle      | February 20 | Clarke, Alexander     | Sen. Rossi        | February 6  |
| Ashton, Alizabeth   | Sen. Braun        | February 20 | Clinesmith, Benjamin  | Sen. Schoesler    | March 20    |
| Bailey, Meghan      | Sen. Liias        | February 6  | Clinesmith, Nicholas  | Sen. Schoesler    | March 20    |
| Bedard, Cameron     | Sen. Nelson       | April 10    | Coleman, Timothy      | Sen. Bailey       | February 13 |
| Bell, Amelia        | Sen. Chase        | April 17    | Collins, Cameron      | Sen. Becker       | February 20 |
| Benson, Ethan       | Sen. Braun        | April 3     | Conklin, Andrew       | Sen. Rivers       | April 3     |
| Benson, Korbin      | Sen. Sheldon      | January 9   | Cook, Kaiden          | Sen. Hobbs        | January 9   |
| Berg, Ethan         | Sen. Zeiger       | March 27    | Cooper, Mikayla       | Sen. Warnick      | February 20 |
| Bernheimer, Zachary | Sen. Cleveland    | April 10    | Craig, Emma Jane      | Sen. Palumbo      | February 13 |
| Bird, Tristan       | Sen. Sheldon      | April 3     | Crichton, Bryson      | Sen. Becker       | March 13    |
| Blake, Riley        | Sen. Schoesler    | March 20    | Crichton, Riley       | Sen. Becker       | March 13    |
| Blakeman, Emily     | Sen. Cleveland    | April 10    | Cruz, Adriana         | Sen. Saldaña      | April 17    |
| Boose, Rachel       | Sen. Billig       | April 17    | Cundiff, Matthew      | Sen. Palumbo      | February 27 |
| Branstetter, Grant  | Sen. Baumgartner  | April 17    | Cwik, Jonah           | Sen. Schoesler    | March 27    |
| Brent, Chinyere     | Sen. Walsh        | March 20    | Dagenais, Leland      | Sen. McCoy        | March 20    |
| Briggs, Canon       | Sen. Brown        | January 9   | Davidson, Alex        | Sen. Hasegawa     | January 30  |
| Bryan, Michael      | Sen. Carlyle      | March 13    | Davis, Elizabeth      | Sen. Darneille    | April 17    |
| Bullock, Matthew    | Sen. Rollfes      | January 16  | Dean, bird Aaron      | Sen. Braun        | January 16  |
| Burnaby, Zachary    | Sen. Miloscia     | January 23  | Decker, Jordan        | Secretary Goodman | April 3     |
| Burres, Nicole      | Sen. Hunt         | March 13    | DeMint, Annika        | Sen. Becker       | March 27    |
| Burroughs, Jessica  | Sen. Becker       | February 20 | Dhillon, Leena        | Sen. Fain         | March 20    |
| Butler, Kimberly    | Sen. O'Ban        | March 13    | Diupina, Olga         | Secretary Goodman | January 16  |
| Campbell, Grace     | Sen. Rollfes      | April 3     | Doane, Graysen        | Sen. Angel        | January 16  |
| Care, Halley        | Sen. Wilson       | March 13    |                       |                   |             |

| Page                       | Senate Sponsor    | Week of     | Page                | Senate Sponsor    | Week of     |
|----------------------------|-------------------|-------------|---------------------|-------------------|-------------|
| Dotson, Cody               | Sen. Chase        | January 9   | Goldsmith, William  | Sen. Bailey       | April 3     |
| Douglas, Andrew            | Sen. Rivers       | January 23  | Goodman, Eric       | Sen. Baumgartner  | March 13    |
| Droker, Jenna              | Sen. Fain         | April 3     | Gorrell, Sarah      | Secretary Goodman | April 3     |
| Ducusin, Brandon           | Sen. Miloscia     | March 6     | Graff, Rose         | Sen. Warnick      | February 27 |
| Duenas, Astrid             | Sen. Keiser       | March 27    | Grandorff, Leif     | Sen. Sheldon      | January 30  |
| Duncan, Parker             | Sen. Hasegawa     | January 16  | Graves, Amber       | Sen. Liias        | February 6  |
| Dunnewind Schenk, Zoe      | Sen. Palumbo      | March 27    | Green, Orion        | Sen. Pearson      | March 27    |
| Ecklund, Kaia              | Sen. Braun        | February 6  | Greene, Jane        | Sen. Cleveland    | April 10    |
| Ehlers, Albert             | Sen. O'Ban        | February 27 | Greenfield, Faith   | Sen. Braun        | February 13 |
| Ehlers, Andrew             | Sen. O'Ban        | February 27 | Grubbs, Andrea      | Sen. Brown        | February 20 |
| Ekstrand Davidson, Mauritz | Sen. Saldaña      | March 27    | Guntle, Marcus      | Sen. Wilson       | March 27    |
| Emerick, Liam              | Sen. Darneille    | April 17    | Halchuk, Serhiy     | Sen. Honeyford    | April 17    |
| Enkhbaatar, Odsuren        | Sen. Palumbo      | March 6     | Hammingh, Joshua    | Sen. Honeyford    | April 10    |
| Esparza, Dillon            | Sen. Hawkins      | February 20 | Hanson, Charlotte   | Sen. Billig       | April 10    |
| Evans, Chloe               | Sen. Takko        | April 17    | Harnack, Olivia     | Sen. Short        | March 27    |
| Evenson, Nathaniel         | Sen. Fain         | February 6  | Hemingway, Annalise | Sen. Padden       | January 30  |
| Eyre, Ryanne               | Sen. Walsh        | February 6  | Hernandez, Hercis   | Sen. Liias        | February 27 |
| Farley, Clare              | Sen. Bailey       | April 17    | Hernandez, Kimberly | Sen. Honeyford    | April 3     |
| Farrell, Nola              | Sen. Carlyle      | February 20 | Herrick, Aiden      | Secretary Goodman | March 6     |
| Fields, Beau               | Sen. Honeyford    | April 17    | Hisaw, Karlton      | Sen. Padden       | March 27    |
| Finkelstein, Eva           | Sen. Carlyle      | February 6  | Hoel, Daniel        | Sen. Braun        | January 9   |
| Fisch, Lauren              | Sen. Darneille    | February 20 | Honeyford, Benjamin | Sen. Honeyford    | March 27    |
| Fisher, Joshua             | Sen. Hawkins      | March 13    | Horn, Nina          | Secretary Goodman | February 20 |
| Fisher, Paige              | Sen. Wellman      | February 27 | Houskeeper, Landyn  | Sen. Ericksen     | February 27 |
| Flury, Andrew              | Sen. Zeiger       | March 6     | Howard, Emily       | Sen. Rivers       | April 17    |
| Flynn, Molly               | Sen. Rivers       | February 27 | Huey, Conner        | Sen. Rollfes      | March 20    |
| Forster, Tess              | Sen. Pedersen     | March 20    | Hurst, Annde        | Secretary Goodman | February 27 |
| Fort, Joan                 | Republican Caucus | February 27 | Hussain, Kashaan    | Sen. Hobbs        | January 16  |
| Fortunato, Antonio         | Sen. Fortunato    | March 13    | Ingenthron, Ilyssa  | Sen. King         | April 17    |
| Froct, Samuel              | Secretary Goodman | April 10    | Ith, Molly          | Sen. Hunt         | February 13 |
| Fuller, Hannah             | Sen. Billig       | April 17    | Jackson, Jordyn     | Sen. Hobbs        | April 3     |
| Garcia, Brayden            | Sen. Fain         | January 16  | Johnson, Ava        | Sen. Keiser       | February 6  |
| Gardner, Harris            | Sen. Rossi        | February 20 | Joosten, Jeremy     | Sen. Miloscia     | March 20    |
| Gardner, Matthew           | Sen. Keiser       | January 16  | Kanumuri, Rahul     | Sen. Palumbo      | April 3     |
| Geier, Sebrina             | Sen. Rossi        | February 20 | Karber, Gabrielle   | Sen. Cleveland    | April 17    |
| Gettleman, Levi            | Sen. Froct        | January 16  | Karn, Timothy       | Sen. Cleveland    | April 17    |
| Girnius, Clare             | Sen. Wellman      | April 10    | Karwhite, Gage      | Sen. O'Ban        | February 20 |
| Giuntoli, Bruce            | Sen. Becker       | April 3     | Kelley, Megan       | Sen. Takko        | February 6  |
| Glascoock, Stephanie       | Sen. Nelson       | April 10    | Kelly, Forest       | Sen. Angel        | January 9   |
|                            |                   |             | Kerns, SusAnna      | Sen. Pearson      | February 27 |

| Page                  | Senate Sponsor   | Week of     | Page               | Senate Sponsor    | Week of     |
|-----------------------|------------------|-------------|--------------------|-------------------|-------------|
| Kershaw, Sophia       | Sen. Wellman     | February 27 | Morgan, Delaney    | Sen. Takko        | April 17    |
| Keys, Aleah           | Sen. Hunt        | February 27 | Morris, Mitchell   | Sen. McCoy        | April 3     |
| Kimball, Amelia       | Sen. Billig      | April 10    | Mould, Elizabeth   | Sen. Hunt         | March 6     |
| King, Nicholas        | Sen. Frockt      | February 20 | Mowery, Timothy    | Sen. King         | January 23  |
| Kirschbaum, Catherine | Sen. Fortunato   | April 17    | Muth, Alexander    | Sen. Mullet       | March 6     |
| Kirschbaum, Nicholas  | Sen. Fortunato   | April 17    | Myers, Olivia      | Sen. Braun        | March 20    |
| Korve, Terra          | Sen. Keiser      | March 6     | Naef, Jacey        | Sen. Schoesler    | April 10    |
| Koss, Symphony        | Sen. Rivers      | March 13    | Natrall, Kiaya     | Sen. Rollfes      | March 27    |
| Lambert, Jane         | Sen. Cleveland   | April 10    | Navarro, Estela    | Sen. Hawkins      | March 6     |
| Larkin, Riley         | Sen. Short       | April 3     | Neal, Noah         | Sen. Billig       | April 17    |
| Lausted, Madeleine    | Sen. Pedersen    | January 30  | Nguyen, Samantha   | Sen. Miloscia     | April 10    |
| Lehman, Fisher        | Sen. Hawkins     | March 13    | Nicklaus, Kamdan   | Sen. Sheldon      | March 20    |
| Lent, Juliet          | Sen. Angel       | April 3     | Ogaki, Jasmine     | Sen. Chase        | February 6  |
| Lent, Sophia          | Sen. Angel       | April 3     | Olsen, Anna        | Sen. Hobbs        | March 27    |
| Lewis, Cedric         | Sen. Conway      | January 16  | Olsen, Grace       | Sen. Hobbs        | March 27    |
| Longhurst, Cora       | Sen. Fain        | February 13 | Olyae, Yasmin      | Sen. Kuderer      | April 17    |
| Lord, Demetri         | Sen. Angel       | February 20 | Oniskey, Owen      | Sen. Hunt         | February 20 |
| Lovelace, Miriam      | Sen. Nelson      | March 6     | Opalka, Lucia      | Sen. Rollfes      | February 27 |
| Luthra, Mehr          | Sen. Kuderer     | March 6     | Owen, Malea        | Sen. Chase        | April 10    |
| Lyons-Hammond, Emi    | Sen. Frockt      | April 3     | Paria, Anjali      | Sen. Mullet       | February 20 |
| Mackay, Quinn         | Sen. Nelson      | February 13 | Parnello, Emma     | Sen. Mullet       | April 10    |
| Mahil, Abijit         | Sen. Liias       | January 23  | Parr, Jackson      | Sen. Bailey       | March 27    |
| Mannschreck, Kristin  | Sen. Hasegawa    | February 27 | Paulus, Junia      | Sen. Carlyle      | April 10    |
| Marquardt, Alyson     | Sen. O'Ban       | March 27    | Peart, Austin      | Sen. King         | January 16  |
| Martin, Dylan         | Sen. King        | April 17    | Pepper, Mitchel    | Sen. Pearson      | March 20    |
| Mastras, Isabella     | Sen. Angel       | April 17    | Peterson, Annalise | Sen. Wilson       | April 17    |
| Matsko, Ekaterina     | Sen. Pearson     | April 3     | Peterson, Connor   | Secretary Goodman | January 16  |
| Mayer, Zachary        | Sen. Zeiger      | April 3     | Phillips, Tegan    | Sen. Braun        | January 23  |
| McDougall, Emily      | Sen. King        | February 20 | Piepel, Madison    | Sen. Hawkins      | April 3     |
| McPherson, Marcie     | Sen. Keiser      | January 9   | Pierson, Abby      | Sen. Ericksen     | April 3     |
| McQuade, Meghan       | Sen. Brown       | January 16  | Polhamus, Emily    | Sen. Billig       | April 17    |
| McShea, Amanda        | Sen. Rivers      | February 6  | Preston, Joshua    | Sen. Liias        | January 9   |
| Meeks, Tikvah         | Sen. Conway      | April 3     | Purkey, Jevin      | Sen. Mullet       | February 13 |
| Meissner, Molly       | Sen. Van De Wege | April 10    | Qiu, Audrey        | Sen. Wellman      | April 10    |
| Miller, Arrington     | Sen. Pearson     | February 6  | Randles, Carolyn   | Sen. Carlyle      | April 17    |
| Miranda, Vanessa      | Sen. Padden      | March 27    | Rettig, Summer     | Sen. O'Ban        | February 13 |
| Mitchell, Nathalie    | Sen. Pedersen    | January 23  | Rex, Benjamin      | Sen. Hunt         | February 20 |
| Moore, Solomon        | Sen. Rollfes     | March 13    | Rietcheck, Daisy   | Sen. Sheldon      | January 23  |
| Mora, Claudia         | Sen. Sheldon     | February 20 | Riley, Kaitlyn     | Sen. Pearson      | March 6     |
|                       |                  |             | Rioux, Brevard     | Sen. Angel        | April 10    |



| Page                 | Senate Sponsor    | Week of     | Page                 | Senate Sponsor    | Week of     |
|----------------------|-------------------|-------------|----------------------|-------------------|-------------|
| Robinett, Benjamin   | Sen. Palumbo      | February 20 | Vara, Julianna       | Sen. Cleveland    | April 17    |
| Robinson, Jackson    | Sen. Fortunato    | April 17    | Veria-Means, Robert  | Sen. Brown        | March 6     |
| Rolfes, Catherine    | Sen. Van De Wege  | February 20 | Villarreal, Isabella | Sen. Ericksen     | April 17    |
| Sagert, Caleb        | Sen. Wilson       | February 20 | Wallace, Garrett     | Sen. Rossi        | January 30  |
| Sanders, Hannah      | Sen. Carlyle      | April 17    | Walter, Aaron        | Sen. Hunt         | March 6     |
| Sanne', Sayler       | Sen. Becker       | March 20    | Ware, Emma           | Sen. Bailey       | February 13 |
| Sawyer, Carly        | Sen. Fain         | March 6     | Webb, Jordanna       | Sen. Schoesler    | April 3     |
| Schenck, Abraham     | Sen. Wellman      | February 13 | Welin, Jessica       | Secretary Goodman | April 3     |
| Shannon, Divina      | Sen. Braun        | January 30  | Weston, Maile        | Sen. Short        | April 17    |
| Sharp, William       | Sen. Sheldon      | January 9   | White, Akira         | Sen. Fortunato    | February 6  |
| Sheldon, Estella     | Sen. Takko        | March 13    | Wiley, Tessa         | Sen. Walsh        | February 20 |
| Shin, Andrew         | Sen. Liias        | March 20    | Williams, Matthew    | Sen. Braun        | March 27    |
| Silber, Emma         | Sen. Frockt       | February 20 | Williamson, Lillian  | Sen. Chase        | February 27 |
| Simmons, Alyssa      | Sen. King         | January 9   | Wilson, John         | Sen. McCoy        | April 3     |
| Smith, Austin        | Sen. Rollfes      | April 3     | Wilson, Serina       | Sen. Pearson      | February 13 |
| Smith, Madisen       | Sen. Takko        | February 6  | Wisont, Olivia       | Sen. Rossi        | March 20    |
| St Germain, Shaelynn | Sen. Takko        | March 13    | Wolfe, Anna          | Sen. Padden       | March 13    |
| Stebbins, Benjamin   | Sen. Fain         | January 9   | Wolfe, Robert        | Sen. Padden       | March 13    |
| Steedman, Keith      | Sen. Rossi        | February 13 | Woods, Larissa       | Sen. Brown        | April 17    |
| Stickney, Kirsten    | Secretary Goodman | February 20 | Yim, Tyler           | Sen. Kuderer      | February 27 |
| Sun, Natalie         | Sen. Mullet       | April 10    | Young, Jed           | Sen. Warnick      | January 9   |
| Suttle, Morgan       | Sen. Takko        | February 6  | Young, Stephanie     | Sen. Wellman      | April 10    |
| Swanson, Zack        | Sen. King         | April 10    | Yunker, Peter        | Sen. Hawkins      | March 27    |
| Sweyer, Kelly        | Sen. Rivers       | February 20 | Zhou, Muyan          | Sen. Kuderer      | April 10    |
| Ta, Hong             | Sen. Keiser       | March 27    |                      |                   |             |
| Talsmat, Jacob       | Sen. Walsh        | April 17    |                      |                   |             |
| Tennant, Trentyn     | Sen. Bailey       | April 10    |                      |                   |             |
| Terry, Calvin        | Sen. Carlyle      | April 17    |                      |                   |             |
| Thomason, Sarah      | Sen. O'Ban        | February 6  |                      |                   |             |
| Thornton, Daniel     | Sen. Braun        | April 10    |                      |                   |             |
| Tilton, Benjamin     | Sen. O'Ban        | March 6     |                      |                   |             |
| Torres, Bronson      | Sen. Ericksen     | April 3     |                      |                   |             |
| Tou, Gary            | Sen. Hasegawa     | March 6     |                      |                   |             |
| Turner, Tyler        | Sen. Van De Wege  | January 30  |                      |                   |             |
| Tweiten, Ezra        | Sen. Conway       | April 17    |                      |                   |             |
| Twitty, Jackson      | Secretary Goodman | March 27    |                      |                   |             |
| Ulrich, Courtney     | Sen. Hawkins      | March 20    |                      |                   |             |
| Valdez, Mason        | Sen. Hunt         | March 13    |                      |                   |             |
| Van Dusen, Zachary   | Sen. Nelson       | April 10    |                      |                   |             |
| Vanderwilde, Aurelia | Sen. Padden       | April 3     |                      |                   |             |

## HISTORY OF GUBERNATORIAL APPOINTMENTS

| Appointee                  | Introduction | Committee Report | Confirmation Vote | Appointment Number |
|----------------------------|--------------|------------------|-------------------|--------------------|
| Gray, Kelsey               | 49           |                  |                   | SGA 9000           |
| Powell, Marta B.           | 49           |                  |                   | SGA 9001           |
| Strong, Charlene D.        | 49           |                  |                   | SGA 9002           |
| Peinecke, Dale R.          | 49           |                  |                   | SGA 9003           |
| Sacks, Joel                | 49           |                  |                   | SGA 9004           |
| Cockrill, Michael          | 49           |                  |                   | SGA 9005           |
| Bonlender, Brian           | 49           |                  |                   | SGA 9006           |
| Teeter, Dorothy F.         | 50           |                  |                   | SGA 9007           |
| Hanson, Harold W.          | 50           |                  |                   | SGA 9008           |
| Bogdanoff, Peter W.        | 50           |                  |                   | SGA 9009           |
| Olsen, Russell E.          | 50           | 547              | 680               | SGA 9010           |
| Liu, Chris                 | 50           |                  |                   | SGA 9011           |
| Sperling, Ronald K.        | 50           |                  |                   | SGA 9012           |
| Colliton, Jeffry D.        | 50           |                  |                   | SGA 9013           |
| Marchioro, Joan M.         | 50           |                  |                   | SGA 9014           |
| Johnson, Tom A.            | 50           |                  |                   | SGA 9015           |
| Snook, Edwin J.            | 51           |                  |                   | SGA 9016           |
| Barry, Christopher P.      | 51           |                  |                   | SGA 9017           |
| Bennett, Cynthia L.        | 51           |                  |                   | SGA 9018           |
| Dahl, Carol                | 51           |                  |                   | SGA 9019           |
| Fennerty, Jr., Frank E.    | 51           |                  |                   | SGA 9020           |
| Dekay, Loretta S.          | 51           | 669              |                   | SGA 9021           |
| Robinson, Randy J.         | 51           | 85               |                   | SGA 9022           |
| Wecker, Miranda            | 51           |                  |                   | SGA 9023           |
| Spencer, Gabe P.           | 51           | 85               |                   | SGA 9024           |
| Lien, Carol A.             | 52           |                  |                   | SGA 9025           |
| Durand, Lou Oma            | 52           |                  |                   | SGA 9026           |
| Bugert, Bob                | 52           |                  |                   | SGA 9027           |
| Tietz, Pamela J.           | 52           | 85               |                   | SGA 9028           |
| McDaniel, Nancy L.         | 52           |                  |                   | SGA 9029           |
| Lynch, Bill                | 52           |                  |                   | SGA 9030           |
| Anderson, Steven F.        | 52           |                  |                   | SGA 9031           |
| Simmons Sparks, Maureen C. | 52           |                  |                   | SGA 9032           |
| Lynch, Timothy W.          | 52           | 1480             |                   | SGA 9033           |
| Cho, Yang-Su               | 52           |                  |                   | SGA 9034           |
| Estes, Jeffrey C.          | 53           |                  |                   | SGA 9035           |
| Carson, Scott E.           | 53           |                  |                   | SGA 9036           |
| Clay, Diana                | 53           | 274              | 1383              | SGA 9037           |
| Koon, Holly A.             | 53           |                  |                   | SGA 9038           |
| Thew, Elizabeth J.         | 53           |                  |                   | SGA 9039           |
| Kiley, Edmund I.           | 53           |                  |                   | SGA 9040           |
| Rancourt, Jennifer         | 53           |                  |                   | SGA 9041           |
| Miller, Susan L.           | 53           |                  |                   | SGA 9042           |

| Appointee                 | Introduction | Committee Report | Confirmation Vote | Appointment Number |
|---------------------------|--------------|------------------|-------------------|--------------------|
| Solien, Stephanie M.      | 53           |                  |                   | SGA 9043           |
| Cantrell, Laura F.        | 54           |                  |                   | SGA 9044           |
| Edelheit, Lewis           | 54           |                  |                   | SGA 9045           |
| Hedine, Karen             | 54           |                  |                   | SGA 9046           |
| Patterson, Julia L.       | 54           |                  |                   | SGA 9047           |
| Moss, Jim                 | 54           |                  |                   | SGA 9048           |
| Morrill, Thomas C.        | 54           |                  |                   | SGA 9049           |
| Tortorelli, Joe M.        | 54           | 1545             |                   | SGA 9050           |
| Wilcox Jr., James T.      | 54           |                  |                   | SGA 9051           |
| Barbieri, Don             | 54           |                  |                   | SGA 9052           |
| Troutt, David             | 55           |                  |                   | SGA 9053           |
| Levinson, Anne            | 55           |                  |                   | SGA 9054           |
| Willhite, Theodore R.     | 55           | 582              | 845               | SGA 9055           |
| Mayer, Susan M.           | 55           | 652              | 1385              | SGA 9056           |
| Taoka, Susan              | 55           |                  |                   | SGA 9057           |
| Lantz, Patricia T.        | 55           | 582              |                   | SGA 9058           |
| Avery, Janis              | 55           | 574              | 956               | SGA 9059           |
| Dillon, Rita E.           | 55           | 1499             | 1518              | SGA 9060           |
| Dowd, Patrick             | 55           | 669              | 745               | SGA 9061           |
| Hecox, Nancy              | 56           |                  |                   | SGA 9062           |
| Clark, Tim                | 56           |                  |                   | SGA 9063           |
| Jensen, Elizabeth K.      | 56           |                  |                   | SGA 9064           |
| Kelly, D. Michael         | 56           | 274              | 1384              | SGA 9065           |
| Schwenk, Robert M.        | 56           |                  |                   | SGA 9066           |
| Caylor, Lee Anne          | 56           |                  |                   | SGA 9067           |
| Chandler, Gary D.         | 56           |                  |                   | SGA 9068           |
| McCormick, Margaret       | 56           |                  |                   | SGA 9069           |
| Sizemore, Bud             | 56           |                  |                   | SGA 9070           |
| Bowdish, Vicky M.         | 57           |                  |                   | SGA 9071           |
| Sorscher, Stanley M.      | 57           | 650              | 1385              | SGA 9072           |
| Kuschel, Judy             | 57           |                  |                   | SGA 9073           |
| Maxwell, Mark J.          | 57           |                  |                   | SGA 9074           |
| Ramsdell, Lori M.         | 57           | 818              |                   | SGA 9075           |
| Cate, Sara                | 57           |                  |                   | SGA 9076           |
| Gutierrez Kenney, Phyllis | 57           |                  |                   | SGA 9077           |
| Baum, Elizabeth L.        | 57           | 85               |                   | SGA 9078           |
| Batayola, Teresita        | 57           |                  |                   | SGA 9079           |
| Biery, Nancy              | 58           | 669              |                   | SGA 9080           |
| Chernin, Louise           | 58           |                  |                   | SGA 9081           |
| Curtis, James H.          | 58           | 191              | 1381              | SGA 9082           |
| Flores, Martha V.         | 58           |                  |                   | SGA 9083           |
| Fukutaki, Richard G.      | 58           | 191              | 1382              | SGA 9084           |
| Henderson, Clarence M.    | 58           |                  |                   | SGA 9085           |
| Larsen, Ken A.            | 58           | 85               |                   | SGA 9086           |
| Lawrence, Wendy L.        | 58           | 85               |                   | SGA 9087           |
| Lee, Lorraine             | 58           | 669              | 1156              | SGA 9088           |
| Lopez, Robert J.          | 59           |                  |                   | SGA 9089           |
| Martin, Wayne J.          | 59           |                  |                   | SGA 9090           |

| Appointee                 | Introduction | Committee Report | Confirmation Vote | Appointment Number |
|---------------------------|--------------|------------------|-------------------|--------------------|
| Miller, Toraya            | 59           |                  |                   | SGA 9091           |
| Moss, Steven M.           | 59           | 85               |                   | SGA 9092           |
| Patnode, Jeff A.          | 59           | 818              |                   | SGA 9093           |
| Reyes, Susana             | 59           | 652              | 1284              | SGA 9094           |
| Stearns, Chris            | 59           |                  |                   | SGA 9095           |
| Benson Tolle, Tia H.      | 59           | 191              | 1382              | SGA 9096           |
| Blake, Brian              | 59           | 669              | 956               | SGA 9097           |
| Flores, Aurora            | 59           |                  |                   | SGA 9098           |
| Grinstein, Bill           | 60           |                  |                   | SGA 9099           |
| Hepfer, Russell           | 60           |                  |                   | SGA 9100           |
| Hofmeister, Nancee R.     | 60           | 274              | 1384              | SGA 9101           |
| Kyle, Kathleen M.         | 60           |                  |                   | SGA 9102           |
| Meyer, John M.            | 60           |                  |                   | SGA 9103           |
| Sambataro, Arundhati      | 60           |                  |                   | SGA 9104           |
| Sinkovitz, Nancy J.       | 60           | 574              | 1284              | SGA 9105           |
| Takamura, Frieda K.       | 60           | 191              | 1383              | SGA 9106           |
| York, Rina S.             | 60           |                  |                   | SGA 9107           |
| Gregory, Robert J.        | 61           | 191              | 1318              | SGA 9108           |
| Pearsall-Stipek, Cathy R. | 61           |                  |                   | SGA 9109           |
| Shaffer, Catherine        | 61           |                  |                   | SGA 9110           |
| Thomas, Luke E.           | 61           |                  |                   | SGA 9111           |
| Vincent, Stephen W.       | 61           | 191              | 845               | SGA 9112           |
| Page, Allyson M.          | 61           | 191              | 1304              | SGA 9113           |
| Erickson, Ronald P.       | 61           |                  |                   | SGA 9114           |
| Hunter, Ross              | 61           |                  |                   | SGA 9115           |
| Pedlow, John W.           | 61           |                  |                   | SGA 9116           |
| Serebrin, Hester          | 62           | 1545             |                   | SGA 9117           |
| Three Stars, Lenore       | 62           |                  |                   | SGA 9118           |
| Karier, Thomas M.         | 62           |                  |                   | SGA 9119           |
| McCulloch, Julie          | 62           |                  |                   | SGA 9120           |
| Powers, Quentin           | 62           | 274              | 1382              | SGA 9121           |
| Rockefeller, Phil         | 62           | 582              |                   | SGA 9122           |
| Lachney, Bruce L.         | 62           |                  |                   | SGA 9123           |
| Batra, Shiv               | 62           | 1545             |                   | SGA 9124           |
| Stewart, Terri J.         | 62           |                  |                   | SGA 9125           |
| Brennan, Mark E.          | 62           |                  |                   | SGA 9126           |
| Matthews, John            | 63           |                  |                   | SGA 9127           |
| Adams, Cheryl C.          | 63           | 1480             |                   | SGA 9128           |
| Guenther, Judy            | 63           | 1480             |                   | SGA 9129           |
| Allard, Jerrie L.         | 63           | 1480             |                   | SGA 9130           |
| Bonker, Don               | 63           | 582              |                   | SGA 9131           |
| Ferreira, Teri L.         | 63           |                  |                   | SGA 9132           |
| Harrell, Joanne R.        | 63           |                  |                   | SGA 9133           |
| Kenyon Jr., Kenneth W.    | 63           |                  |                   | SGA 9134           |
| Wettack, Tim G.           | 63           |                  |                   | SGA 9135           |
| Berntsen, Teresa          | 64           |                  |                   | SGA 9136           |
| Kirtley, Eleanor K.       | 64           |                  |                   | SGA 9137           |
| Withrow, Harold W.        | 64           | 274              |                   | SGA 9138           |

| Appointee                   | Introduction | Committee Report | Confirmation Vote | Appointment Number |
|-----------------------------|--------------|------------------|-------------------|--------------------|
| Joiner, Allie M.            | 64           | 574              | 1285              | SGA 9139           |
| Soleimanpour, Sepi          | 64           |                  |                   | SGA 9140           |
| Brown, Larry                | 64           |                  |                   | SGA 9141           |
| Entenman, Debra J.          | 64           |                  |                   | SGA 9142           |
| Navas, Sharonne A.          | 64           |                  |                   | SGA 9143           |
| Vilchez, Maribel            | 64           | 574              | 1285              | SGA 9144           |
| Mah, Doug                   | 65           |                  |                   | SGA 9145           |
| Barrett, Phillip L.         | 65           | 653              | 1382              | SGA 9146           |
| Rushford, Jane E.           | 65           |                  |                   | SGA 9147           |
| Thew, Elizabeth J.          | 65           |                  |                   | SGA 9148           |
| Benoliel, Joel              | 65           |                  |                   | SGA 9149           |
| Bladow, Layne               | 65           |                  |                   | SGA 9150           |
| Kauffman, Claudia           | 65           |                  |                   | SGA 9151           |
| Mitsunaga, Darrell S.       | 65           |                  |                   | SGA 9152           |
| Roarty, Angela G.           | 65           | 191              | 1383              | SGA 9153           |
| Mayer, Donald W.            | 66           |                  |                   | SGA 9154           |
| Adams, Gretchen             | 66           |                  |                   | SGA 9155           |
| West, Maureen P.            | 66           |                  |                   | SGA 9156           |
| Pellham, Clara R.           | 66           |                  |                   | SGA 9157           |
| Black, Erin L.              | 66           | 274              | 845               | SGA 9158           |
| Loveland, Valoria A.        | 66           |                  |                   | SGA 9159           |
| Manning, Jay J.             | 66           |                  |                   | SGA 9160           |
| Fox, Kelly L.               | 66           |                  |                   | SGA 9161           |
| Ronayne, Matthew P.         | 66           |                  |                   | SGA 9162           |
| Wigfall, James S.           | 66           |                  |                   | SGA 9163           |
| Reich, Jay A.               | 67           |                  |                   | SGA 9164           |
| Whang, Frederick P.         | 67           |                  |                   | SGA 9165           |
| Heynderickx, Roy F.         | 67           | 653              | 1384              | SGA 9166           |
| Wainwright, Janet           | 67           | 669              | 845               | SGA 9167           |
| Albay, Marianne             | 67           | 274              |                   | SGA 9168           |
| Andrews, Lia F.             | 67           |                  |                   | SGA 9169           |
| Brown, Kay M.               | 67           |                  |                   | SGA 9170           |
| Burt, Timothy               | 67           | 274              | 417               | SGA 9171           |
| Charbonneau, Jeffrey A.     | 67           | 653              | 1285              | SGA 9172           |
| Gonzales, Irene             | 68           |                  |                   | SGA 9173           |
| Hruska, Rhianna             | 68           |                  |                   | SGA 9174           |
| Johnson, Jeffrey G.         | 68           |                  |                   | SGA 9175           |
| Knight, Joseph A.           | 68           |                  |                   | SGA 9176           |
| Lee, Karen T.               | 68           |                  |                   | SGA 9177           |
| McMillan, Ariel N.          | 68           |                  |                   | SGA 9178           |
| Murillo-Rosales, Jessica T. | 68           |                  |                   | SGA 9179           |
| Ramos, Abigail              | 68           |                  |                   | SGA 9180           |
| Wood, Tana                  | 68           | 818              |                   | SGA 9181           |
| Wright-Pettibone, Austin M. | 69           | 274              | 337               | SGA 9182           |
| Young, Deborah C.           | 69           | 1545             |                   | SGA 9183           |
| Shiosaki, Michael S.        | 69           | 230              | 1518              | SGA 9184           |
| Jensen, Deborah B.          | 69           |                  |                   | SGA 9185           |
| Daniyelyan, Narek           | 69           |                  |                   | SGA 9186           |

| Appointee               | Introduction | Committee Report | Confirmation Vote | Appointment Number |
|-------------------------|--------------|------------------|-------------------|--------------------|
| Anderson, Philip        | 69           | 582              |                   | SGA 9187           |
| Belo, Ariele P.         | 69           | 574              | 1303              | SGA 9188           |
| Farrell, Michelle       | 69           | 575              | 1304              | SGA 9189           |
| Guerin, Tracy           | 69           | 679              | 1080              | SGA 9190           |
| Albright, Jennifer R.   | 70           |                  |                   | SGA 9191           |
| Clark, Keri J.          | 70           |                  |                   | SGA 9192           |
| Millar, Roger           | 70           | 158              | 337               | SGA 9193           |
| Winmill, Marissa        | 70           |                  |                   | SGA 9194           |
| Finn, Frederick W.      | 70           |                  |                   | SGA 9195           |
| Parsley, Charlotte A.   | 70           | 575              | 1304              | SGA 9196           |
| Rumbaugh, Stanley J.    | 70           |                  |                   | SGA 9197           |
| Blankenship, Brett      | 70           | 275              | 337               | SGA 9198           |
| Callender, Jeffrey F.   | 70           | 653              | 1383              | SGA 9199           |
| Chin, Lisa H.           | 70           |                  |                   | SGA 9200           |
| Gordon, Bill            | 71           |                  |                   | SGA 9201           |
| Lane, Jonathan M.       | 71           |                  |                   | SGA 9202           |
| Norman, Guy R.          | 71           |                  |                   | SGA 9203           |
| Pollard, Royce E.       | 71           |                  |                   | SGA 9204           |
| Strachan, Steve         | 71           |                  |                   | SGA 9205           |
| Yenson, Evelyn P.       | 71           |                  |                   | SGA 9206           |
| Zapora, Carl J.         | 71           | 275              | 1385              | SGA 9207           |
| Deller, Michael R.      | 71           |                  |                   | SGA 9208           |
| Mendoza, Frederick      | 71           | 275              | 1318              | SGA 9209           |
| Palmer, Susan A.        | 72           |                  |                   | SGA 9210           |
| Pritchard, Faaluaina S. | 72           |                  |                   | SGA 9211           |
| Tiam, Amadeo T.         | 72           | 170              | 1385              | SGA 9212           |
| Wigen, Janice H.        | 72           | 653              |                   | SGA 9213           |
| Baldoz, Patrick         | 72           |                  |                   | SGA 9214           |
| Davis, Jefferson S.     | 72           |                  |                   | SGA 9215           |
| Boschok, Jacelyn M.     | 72           |                  |                   | SGA 9216           |
| Lee, Karen T.           | 72           |                  |                   | SGA 9217           |
| Blocker, Christina      | 72           |                  |                   | SGA 9218           |
| Mansy, Heather L.       | 73           | 159              |                   | SGA 9219           |
| Breckel, Jeffrey        | 73           |                  |                   | SGA 9220           |
| Saven, John D.          | 73           |                  |                   | SGA 9221           |
| Hauge, Russell D.       | 73           |                  |                   | SGA 9222           |
| Nellams, Robert L.      | 73           |                  |                   | SGA 9223           |
| Brown, Mark O.          | 73           | 582              |                   | SGA 9224           |
| Milner, Steven S.       | 73           | 582              |                   | SGA 9225           |
| Dehler, William E.      | 73           |                  |                   | SGA 9226           |
| Bernstein, Lois         | 73           |                  |                   | SGA 9227           |
| Glenn Sayan, Marilyn    | 74           |                  |                   | SGA 9228           |
| Bailey, Mona H.         | 74           | 575              | 1283              | SGA 9229           |
| Deller, Michael R.      | 74           | 230              | 956               | SGA 9230           |
| Macomber, Everett       | 74           |                  |                   | SGA 9231           |
| Ready, Danica           | 74           | 230              | 956               | SGA 9232           |
| Johnson, Jack G.        | 74           |                  |                   | SGA 9233           |
| Gardow, Kathryn         | 74           | 230              |                   | SGA 9234           |

| Appointee                  | Introduction | Committee Report | Confirmation Vote | Appointment Number |
|----------------------------|--------------|------------------|-------------------|--------------------|
| Williams, Linda            | 101          |                  |                   | SGA 9235           |
| Sanchez, Ricardo E.        | 101          | 575              | 745               | SGA 9236           |
| Pastor, Paul A.            | 101          | 1669             |                   | SGA 9237           |
| Makowski, Yona             | 101          | 717              | 1284              | SGA 9238           |
| Norman, Guy R.             | 101          |                  |                   | SGA 9239           |
| Reid, Bruce                | 101          |                  |                   | SGA 9240           |
| Hauge, Russell D.          | 131          |                  |                   | SGA 9241           |
| Baker, Barbara             | 132          |                  |                   | SGA 9242           |
| Busto, Mark R.             | 132          |                  |                   | SGA 9243           |
| Thorburn, Kim M.           | 132          |                  |                   | SGA 9244           |
| Gleasant, Phyllis L.       | 132          |                  |                   | SGA 9245           |
| Garrett, Ollie A.          | 163          |                  |                   | SGA 9246           |
| Holland Young, Nancy J.    | 163          |                  |                   | SGA 9247           |
| Jacobs, Steve              | 163          |                  |                   | SGA 9248           |
| Ammons, David L.           | 195          |                  |                   | SGA 9249           |
| Balabas, Jay M.            | 432          | 575              | 584               | SGA 9250           |
| Skinner, Christon C.       | 552          |                  |                   | SGA 9251           |
| Woodworth, Roger D.        | 565          |                  |                   | SGA 9252           |
| Golik, Tony F.             | 565          | 1530             |                   | SGA 9253           |
| Papiez, Gloria             | 568          | 582              | 671               | SGA 9254           |
| Graybill, David W.         | 582          |                  |                   | SGA 9255           |
| Burke, Alan                | 583          |                  |                   | SGA 9256           |
| Frost, Amy L.              | 583          |                  |                   | SGA 9257           |
| Rivard, Bethany S.         | 651          |                  |                   | SGA 9258           |
| Rongen, Kecia L.           | 698          | 818              |                   | SGA 9259           |
| Balmert, Elyse M.          | 701          |                  |                   | SGA 9260           |
| Lemley, Phillip R.         | 701          | 1527             |                   | SGA 9261           |
| Ayer, William S.           | 701          |                  |                   | SGA 9262           |
| Christianson, Maria J.     | 843          |                  |                   | SGA 9263           |
| Thomas, Sabine             | 1076         |                  |                   | SGA 9264           |
| Vander Stoep, J. A.        | 1451         | 1499             |                   | SGA 9265           |
| McLerran, Dennis J.        | 1454         |                  |                   | SGA 9266           |
| Sinclair, Stephen          | 1454         |                  |                   | SGA 9267           |
| Malloch, Steven            | 1481         | 1499             |                   | SGA 9268           |
| Dietzel, Greg              | 1481         |                  |                   | SGA 9269           |
| Marsh, Lisa                | 1491         |                  |                   | SGA 9270           |
| Sanchez, Alejandro J.      | 1507         |                  |                   | SGA 9271           |
| Sieg, Michael              | 1507         |                  |                   | SGA 9272           |
| Wolf, Katherine E.         | 1507         |                  |                   | SGA 9273           |
| Thorstensen, Hoang-Uyen T. | 1507         |                  |                   | SGA 9274           |
| Diaz, Olgy S.              | 1513         |                  |                   | SGA 9275           |
| Kenyon Jr., Kenneth W.     | 1513         |                  |                   | SGA 9276           |
| Norris, Alyssa I.          | 1513         |                  |                   | SGA 9277           |
| Puckett, Justin R.         | 1513         |                  |                   | SGA 9278           |
| Truemper, Trista R.        | 1513         |                  |                   | SGA 9279           |
| Johnson, Dwayne G.         | 1513         |                  |                   | SGA 9280           |
| Reed Goddard, Jaron E.     | 1529         |                  |                   | SGA 9281           |
| Debele, Naol D.            | 1529         |                  |                   | SGA 9282           |

| <b>Appointee</b>         | <b>Introduction</b> | <b>Committee Report</b> | <b>Confirmation Vote</b> | <b>Appointment Number</b> |
|--------------------------|---------------------|-------------------------|--------------------------|---------------------------|
| Adelstein, Steven P.     | 1536                |                         |                          | SGA 9283                  |
| Nemeth, Leah             | 1536                |                         |                          | SGA 9284                  |
| White, Ciara A.          | 1536                |                         |                          | SGA 9285                  |
| Chandler, Gary D.        | 1536                |                         |                          | SGA 9286                  |
| Dekay, Loretta S.        | 1536                |                         |                          | SGA 9287                  |
| Manning, Jay J.          | 1589                |                         |                          | SGA 9288                  |
| Rivard, Bethany S.       | 1589                |                         |                          | SGA 9289                  |
| Wilcox Jr, James T.      | 1589                |                         |                          | SGA 9290                  |
| Markley, Greg B.         | 1665                |                         |                          | SGA 9291                  |
| Topper, Alishia F.       | 1665                |                         |                          | SGA 9292                  |
| Digre, Peder             | 1665                |                         |                          | SGA 9293                  |
| Krueger, Lowel J.        | 1665                |                         |                          | SGA 9294                  |
| Cha, Michael             | 1666                |                         |                          | SGA 9295                  |
| Christiansen, Gregory A. | 1666                |                         |                          | SGA 9296                  |
| Litt, Jerald (Jerry) R.  | 1675                |                         |                          | SGA 9297                  |



## HISTORY OF SENATE BILLS

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action                          | Action by Governor |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------------|--------------------|
| 5000     | 12                                     |                  |                                    |                                       |                                       |                    |
| 5001     | 12                                     | 309              |                                    |                                       |                                       |                    |
| 5001-S   |                                        |                  | 370, 1472                          | 370, 1473                             | 1447, 1472, 1500,                     |                    |
| 5002     | 12                                     |                  |                                    |                                       |                                       |                    |
| 5003     | 12                                     |                  |                                    |                                       |                                       |                    |
| 5004     | 12                                     | 185              |                                    |                                       | 569                                   |                    |
| 5005     | 12                                     | 228              |                                    |                                       | 564                                   |                    |
| 5006     | 12                                     |                  |                                    |                                       |                                       |                    |
| 5007     | 13                                     | 100              |                                    |                                       | 564                                   |                    |
| 5008     | 13                                     | 121              | 340                                | 340                                   | 1312, 1390(P), 1390, 1492,            | C310               |
| 5009     | 13                                     |                  |                                    |                                       |                                       |                    |
| 5010     | 13                                     | 185              | 360                                | 360                                   | 1447                                  |                    |
| 5011     | 13                                     | 115              | 147                                | 147                                   | 745, 758(P), 888, 1130                | C28                |
| 5012     | 13                                     | 151              |                                    |                                       |                                       | C29                |
| 5012-S   |                                        |                  | 373                                | 373                                   | 745, 758(P), 888, 1130                | C29                |
| 5013     | 13                                     | 100              | 410                                | 410                                   | 1447                                  |                    |
| 5014     | 13                                     | 225, 313         |                                    |                                       |                                       |                    |
| 5014-S   |                                        |                  | 520                                | 520                                   | 1447                                  |                    |
| 5015     | 13                                     | 100              |                                    |                                       | 569                                   |                    |
| 5016     | 13                                     | 140              |                                    |                                       |                                       |                    |
| 5016-S   |                                        |                  | 535                                | 535                                   | 1447                                  |                    |
| 5017     | 13                                     |                  |                                    |                                       |                                       |                    |
| 5018     | 13                                     | 140              |                                    |                                       |                                       | C311               |
| 5018-S   |                                        |                  | 363                                | 364                                   | 1215, 1216, 1390(P), 1390, 1492       | C311               |
| 5019     | 13                                     | 178              |                                    |                                       |                                       |                    |
| 5020     | 13                                     |                  |                                    |                                       | 564                                   |                    |
| 5021     | 13                                     | 178, 313         |                                    |                                       |                                       |                    |
| 5021-S2  |                                        |                  | 438                                | 438                                   | 1447                                  |                    |
| 5022     | 13                                     | 121, 314         |                                    |                                       |                                       | C154               |
| 5022-S   |                                        |                  | 373                                | 373                                   | 1044, 1045, 1097(P), 1154, 1453, 1454 | C154               |
| 5023     | 14                                     |                  | 535, 538                           | 539                                   | 534, 541, 550(P), 552, 561            | C6                 |
| 5024     | 14                                     |                  |                                    |                                       |                                       |                    |
| 5025     | 14                                     | 100              |                                    |                                       |                                       |                    |
| 5026     | 21                                     |                  |                                    |                                       |                                       |                    |
| 5027     | 21                                     |                  |                                    |                                       |                                       |                    |
| 5028     | 21                                     | 121, 314         |                                    |                                       | 564                                   |                    |
| 5029     | 21                                     | 250              |                                    |                                       | 569                                   |                    |
| 5030     | 21                                     | 115              | 173                                | 173                                   | 1043, 1097(P), 1154, 1487,            | C231               |
| 5031     | 21                                     | 78               |                                    |                                       |                                       | C30                |
| 5031-S   |                                        |                  | 172                                | 172                                   | 843, 844(P), 955, 1130                | C30                |
| 5032     | 32                                     |                  |                                    |                                       |                                       |                    |
| 5033     | 32                                     | 314              |                                    |                                       |                                       |                    |
| 5033-S   |                                        |                  | 633                                | 634                                   | 633, 1447                             |                    |
| 5034     | 32                                     | 110              | 271                                | 271                                   | 1447                                  |                    |
| 5035     | 32                                     | 157              |                                    |                                       |                                       | C212               |
| 5035-S   |                                        |                  | 342                                | 342                                   | 1097, 1279(P), 1287, 1485,            | C212               |
| 5036     | 32                                     | 110              | 422                                | 422                                   | 843, 844(P), 955, 1286                | C85                |
| 5037     | 32                                     | 115, 185         | 292                                | 292                                   | 1370, 1390(P), 1390                   | C335PV             |
| 5038     | 32                                     | 115              |                                    |                                       |                                       |                    |

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|----------|----------------------------------------|------------------|---------------------------------------------------|---------------------------------------|------------------------------------|--------------------|
| 5038-S   |                                        |                  | 342, 343                                          | 344                                   | 1447, 1531, 1677                   |                    |
| 5039     | 32                                     | 151              | 360                                               | 360                                   | 888, 915(P), 1078                  | C106               |
| 5040     | 32                                     | 115              | 398                                               | 398                                   | 745, 758(P), 888, 1130             | C31                |
| 5041     | 32                                     | 250              | 326                                               | 326                                   | 1447                               |                    |
| 5042     | 32                                     | 100              | 397                                               | 398                                   | 745, 758(P), 888, 1130             | C32                |
| 5043     | 32                                     | 241              |                                                   |                                       | 246                                |                    |
| 5044     | 32                                     |                  |                                                   |                                       |                                    |                    |
| 5045     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5046     | 33                                     | 228              |                                                   |                                       |                                    | C312               |
| 5046-S   |                                        |                  | 327                                               | 327                                   | 1393, 1443(P), 1443, 1492,         | C312               |
| 5047     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5048     | 33                                     | 577              |                                                   |                                       |                                    |                    |
| 5048-S   |                                        |                  | 634, 635, 638,<br>639, 640, 641,<br>642, 644, 645 | 646                                   |                                    |                    |
| 5049     | 33                                     | 140              | 174                                               | 174                                   | 1115, 1116, 1279(P), 1287,<br>1485 | C213               |
| 5050     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5051     | 33                                     | 185              |                                                   |                                       |                                    | C56                |
| 5051-S   |                                        |                  | 326                                               | 326                                   | 843, 844(P), 955, 1281             | C56                |
| 5052     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5053     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5054     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5055     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5056     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5057     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5058     | 33                                     |                  |                                                   |                                       |                                    |                    |
| 5059     | 34                                     | 115              | 172                                               | 172                                   | 1447                               |                    |
| 5060     | 34                                     | 168              |                                                   |                                       | 564                                |                    |
| 5061     | 34                                     |                  |                                                   |                                       |                                    |                    |
| 5062     | 34                                     | 110              |                                                   |                                       | 110                                |                    |
| 5063     | 34                                     | 185              |                                                   |                                       | 569                                |                    |
| 5064     | 34                                     | 250              |                                                   |                                       |                                    |                    |
| 5064-S   |                                        |                  | 410                                               | 410                                   | 1447, 1531                         |                    |
| 5065     | 34                                     | 151, 282         |                                                   |                                       | 1445                               |                    |
| 5066     | 34                                     | 151, 241         | 346                                               | 346                                   | 1447                               |                    |
| 5067     | 34                                     |                  |                                                   |                                       |                                    |                    |
| 5068     | 34                                     | 151              | 406                                               | 406                                   | 1447                               |                    |
| 5069     | 34                                     | 178              |                                                   |                                       | 35                                 | C120               |
| 5069-S   |                                        |                  | 239                                               | 239                                   | 888, 915(P), 1078, 1451            | C120               |
| 5070     | 34                                     | 157, 314         | 520                                               | 520                                   | 1447                               |                    |
| 5071     | 34                                     |                  |                                                   |                                       | 35                                 |                    |
| 5072     | 34                                     |                  |                                                   |                                       | 35                                 |                    |
| 5073     | 35                                     | 250              |                                                   |                                       |                                    |                    |
| 5074     | 35                                     |                  |                                                   |                                       |                                    |                    |
| 5075     | 35                                     | 185              | 372                                               | 372                                   | 745, 758(P), 888, 1130             | C33                |
| 5076     | 35                                     |                  |                                                   |                                       |                                    |                    |
| 5077     | 45                                     | 115              |                                                   |                                       |                                    | C214               |
| 5077-S   |                                        |                  | 328                                               | 328                                   | 888, 915(P), 1078, 1485            | C214               |
| 5078     | 45                                     | 241              |                                                   |                                       |                                    |                    |
| 5079     | 45                                     | 100              |                                                   |                                       |                                    | C5                 |
| 5079-S   |                                        |                  | 147                                               | 147                                   | 192, 223(P), 271                   | C5                 |
| 5080     | 45                                     | 151              | 373                                               | 373                                   | 1447                               |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|------------------------------------|--------------------|
| 5081     | 45                                     | 178              |                                    |                                       |                                    | C281               |
| 5081-S   |                                        |                  | 307                                | 307                                   | 1232, 1233, 1283(P), 1287, 1489    | C281               |
| 5082     | 45                                     |                  |                                    |                                       |                                    |                    |
| 5083     | 45                                     | 115              |                                    |                                       |                                    | C86                |
| 5083-S   |                                        |                  | 172                                | 173                                   | 745, 758(P), 888, 1286             | C86                |
| 5084     | 45                                     | 157              |                                    |                                       | 564                                |                    |
| 5085     | 45                                     | 178              | 405                                | 405                                   | 843, 844(P), 955, 1281             | C57                |
| 5086     | 45                                     | 670              |                                    |                                       |                                    |                    |
| 5086-S   |                                        |                  | 671, 672                           | 673                                   |                                    |                    |
| 5087     | 46                                     | 314              | 418                                | 418                                   | 1447                               |                    |
| 5088     | 46                                     |                  |                                    |                                       |                                    |                    |
| 5089     | 46                                     | 314              | 419                                |                                       | 419, 564                           |                    |
| 5090     | 46                                     | 670              |                                    |                                       | 1445                               |                    |
| 5091     | 46                                     | 151              | 173                                | 174                                   | 1447                               |                    |
| 5092     | 46                                     |                  |                                    |                                       |                                    |                    |
| 5093     | 46                                     |                  |                                    |                                       |                                    |                    |
| 5094     | 46                                     | 250              |                                    |                                       | 564                                |                    |
| 5095     | 46                                     |                  |                                    |                                       |                                    |                    |
| 5096     | 46                                     | 577              | 768, 813, 814, 815                 | 815                                   | 768, 813, 814, 1442, 1443(P), 1492 | C313PV             |
| 5097     | 46                                     | 151              | 430                                | 430                                   | 745, 758(P), 888, 1130             | C27                |
| 5098     | 46                                     |                  |                                    |                                       |                                    |                    |
| 5099     | 46                                     | 228, 315         |                                    |                                       |                                    |                    |
| 5099-S   |                                        |                  | 370                                | 370                                   | 1447                               |                    |
| 5100     | 46                                     | 121, 315         |                                    |                                       |                                    | C177               |
| 5100-S   |                                        |                  | 511                                | 511                                   | 1150, 1156(P), 1287, 1481,         | C177               |
| 5101     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5102     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5103     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5104     | 47                                     | 315              |                                    |                                       |                                    |                    |
| 5104-S   |                                        |                  | 519                                | 520                                   | 1447                               |                    |
| 5105     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5106     | 47                                     | 140              |                                    |                                       |                                    | C 14 L 17 E3       |
| 5106-S   |                                        |                  | 294, 1613                          | 306, 1627                             | 1613, 1645, 1647(P), 1649, 1664,   | C 14 L 17 E3       |
| 5107     | 47                                     | 157, 315         |                                    |                                       |                                    | C178               |
| 5107-S2  |                                        |                  | 389                                | 389                                   | 843, 844(P), 955, 1481             | C178               |
| 5108     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5109     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5110     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5111     | 47                                     | 315              | 463, 646, 1377                     | 1387                                  | 1381, 1386                         |                    |
| 5112     | 47                                     |                  |                                    |                                       |                                    |                    |
| 5113     | 47                                     | 315              | 1388                               | 1389                                  |                                    |                    |
| 5114     | 48                                     | 90               |                                    |                                       | 564                                |                    |
| 5115     | 48                                     |                  |                                    |                                       |                                    |                    |
| 5116     | 48                                     | 186              |                                    |                                       | 569                                |                    |
| 5117     | 74                                     |                  |                                    |                                       |                                    |                    |
| 5118     | 75                                     | 157, 315         | 386                                | 386                                   | 745, 758(P), 888, 1489             | C270               |
| 5119     | 75                                     | 110              | 390                                | 390                                   | 1098, 1279(P), 1287, 1492,         | C314               |
| 5120     | 75                                     | 251              |                                    |                                       | 270                                |                    |
| 5121     | 75                                     | 110, 186         | 350                                | 350                                   | 110, 1447                          |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------|--------------------|
| 5122     | 75                                     | 110              | 146                                | 146                                   | 816, 844(P), 955, 1281          | C58                |
| 5123     | 75                                     | 186              |                                    |                                       | 564                             |                    |
| 5124     | 75                                     |                  |                                    |                                       |                                 |                    |
| 5125     | 75                                     | 100              | 293                                | 294                                   | 816, 844(P), 955, 1281          | C59                |
| 5126     | 75                                     | 152              | 411                                | 411                                   | 1447, 1500                      |                    |
| 5127     | 75                                     | 315              |                                    |                                       | 1445                            |                    |
| 5128     | 75                                     | 152              | 383                                | 386                                   | 888, 915(P), 1078, 1492         | C315               |
| 5129     | 75                                     | 157              | 234                                | 234                                   | 816, 844(P), 955, 1281          | C60                |
| 5130     | 75                                     | 162              | 694                                | 694                                   | 1306, 1390, 1390(P), 1492       | C316               |
| 5131     | 75                                     | 162              |                                    |                                       |                                 | C317               |
| 5131-S   |                                        |                  | 464, 465, 473                      | 475                                   | 1303, 1304, 1390(P), 1390, 1492 | C317               |
| 5132     | 75                                     | 251              |                                    |                                       | 77                              |                    |
| 5132-S   |                                        |                  | 347                                | 347                                   | 1447                            |                    |
| 5133     | 76                                     | 157              |                                    |                                       |                                 | C155               |
| 5133-S   |                                        |                  | 475                                | 475                                   | 955, 978(P), 1078, 1453, 1454   | C155               |
| 5134     | 76                                     |                  |                                    |                                       |                                 |                    |
| 5135     | 76                                     | 186, 696         |                                    |                                       | 191                             |                    |
| 5135-S2  |                                        |                  | 1456                               | 1457                                  | 1500                            |                    |
| 5136     | 76                                     |                  |                                    |                                       |                                 |                    |
| 5137     | 76                                     | 186              |                                    |                                       | 564                             |                    |
| 5138     | 76                                     | 122              |                                    |                                       |                                 | C215               |
| 5138-S   |                                        |                  | 236                                | 237                                   | 1050, 1097(P), 1154, 1485,      | C215               |
| 5139     | 76                                     |                  |                                    |                                       |                                 |                    |
| 5140     | 76                                     |                  |                                    |                                       |                                 |                    |
| 5141     | 76                                     | 122              | 369                                | 369                                   | 1447                            |                    |
| 5142     | 76                                     | 241              |                                    |                                       |                                 | C34                |
| 5142-S   |                                        |                  | 370                                | 370                                   | 745, 758(P), 888, 1130          | C34                |
| 5143     | 76                                     | 166, 309         |                                    |                                       | 564                             |                    |
| 5144     | 76                                     | 101              | 374                                | 374                                   | 816, 844(P), 955, 1281          | C61                |
| 5145     | 76                                     | 251              |                                    |                                       |                                 |                    |
| 5145-S   |                                        |                  | 520                                | 528                                   | 1447                            |                    |
| 5146     | 76                                     | 241              | 534                                | 534                                   | 1447                            |                    |
| 5147     | 76                                     | 140              |                                    |                                       | 564                             |                    |
| 5148     | 77                                     |                  |                                    |                                       |                                 |                    |
| 5149     | 77                                     |                  |                                    |                                       |                                 |                    |
| 5150     | 77                                     |                  |                                    |                                       |                                 |                    |
| 5151     | 77                                     | 178              |                                    |                                       | 569                             |                    |
| 5152     | 77                                     | 186              |                                    |                                       |                                 | C263               |
| 5152-S   |                                        |                  | 307                                | 308                                   | 1046, 1097(P), 1154, 1489,      | C263               |
| 5153     | 77                                     | 157              |                                    |                                       |                                 |                    |
| 5154     | 77                                     | 152              |                                    |                                       |                                 |                    |
| 5154-S   |                                        |                  | 535                                | 535                                   | 1447                            |                    |
| 5155     | 77                                     | 241              |                                    |                                       | 564                             |                    |
| 5156     | 77                                     |                  |                                    |                                       |                                 |                    |
| 5157     | 77                                     | 101              |                                    |                                       | 564                             |                    |
| 5158     | 77                                     |                  |                                    |                                       |                                 |                    |
| 5159     | 78                                     | 166              |                                    |                                       |                                 |                    |
| 5160     | 78                                     |                  |                                    |                                       |                                 |                    |
| 5161     | 79                                     | 116              |                                    |                                       |                                 |                    |
| 5161-S   |                                        |                  | 327                                | 328                                   | 1447                            |                    |
| 5162     | 79                                     | 90, 152          | 272                                | 272                                   | 745, 758(P), 888, 1131          | C35                |

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|----------|-------------------------------------------|---------------------|---------------------------------------|------------------------------------------|------------------------------------|-----------------------|
| 5163     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5164     | 79                                        | 116                 | 381                                   | 382                                      | 1448, 1531                         |                       |
| 5165     | 79                                        | 251                 |                                       |                                          |                                    |                       |
| 5165-S   |                                           |                     | 368                                   | 368                                      | 1447                               |                       |
| 5166     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5167     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5168     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5169     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5170     | 79                                        | 186                 |                                       |                                          |                                    |                       |
| 5170-S   |                                           |                     | 362, 363                              | 363                                      | 1447                               |                       |
| 5171     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5172     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5173     | 79                                        | 178                 |                                       |                                          |                                    | C318                  |
| 5173-S   |                                           |                     | 378                                   | 380                                      | 1099, 1100, 1279(P), 1287,<br>1492 | C318                  |
| 5174     | 79                                        | 251                 |                                       |                                          | 564                                |                       |
| 5175     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5176     | 79                                        |                     |                                       |                                          |                                    |                       |
| 5177     | 80                                        | 158                 | 292                                   | 292                                      | 1047, 1097(P), 1154, 1485,         | C216                  |
| 5178     | 80                                        |                     |                                       |                                          |                                    |                       |
| 5179     | 80                                        | 158, 316            |                                       |                                          |                                    |                       |
| 5179-S2  |                                           |                     | 443                                   | 444                                      | 1447                               |                       |
| 5180     | 80                                        | 168                 |                                       |                                          |                                    |                       |
| 5180-S   |                                           |                     | 344                                   | 345                                      | 1447, 1531                         |                       |
| 5181     | 80                                        | 166                 |                                       |                                          | 569                                |                       |
| 5182     | 80                                        | 186, 316            |                                       |                                          | 564                                |                       |
| 5183     | 80                                        | 241                 |                                       |                                          | 81                                 |                       |
| 5184     | 80                                        | 152                 |                                       |                                          | 564                                |                       |
| 5185     | 80                                        | 178                 |                                       |                                          |                                    | C36                   |
| 5185-S   |                                           |                     | 372                                   | 372                                      | 745, 758(P), 888, 1131             | C36                   |
| 5186     | 80                                        | 152                 |                                       |                                          |                                    |                       |
| 5186-S   |                                           |                     | 329                                   | 329                                      | 1447                               |                       |
| 5187     | 80                                        | 158                 | 369                                   | 369                                      | 745, 758(P), 888, 1131             | C37                   |
| 5188     | 80                                        | 122, 656            |                                       |                                          |                                    |                       |
| 5189     | 80                                        | 122                 | 422                                   | 422                                      | 1448                               |                       |
| 5190     | 80                                        | 101                 | 361                                   | 362                                      | 1447                               |                       |
| 5191     | 80                                        |                     |                                       |                                          |                                    |                       |
| 5192     | 80                                        | 179                 |                                       |                                          | 569                                |                       |
| 5193     | 80                                        |                     |                                       |                                          |                                    |                       |
| 5194     | 81                                        | 116                 |                                       |                                          |                                    |                       |
| 5195     | 81                                        | 152                 |                                       |                                          | 564                                |                       |
| 5196     | 81                                        | 251                 |                                       |                                          |                                    | C217                  |
| 5196-S   |                                           |                     | 339                                   | 339                                      | 888, 915(P), 1078, 1485            | C217                  |
| 5197     | 81                                        | 166                 |                                       |                                          |                                    |                       |
| 5198     | 81                                        | 242, 316            |                                       |                                          |                                    | C319                  |
| 5198-S   |                                           |                     | 404                                   | 405                                      | 1026, 1076(P), 1154, 1492          | C319                  |
| 5199     | 81                                        |                     |                                       |                                          |                                    |                       |
| 5200     | 81                                        | 152                 | 398                                   | 398                                      | 843, 844(P), 955, 1451             | C121                  |
| 5201     | 81                                        | 242, 316            |                                       |                                          |                                    |                       |
| 5201-S2  |                                           |                     | 531                                   | 531                                      | 1267, 1447                         |                       |
| 5202     | 81                                        |                     |                                       |                                          |                                    |                       |
| 5203     | 81                                        | 166                 |                                       |                                          | 569                                |                       |
| 5204     | 81                                        |                     |                                       |                                          |                                    |                       |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|------------------------------------------------------------|--------------------|
| 5205     | 81                                     | 709              | 885                                | 886                                   | 1447                                                       |                    |
| 5206     | 83                                     |                  |                                    |                                       |                                                            |                    |
| 5207     | 83                                     | 179              |                                    |                                       |                                                            | C38                |
| 5207-S   |                                        |                  | 238                                | 238                                   | 745, 758(P), 888, 1131                                     | C38                |
| 5208     | 83                                     | 251              |                                    |                                       |                                                            |                    |
| 5209     | 83                                     | 168              |                                    |                                       | 569                                                        |                    |
| 5210     | 83                                     |                  |                                    |                                       |                                                            |                    |
| 5211     | 83                                     | 179              |                                    |                                       |                                                            |                    |
| 5212     | 83                                     | 168              | 347, 348                           | 348                                   | 1447                                                       |                    |
| 5213     | 83                                     | 179              |                                    |                                       | 569                                                        |                    |
| 5214     | 83                                     | 179              | 409                                | 410                                   | 1447                                                       |                    |
| 5215     | 83                                     |                  |                                    |                                       |                                                            |                    |
| 5216     | 83                                     |                  |                                    |                                       |                                                            |                    |
| 5217     | 83                                     |                  |                                    |                                       |                                                            |                    |
| 5218     | 84                                     | 179              |                                    |                                       | 564                                                        |                    |
| 5219     | 84                                     |                  |                                    |                                       |                                                            |                    |
| 5220     | 84                                     |                  |                                    |                                       |                                                            |                    |
| 5221     | 84                                     | 225              |                                    |                                       | 569                                                        |                    |
| 5222     | 84                                     | 251              |                                    |                                       | 84, 564                                                    |                    |
| 5223     | 84                                     | 187, 252         |                                    |                                       |                                                            |                    |
| 5223-S   |                                        |                  | 409                                | 409                                   | 1447                                                       |                    |
| 5224     | 84                                     |                  |                                    |                                       |                                                            |                    |
| 5225     | 84                                     | 179              |                                    |                                       |                                                            |                    |
| 5226     | 86                                     |                  |                                    |                                       |                                                            |                    |
| 5227     | 86                                     | 168              | 338                                | 338                                   | 843, 844(P), 955, 1286                                     | C87                |
| 5228     | 86                                     | 242              |                                    |                                       | 89                                                         |                    |
| 5228-S   |                                        |                  | 332, 333                           | 333                                   | 1447                                                       |                    |
| 5229     | 86                                     |                  |                                    |                                       |                                                            |                    |
| 5230     | 86                                     | 131, 187         | 235                                | 235                                   | 1448                                                       |                    |
| 5231     | 86                                     |                  |                                    |                                       |                                                            |                    |
| 5232     | 86                                     | 152              | 461                                | 461                                   | 1447, 1531                                                 |                    |
| 5233     | 86                                     | 252              |                                    |                                       |                                                            |                    |
| 5233-S   |                                        |                  | 525                                | 525                                   | 1447                                                       |                    |
| 5234     | 86                                     | 158              | 388                                | 389                                   | 1047, 1048, 1097(P), 1154, 1481                            | C179               |
| 5235     | 86                                     | 140              |                                    |                                       |                                                            | C62                |
| 5235-S   |                                        |                  | 420                                | 421                                   | 843, 844(P), 955, 1281                                     | C62                |
| 5236     | 86                                     | 166, 316         |                                    |                                       |                                                            |                    |
| 5236-S2  |                                        |                  | 368                                | 369                                   | 1447                                                       |                    |
| 5237     | 86                                     | 158              | 361                                | 361                                   | 745, 758(P), 888, 1131                                     | C39                |
| 5238     | 86                                     | 252              |                                    |                                       | 569                                                        |                    |
| 5239     | 87                                     | 187, 316         |                                    |                                       | 191                                                        |                    |
| 5239-S2  |                                        |                  | 364, 1565                          | 364, 1456, 1519, 1578                 | 1447, 1456, 1500, 1519, 1532, 1546, 1547, 1565, 1572, 1677 |                    |
| 5240     | 87                                     |                  |                                    |                                       |                                                            |                    |
| 5241     | 87                                     | 168              |                                    |                                       |                                                            | C40                |
| 5241-S   |                                        |                  | 333, 334                           | 334                                   | 745, 758(P), 888, 1131                                     | C40                |
| 5242     | 87                                     |                  |                                    |                                       |                                                            |                    |
| 5243     | 87                                     | 168              |                                    |                                       | 569                                                        |                    |
| 5244     | 87                                     | 169              | 327                                | 327                                   | 745, 758(P), 888, 1131                                     | C41                |
| 5245     | 87                                     | 179              |                                    |                                       | 564                                                        |                    |
| 5246     | 87                                     |                  |                                    |                                       |                                                            |                    |

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| 5247     | 87                                     | 242, 282         |                                    |                                       | 246, 569                                         |                    |
| 5248     | 87                                     | 169, 567         |                                    |                                       |                                                  |                    |
| 5248-S   |                                        |                  | 694                                | 695                                   | 1447                                             |                    |
| 5249     | 87                                     |                  |                                    |                                       |                                                  |                    |
| 5250     | 87                                     |                  |                                    |                                       |                                                  |                    |
| 5251     | 87                                     | 116, 228, 1595   |                                    |                                       | 1677                                             |                    |
| 5252     | 87                                     | 166              | 338                                | 338, 1548                             | 167, 1447, 1531, 1548, 1590, 1590(P), 1597, 1664 | C 15 L 17 E3       |
| 5253     | 87                                     | 225              |                                    |                                       |                                                  |                    |
| 5254     | 87                                     | 228, 571         |                                    |                                       | 1445                                             | C 16 L 17 E3       |
| 5254-S2  |                                        |                  | 1548                               | 1555                                  | 1590(P), 1590, 1597, 1664                        | C 16 L 17 E3       |
| 5255     | 88                                     | 116, 317         |                                    |                                       | 569                                              |                    |
| 5256     | 88                                     | 252              |                                    |                                       |                                                  | C233               |
| 5256-S   |                                        |                  | 531                                | 533                                   | 816, 844(P), 955, 1487                           | C233               |
| 5257     | 88                                     |                  |                                    |                                       |                                                  |                    |
| 5258     | 88                                     | 252, 317         |                                    |                                       |                                                  | C180               |
| 5258-S2  |                                        |                  | 419                                | 419                                   | 1048, 1097(P), 1154, 1481,                       | C180               |
| 5259     | 88                                     | 252              |                                    |                                       |                                                  |                    |
| 5260     | 88                                     | 709              |                                    |                                       |                                                  |                    |
| 5261     | 88                                     | 153              | 173                                | 173                                   | 843, 844(P), 955, 1281                           | C63                |
| 5262     | 88                                     | 242              |                                    |                                       |                                                  | C88                |
| 5262-S   |                                        |                  | 369                                | 369                                   | 745, 758(P), 888, 1286                           | C88                |
| 5263     | 88                                     | 228              |                                    |                                       |                                                  |                    |
| 5263-S   |                                        |                  | 330                                | 330                                   | 1447                                             |                    |
| 5264     | 89                                     |                  |                                    |                                       |                                                  |                    |
| 5265     | 89                                     |                  |                                    |                                       | 89                                               |                    |
| 5266     | 89                                     | 153              | 395                                | 396                                   | 1049, 1097(P), 1154, 1488,                       | Vetoed             |
| 5267     | 89                                     |                  |                                    |                                       |                                                  |                    |
| 5268     | 89                                     | 153              | 294                                | 294                                   | 154, 1289, 1289, 1390, 1390(P), 1489             | C282               |
| 5269     | 89                                     | 228              | 374                                | 374                                   | 1447                                             |                    |
| 5270     | 89                                     | 153              | 233                                | 233                                   | 816, 844(P), 955, 1281                           | C64                |
| 5271     | 89                                     | 169              |                                    |                                       | 564                                              |                    |
| 5272     | 89                                     | 252              |                                    |                                       |                                                  | C128               |
| 5272-S   |                                        |                  | 279                                | 279                                   | 745, 758(P), 888, 1451                           | C128               |
| 5273     | 89                                     |                  |                                    |                                       |                                                  |                    |
| 5274     | 90                                     | 277, 309         | 374                                | 374                                   | 1115, 1279(P), 1287, 1481,                       | C181               |
| 5275     | 90                                     |                  |                                    |                                       |                                                  |                    |
| 5276     | 90                                     | 242              |                                    |                                       | 569                                              |                    |
| 5277     | 90                                     | 116              |                                    |                                       |                                                  | C42                |
| 5277-S   |                                        |                  | 355                                | 355                                   | 816, 844(P), 955, 1131                           | C42                |
| 5278     | 90                                     | 153              |                                    |                                       |                                                  |                    |
| 5279     | 90                                     |                  |                                    |                                       |                                                  |                    |
| 5280     | 91                                     | 252              | 534                                | 534                                   | 1447                                             |                    |
| 5281     | 91                                     | 229              |                                    |                                       |                                                  |                    |
| 5281-S   |                                        |                  | 396                                | 396                                   | 1448                                             |                    |
| 5282     | 91                                     |                  |                                    |                                       |                                                  |                    |
| 5283     | 91                                     | 252              |                                    |                                       |                                                  |                    |
| 5284     | 91                                     | 253              |                                    |                                       | 564                                              |                    |
| 5285     | 91                                     | 158, 317         |                                    |                                       |                                                  | C182               |
| 5285-S2  |                                        |                  | 390                                | 390                                   | 1105, 1106, 1279(P), 1287, 1481                  | C182               |
| 5286     | 91                                     | 141              |                                    |                                       |                                                  |                    |

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| 5286-S   |                                        |                  | 419                                | 419                                   | 1448                                                                 |                    |
| 5287     | 91                                     |                  |                                    |                                       |                                                                      |                    |
| 5288     | 91                                     | 169              |                                    |                                       | 564                                                                  |                    |
| 5289     | 91                                     | 282, 283         |                                    |                                       |                                                                      | C334PV             |
| 5289-S   |                                        |                  | 451                                | 451                                   | 1278, 1283(P), 1287,                                                 | C334PV             |
| 5290     | 91                                     |                  |                                    |                                       |                                                                      |                    |
| 5291     | 91                                     |                  |                                    |                                       |                                                                      |                    |
| 5292     | 91                                     |                  |                                    |                                       |                                                                      |                    |
| 5293     | 91                                     | 242              |                                    |                                       |                                                                      | Vetoed             |
| 5293-S   |                                        |                  | 375, 376                           | 377                                   | 955, 978(P), 1078                                                    | Vetoed             |
| 5294     | 91                                     | 253, 317         |                                    |                                       |                                                                      |                    |
| 5294-S   |                                        |                  | 440, 1466                          | 440, 1472                             | 1447, 1466, 1500,                                                    |                    |
| 5295     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5296     | 92                                     | 180, 309         |                                    |                                       | 564                                                                  |                    |
| 5297     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5298     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5299     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5300     | 92                                     | 187, 317         |                                    |                                       |                                                                      |                    |
| 5300-S2  |                                        |                  | 390                                | 390                                   | 1448                                                                 |                    |
| 5301     | 92                                     | 180              |                                    |                                       |                                                                      | C258               |
| 5301-S   |                                        |                  | 293                                | 293                                   | 843, 844(P), 955, 1487                                               | C258               |
| 5302     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5303     | 92                                     | 180, 567         |                                    |                                       |                                                                      | C 17 L 17 E3       |
| 5303-S   |                                        |                  | 707, 1547                          | 707, 1476, 1547                       | 1448, 1476, 1500, 1547, 1547, 1590(P), 1590, 1597, 1664              | C 17 L 17 E3       |
| 5304     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5305     | 92                                     | 253              |                                    |                                       |                                                                      |                    |
| 5306     | 92                                     | 180              | 306                                | 307                                   | 816, 844(P), 955, 1286                                               | C89                |
| 5307     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5308     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5309     | 92                                     |                  |                                    |                                       |                                                                      |                    |
| 5310     | 93                                     |                  |                                    |                                       |                                                                      |                    |
| 5311     | 93                                     | 180              |                                    |                                       |                                                                      |                    |
| 5312     | 93                                     | 162              |                                    |                                       |                                                                      |                    |
| 5312-S   |                                        |                  | 500, 501                           | 501                                   | 1448                                                                 |                    |
| 5313     | 93                                     | 166              |                                    |                                       |                                                                      |                    |
| 5314     | 93                                     | 158              |                                    |                                       | 569                                                                  |                    |
| 5315     | 93                                     | 153              | 272                                | 272                                   | 1448                                                                 |                    |
| 5316     | 94                                     | 180              | 236, 1457                          | 236, 1466, 1526, 1542                 | 1448, 1457, 1500, 1526, 1532, 1542, 1631, 1631, 1647(P), 1649, 1664, | C 25 L 17 E3       |
| 5317     | 94                                     | 309              |                                    |                                       | 564                                                                  |                    |
| 5318     | 95                                     | 242              |                                    |                                       |                                                                      |                    |
| 5319     | 95                                     | 153              | 368                                | 368                                   | 1448                                                                 |                    |
| 5320     | 95                                     | 180              |                                    |                                       | 181, 281, 564                                                        |                    |
| 5321     | 95                                     |                  |                                    |                                       |                                                                      |                    |
| 5322     | 95                                     | 253              |                                    |                                       |                                                                      | C320               |
| 5322-S   |                                        |                  | 326, 327                           | 327                                   | 843, 844(P), 955, 1492                                               | C320               |
| 5323     | 95                                     | 187              |                                    |                                       | 564                                                                  |                    |
| 5324     | 95                                     | 187              |                                    |                                       | 564                                                                  |                    |
| 5325     | 95                                     | 242              | 438                                | 439                                   | 1448                                                                 |                    |
| 5326     | 95                                     |                  |                                    |                                       |                                                                      |                    |



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| 5327     | 95                                     | 153              |                                    |                                       |                                    | C183               |
| 5327-S   |                                        |                  | 529                                | 529                                   | 1051, 1097(P), 1154, 1481,         | C183               |
| 5328     | 95                                     | 1280             |                                    |                                       | 1531                               |                    |
| 5329     | 95                                     |                  |                                    |                                       |                                    |                    |
| 5330     | 95                                     |                  |                                    |                                       |                                    |                    |
| 5331     | 95                                     | 187              | 439                                | 440                                   | 955, 978(P), 1078, 1492            | C321               |
| 5332     | 96                                     | 158              |                                    |                                       |                                    |                    |
| 5333     | 96                                     | 180              | 444                                | 444                                   | 1448                               |                    |
| 5334     | 96                                     | 180              |                                    |                                       | 564                                |                    |
| 5335     | 96                                     |                  |                                    |                                       |                                    |                    |
| 5336     | 96                                     | 153              | 524                                | 524                                   | 1148, 1149, 1156(P), 1287,<br>1489 | C283               |
| 5337     | 96                                     | 253              |                                    |                                       | 569                                |                    |
| 5338     | 96                                     | 225              |                                    |                                       |                                    | C218               |
| 5338-S   |                                        |                  | 334                                | 335                                   | 1149, 1150, 1156(P), 1287,<br>1485 | C218               |
| 5339     | 96                                     | 253              |                                    |                                       |                                    |                    |
| 5339-S   |                                        |                  | 488                                | 488                                   | 1448                               |                    |
| 5340     | 96                                     | 253, 317         |                                    |                                       |                                    |                    |
| 5340-S   |                                        |                  | 502                                | 503                                   | 1448, 1500                         |                    |
| 5341     | 96                                     | 195              |                                    |                                       | 569                                |                    |
| 5342     | 96                                     | 180, 317         |                                    |                                       |                                    |                    |
| 5342-S2  |                                        |                  | 526                                | 526                                   | 1448                               |                    |
| 5343     | 96                                     | 283              |                                    |                                       |                                    | C43                |
| 5343-S   |                                        |                  | 424                                | 425                                   | 745, 758(P), 888, 1131             | C43                |
| 5344     | 96                                     |                  |                                    |                                       |                                    |                    |
| 5345     | 96                                     | 283              |                                    |                                       | 564                                |                    |
| 5346     | 97                                     | 153, 243         |                                    |                                       |                                    | C322               |
| 5346-S   |                                        |                  | 425                                | 426                                   | 1074, 1097(P), 1155, 1492,         | C322               |
| 5347     | 97                                     | 169, 567         |                                    |                                       |                                    | C156               |
| 5347-S2  |                                        |                  | 707                                | 708                                   | 955, 978(P), 1078, 1453,<br>1454   | C156               |
| 5348     | 97                                     | 243              |                                    |                                       |                                    |                    |
| 5349     | 97                                     | 225, 318         |                                    |                                       | 564                                |                    |
| 5350     | 97                                     | 154              |                                    |                                       | 569                                |                    |
| 5351     | 97                                     |                  |                                    |                                       |                                    |                    |
| 5352     | 97                                     |                  |                                    |                                       |                                    |                    |
| 5353     | 97                                     | 253              |                                    |                                       |                                    |                    |
| 5354     | 97                                     |                  |                                    |                                       |                                    |                    |
| 5355     | 97                                     | 136              |                                    |                                       |                                    |                    |
| 5356     | 97                                     | 253              |                                    |                                       |                                    | C65                |
| 5356-S   |                                        |                  | 339                                | 339                                   | 816, 844(P), 955, 1281             | C65                |
| 5357     | 97                                     | 166, 309         |                                    |                                       |                                    | C162               |
| 5357-S   |                                        |                  | 360                                | 360                                   | 843, 844(P), 955, 1481             | C162               |
| 5358     | 97                                     | 188              |                                    |                                       |                                    | C323               |
| 5358-S   |                                        |                  | 441                                | 441                                   | 1072, 1097(P), 1155, 1492,         | C323               |
| 5359     | 98                                     | 254              | 329                                | 329                                   | 1074, 1097(P), 1155, 1481,         | C184               |
| 5360     | 98                                     | 169              |                                    |                                       | 569                                |                    |
| 5361     | 98                                     | 158              |                                    |                                       | 159                                |                    |
| 5362     | 98                                     | 254              |                                    |                                       |                                    |                    |
| 5362-S   |                                        |                  | 463                                | 464                                   | 1448                               |                    |
| 5363     | 98                                     |                  |                                    |                                       |                                    |                    |
| 5364     | 98                                     | 229              |                                    |                                       | 569                                |                    |

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| 5365     | 98                                     | 169              |                                    |                                       | 569                             |                    |
| 5366     | 98                                     | 181              |                                    |                                       |                                 | C157               |
| 5366-S   |                                        |                  | 380                                | 380                                   | 955, 978(P), 1078, 1453, 1454   | C157               |
| 5367     | 98                                     | 254              |                                    |                                       |                                 |                    |
| 5368     | 98                                     | 254              |                                    |                                       | 564                             |                    |
| 5369     | 98                                     |                  |                                    |                                       |                                 |                    |
| 5370     | 98                                     | 243              |                                    |                                       | 564                             |                    |
| 5371     | 98                                     | 254, 310         |                                    |                                       | 564                             |                    |
| 5372     | 98                                     | 254              |                                    |                                       |                                 | C66                |
| 5372-S   |                                        |                  | 381                                | 381                                   | 843, 844(P), 955, 1282          | C66                |
| 5373     | 99                                     |                  |                                    |                                       |                                 |                    |
| 5374     | 99                                     | 154              |                                    |                                       |                                 | C44                |
| 5374-S   |                                        |                  | 308                                | 308                                   | 745, 758(P), 888, 1131          | C44                |
| 5375     | 99                                     | 169              | 378, 1578                          | 378, 1580                             | 1447, 1578, 1677,               |                    |
| 5376     | 99                                     | 154              | 346                                | 346                                   | 347, 1448                       |                    |
| 5377     | 99                                     |                  |                                    |                                       |                                 |                    |
| 5378     | 99                                     | 169              |                                    |                                       |                                 |                    |
| 5378-S   |                                        |                  | 345                                | 345                                   | 1448                            |                    |
| 5379     | 99                                     |                  |                                    |                                       |                                 |                    |
| 5380     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5381     | 102                                    | 170              |                                    |                                       |                                 |                    |
| 5382     | 102                                    | 225              | 388                                | 388                                   | 816, 844(P), 955, 1451          | C122               |
| 5383     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5384     | 102                                    | 243              |                                    |                                       | 569                             |                    |
| 5385     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5386     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5387     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5388     | 102                                    | 181              |                                    |                                       |                                 | C284               |
| 5388-S   |                                        |                  | 331                                | 332                                   | 1291, 1390(P), 1390, 1489,      | C284               |
| 5389     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5390     | 102                                    |                  |                                    |                                       |                                 |                    |
| 5391     | 102                                    | 254              | 347                                | 347                                   | 1116, 1279(P), 1287, 1481,      | C185               |
| 5392     | 102                                    | 283              |                                    |                                       | 569                             |                    |
| 5393     | 102                                    | 181              |                                    |                                       |                                 |                    |
| 5393-S   |                                        |                  | 348, 349                           | 350                                   | 1448                            |                    |
| 5394     | 103                                    | 181              |                                    |                                       |                                 |                    |
| 5394-S   |                                        |                  | 389                                | 390                                   | 1448                            |                    |
| 5395     | 103                                    |                  |                                    |                                       |                                 |                    |
| 5396     | 103                                    |                  |                                    |                                       |                                 |                    |
| 5397     | 103                                    |                  |                                    |                                       |                                 |                    |
| 5398     | 103                                    | 254              |                                    |                                       | 569                             |                    |
| 5399     | 103                                    | 170              | 450                                | 451                                   | 1448                            |                    |
| 5400     | 103                                    |                  |                                    |                                       | 103                             |                    |
| 5401     | 103                                    |                  |                                    |                                       |                                 |                    |
| 5402     | 103                                    | 225              |                                    |                                       |                                 | C324               |
| 5402-S   |                                        |                  | 344                                | 344                                   | 1107, 1279(P), 1287, 1492,      | C324               |
| 5403     | 103                                    | 284              |                                    |                                       |                                 |                    |
| 5403-S   |                                        |                  | 460                                | 461                                   | 1448                            |                    |
| 5404     | 103                                    | 243              |                                    |                                       |                                 | C186               |
| 5404-S   |                                        |                  | 335                                | 335                                   | 1113, 1114, 1279(P), 1287, 1481 | C186               |
| 5405     | 103                                    | 254, 318         |                                    |                                       |                                 |                    |

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| 5405-S   |                                        |                  | 403                                | 403                                   | 1448                                       |                    |
| 5406     | 103                                    |                  |                                    |                                       |                                            |                    |
| 5407     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5408     | 105                                    | 162              |                                    |                                       | 564                                        |                    |
| 5409     | 105                                    | 170, 699         |                                    |                                       | 1445                                       |                    |
| 5410     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5411     | 105                                    | 170              |                                    |                                       |                                            |                    |
| 5412     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5413     | 105                                    | 225              | 410                                | 411                                   | 745, 758(P), 888, 1131                     | C45                |
| 5414     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5415     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5416     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5417     | 105                                    |                  |                                    |                                       |                                            |                    |
| 5418     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5419     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5420     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5421     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5422     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5423     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5424     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5425     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5426     | 106                                    | 254              |                                    |                                       |                                            |                    |
| 5426-S   |                                        |                  | 437                                | 437                                   | 1448                                       |                    |
| 5427     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5428     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5429     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5430     | 106                                    | 229              |                                    |                                       |                                            |                    |
| 5430-S   |                                        |                  | 338                                | 338                                   | 1448                                       |                    |
| 5431     | 106                                    | 229              | 426                                |                                       |                                            |                    |
| 5431-S   |                                        |                  | 426                                | 426, 1457                             | 1448, 1457, 1500                           |                    |
| 5432     | 106                                    |                  |                                    |                                       |                                            |                    |
| 5433     | 106                                    | 229              | 478                                | 478                                   | 1448                                       |                    |
| 5434     | 107                                    | 243              |                                    |                                       |                                            |                    |
| 5435     | 107                                    | 243              |                                    |                                       |                                            | C325               |
| 5435-S   |                                        |                  | 409, 449                           | 449                                   | 843, 844(P), 955, 1492                     | C325               |
| 5436     | 107                                    | 226              | 294                                | 294                                   | 1156(P), 1287, 1485                        | C219               |
| 5437     | 107                                    | 170              | 355                                | 355                                   | 170, 1153, 1153, 1156(P), 1287, 1453, 1454 | C158               |
| 5438     | 107                                    | 188              |                                    |                                       |                                            |                    |
| 5438-S   |                                        |                  | 407                                | 407                                   | 1448                                       |                    |
| 5439     | 107                                    | 188              | 361                                | 361                                   | 1448                                       |                    |
| 5440     | 107                                    | 188              |                                    |                                       |                                            |                    |
| 5441     | 107                                    |                  |                                    |                                       |                                            |                    |
| 5442     | 111                                    | 181              | 307                                | 307, 1477                             | 1448, 1477, 1500                           |                    |
| 5443     | 111                                    | 243              |                                    |                                       |                                            |                    |
| 5443-S   |                                        |                  | 441                                | 442                                   | 1448                                       |                    |
| 5444     | 111                                    |                  |                                    |                                       |                                            |                    |
| 5445     | 111                                    | 154              | 363                                | 363                                   | 1448                                       |                    |
| 5446     | 111                                    |                  |                                    |                                       |                                            |                    |
| 5447     | 111                                    |                  |                                    |                                       |                                            |                    |
| 5448     | 111                                    | 167              | 526                                | 526                                   | 1448                                       |                    |
| 5449     | 111                                    | 255              |                                    |                                       |                                            | C90                |
| 5449-S   |                                        |                  | 405                                | 406                                   | 816, 844(P), 955, 1286                     | C90                |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|----------------------------------|--------------------|
| 5450     | 111                                    |                  |                                    |                                       |                                  |                    |
| 5451     | 111                                    |                  |                                    |                                       |                                  |                    |
| 5452     | 111                                    | 318              |                                    |                                       | 569                              |                    |
| 5453     | 111                                    | 318              |                                    |                                       | 114                              |                    |
| 5453-S   |                                        |                  | 377                                | 377                                   | 1448, 1677                       |                    |
| 5454     | 111                                    | 188              | 377                                | 377                                   | 1118, 1279(P), 1287, 1492,       | C326               |
| 5455     | 111                                    | 255              |                                    |                                       |                                  |                    |
| 5456     | 111                                    | 244              |                                    |                                       |                                  |                    |
| 5456-S   |                                        |                  | 340, 341                           | 341                                   | 1448                             |                    |
| 5457     | 112                                    | 226              |                                    |                                       | 564                              |                    |
| 5458     | 112                                    | 188              |                                    |                                       |                                  |                    |
| 5458-S   |                                        |                  | 447                                | 447                                   | 1448                             |                    |
| 5459     | 112                                    |                  |                                    |                                       |                                  |                    |
| 5460     | 112                                    | 255              |                                    |                                       | 564                              |                    |
| 5461     | 112                                    | 255              |                                    |                                       | 569                              |                    |
| 5462     | 112                                    |                  |                                    |                                       |                                  |                    |
| 5463     | 112                                    |                  |                                    |                                       |                                  |                    |
| 5464     | 112                                    |                  |                                    |                                       |                                  |                    |
| 5465     | 112                                    | 255, 284         |                                    |                                       |                                  |                    |
| 5465-S   |                                        |                  | 464                                | 464                                   | 1448                             |                    |
| 5466     | 112                                    |                  |                                    |                                       |                                  |                    |
| 5467     | 112                                    | 188              |                                    |                                       | 569                              |                    |
| 5468     | 112                                    | 188              |                                    |                                       | 569                              |                    |
| 5469     | 112                                    |                  |                                    |                                       |                                  |                    |
| 5470     | 113                                    | 188              |                                    |                                       |                                  | C259               |
| 5470-S   |                                        |                  | 382, 383                           | 383                                   | 1108, 1279(P), 1287, 1487,       | C259               |
| 5471     | 113                                    | 255              |                                    |                                       |                                  |                    |
| 5472     | 113                                    | 255              |                                    |                                       |                                  | C327               |
| 5472-S   |                                        |                  | 328                                | 328                                   | 745, 758(P), 888, 1492           | C327               |
| 5473     | 113                                    |                  |                                    |                                       |                                  |                    |
| 5474     | 113                                    | 244, 318         |                                    |                                       |                                  | C159               |
| 5474-S2  |                                        |                  | 382                                | 382                                   | 1075, 1097(P), 1155, 1453, 1454, | C159               |
| 5475     | 113                                    | 189, 318         |                                    |                                       | 191                              |                    |
| 5475-S2  |                                        |                  | 488                                | 488                                   | 1448                             |                    |
| 5476     | 113                                    |                  |                                    |                                       |                                  |                    |
| 5477     | 113                                    |                  |                                    |                                       |                                  |                    |
| 5478     | 113                                    |                  |                                    |                                       |                                  |                    |
| 5479     | 113                                    | 255, 319         |                                    |                                       | 564                              |                    |
| 5480     | 113                                    |                  |                                    |                                       |                                  |                    |
| 5481     | 113                                    | 255              |                                    |                                       |                                  | C91                |
| 5481-S   |                                        |                  | 374, 375                           | 375                                   | 816, 844(P), 955, 1287           | C91                |
| 5482     | 113                                    |                  |                                    |                                       |                                  |                    |
| 5483     | 116                                    |                  |                                    |                                       |                                  |                    |
| 5484     | 116                                    |                  |                                    |                                       | 119                              |                    |
| 5485     | 116                                    | 244              |                                    |                                       |                                  |                    |
| 5486     | 116                                    |                  |                                    |                                       |                                  |                    |
| 5487     | 117                                    | 256              |                                    |                                       |                                  |                    |
| 5488     | 117                                    | 256              | 289                                | 289                                   | 888, 915(P), 1078, 1451          | C123               |
| 5489     | 117                                    | 256              |                                    |                                       |                                  |                    |
| 5490     | 117                                    | 189              | 460                                | 460                                   | 1448                             |                    |
| 5491     | 117                                    |                  |                                    |                                       |                                  |                    |
| 5492     | 117                                    |                  |                                    |                                       |                                  |                    |

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| 5493     | 117                                    |                  |                                    |                                       |                                                    |                    |
| 5494     | 117                                    |                  |                                    |                                       |                                                    |                    |
| 5495     | 117                                    |                  |                                    |                                       |                                                    |                    |
| 5496     | 117                                    |                  |                                    |                                       |                                                    |                    |
| 5497     | 117                                    |                  |                                    |                                       |                                                    |                    |
| 5498     | 117                                    | 256              |                                    |                                       |                                                    |                    |
| 5499     | 118                                    |                  |                                    |                                       |                                                    |                    |
| 5500     | 118                                    | 256, 319         |                                    |                                       |                                                    |                    |
| 5500-S   |                                        |                  | 407                                | 408                                   | 1448                                               |                    |
| 5501     | 118                                    |                  |                                    |                                       |                                                    |                    |
| 5502     | 118                                    | 229              |                                    |                                       |                                                    |                    |
| 5503     | 118                                    | 310              |                                    |                                       |                                                    |                    |
| 5504     | 118                                    |                  |                                    |                                       |                                                    |                    |
| 5505     | 118                                    |                  |                                    |                                       |                                                    |                    |
| 5506     | 118                                    | 256              |                                    |                                       | 569                                                |                    |
| 5507     | 118                                    |                  |                                    |                                       |                                                    |                    |
| 5508     | 118                                    | 226              |                                    |                                       |                                                    |                    |
| 5508-S   |                                        |                  | 380                                | 380                                   | 1448                                               |                    |
| 5509     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5510     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5511     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5512     | 119                                    | 244              |                                    |                                       | 120                                                |                    |
| 5513     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5514     | 119                                    | 189              |                                    |                                       |                                                    | C220               |
| 5514-S   |                                        |                  | 380                                | 381                                   | 888, 915(P), 1078, 1485                            | C220               |
| 5515     | 119                                    | 256, 709         |                                    |                                       |                                                    |                    |
| 5516     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5517     | 119                                    | 189              | 345, 1520, 1540                    | 346, 1525, 1541                       | 1448, 1520, 1532, 1540, 1578, 1587(P), 1597, 1664, | C 18 L 17 E3       |
| 5518     | 119                                    | 256              |                                    |                                       |                                                    |                    |
| 5519     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5520     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5521     | 119                                    |                  |                                    |                                       |                                                    |                    |
| 5522     | 122                                    | 244              |                                    |                                       |                                                    |                    |
| 5522-S   |                                        |                  | 339                                | 339, 1525, 1526                       | 1448, 1525, 1532                                   |                    |
| 5523     | 122                                    | 256              |                                    |                                       | 569                                                |                    |
| 5524     | 123                                    | 189              |                                    |                                       | 569                                                |                    |
| 5525     | 123                                    | 170, 319         | 419                                | 420                                   | 1448                                               |                    |
| 5526     | 123                                    |                  |                                    |                                       |                                                    |                    |
| 5527     | 123                                    |                  |                                    |                                       |                                                    |                    |
| 5528     | 123                                    |                  |                                    |                                       |                                                    |                    |
| 5529     | 123                                    | 257, 319         |                                    |                                       | 564                                                |                    |
| 5530     | 123                                    | 257              |                                    |                                       | 569                                                |                    |
| 5531     | 123                                    |                  |                                    |                                       |                                                    |                    |
| 5532     | 123                                    | 257              |                                    |                                       | 569                                                |                    |
| 5533     | 123                                    | 257, 284         |                                    |                                       |                                                    |                    |
| 5533-S   |                                        |                  | 478, 479, 480, 481                 | 488                                   | 1448                                               |                    |
| 5534     | 123                                    | 189              |                                    |                                       | 569                                                |                    |
| 5535     | 123                                    |                  |                                    |                                       |                                                    |                    |
| 5536     | 124                                    | 284, 285         | 533                                | 533                                   | 1448                                               |                    |
| 5537     | 124                                    | 257              |                                    |                                       |                                                    | C160               |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------|--------------------|
| 5537-S   |                                        |                  | 450                                | 450                                   | 955, 978(P), 1078, 1453, 1454   | C160               |
| 5538     | 124                                    |                  |                                    |                                       |                                 |                    |
| 5539     | 124                                    | 189              |                                    |                                       |                                 |                    |
| 5540     | 124                                    | 257, 319         |                                    |                                       |                                 |                    |
| 5540-S2  |                                        |                  | 382                                | 382                                   | 1448                            |                    |
| 5541     | 124                                    | 257              |                                    |                                       | 569                             |                    |
| 5542     | 124                                    | 181              |                                    |                                       | 569                             |                    |
| 5543     | 124                                    | 189              | 509                                | 509                                   | 816, 844(P), 955, 1282          | C67                |
| 5544     | 124                                    |                  |                                    |                                       |                                 |                    |
| 5545     | 124                                    | 257, 285         |                                    |                                       | 569                             |                    |
| 5546     | 124                                    | 244, 319         |                                    |                                       |                                 | C95                |
| 5546-S2  |                                        |                  | 381                                | 381                                   | 888, 915(P), 1078, 1287         | C95                |
| 5547     | 124                                    | 258              |                                    |                                       | 564                             |                    |
| 5548     | 124                                    |                  |                                    |                                       |                                 |                    |
| 5549     | 124                                    |                  |                                    |                                       |                                 |                    |
| 5550     | 124                                    | 258, 285         |                                    |                                       | 270, 569                        |                    |
| 5551     | 125                                    | 258, 310         |                                    |                                       | 569                             |                    |
| 5552     | 125                                    | 190              |                                    |                                       |                                 | C264               |
| 5552-S   |                                        |                  | 293                                | 293                                   | 1124, 1125, 1279(P), 1287, 1489 | C264               |
| 5553     | 125                                    |                  |                                    |                                       |                                 |                    |
| 5554     | 125                                    | 258              |                                    |                                       | 564                             |                    |
| 5555     | 125                                    |                  |                                    |                                       |                                 |                    |
| 5556     | 125                                    |                  |                                    |                                       |                                 |                    |
| 5557     | 125                                    | 656              |                                    |                                       |                                 |                    |
| 5558     | 125                                    | 258, 285, 319    | 489                                |                                       | 489                             |                    |
| 5558-S3  |                                        |                  | 489                                | 489, 1477                             | 1448, 1477, 1500, 1531, 1677    |                    |
| 5559     | 125                                    | 258, 320         |                                    |                                       | 270, 564                        |                    |
| 5560     | 125                                    | 258              |                                    |                                       |                                 |                    |
| 5560-S   |                                        |                  | 331                                | 331                                   | 1448                            |                    |
| 5561     | 125                                    |                  |                                    |                                       |                                 |                    |
| 5562     | 125                                    |                  |                                    |                                       |                                 |                    |
| 5563     | 126                                    |                  |                                    |                                       |                                 |                    |
| 5564     | 126                                    |                  |                                    |                                       |                                 |                    |
| 5565     | 126                                    | 258              |                                    |                                       | 569                             |                    |
| 5566     | 126                                    |                  |                                    |                                       |                                 |                    |
| 5567     | 126                                    |                  |                                    |                                       |                                 |                    |
| 5568     | 126                                    |                  |                                    |                                       |                                 |                    |
| 5569     | 126                                    | 258              |                                    |                                       | 564                             |                    |
| 5570     | 132                                    |                  |                                    |                                       |                                 |                    |
| 5571     | 132                                    |                  |                                    |                                       |                                 |                    |
| 5572     | 132                                    | 259              |                                    |                                       |                                 |                    |
| 5573     | 132                                    | 259              |                                    |                                       |                                 | C92                |
| 5573-S   |                                        |                  | 449, 450                           | 450                                   | 816, 844(P), 955, 1287          | C92                |
| 5574     | 132                                    | 259              |                                    |                                       |                                 |                    |
| 5575     | 132                                    |                  |                                    |                                       | 134                             |                    |
| 5576     | 132                                    |                  |                                    |                                       |                                 |                    |
| 5577     | 132                                    | 244, 285, 286    |                                    |                                       | 246                             |                    |
| 5577-S2  |                                        |                  | 420                                | 420                                   | 1448                            |                    |
| 5578     | 133                                    | 259              |                                    |                                       | 564                             |                    |
| 5579     | 133                                    |                  |                                    |                                       |                                 |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------------|--------------------|
| 5580     | 133                                    | 195              |                                    |                                       | 569                                   |                    |
| 5581     | 133                                    | 162              | 420                                | 420                                   | 1111, 1279(P), 1287, 1485,            | C221               |
| 5582     | 133                                    | 259              |                                    |                                       | 569                                   |                    |
| 5583     | 133                                    | 259              |                                    |                                       | 569                                   |                    |
| 5584     | 133                                    | 259              |                                    |                                       | 569                                   |                    |
| 5585     | 133                                    |                  |                                    |                                       |                                       |                    |
| 5586     | 133                                    |                  |                                    |                                       |                                       |                    |
| 5587     | 133                                    | 162              |                                    |                                       |                                       |                    |
| 5588     | 133                                    | 320              |                                    |                                       | 134, 138, 564                         |                    |
| 5589     | 133                                    | 259              |                                    |                                       |                                       | C260               |
| 5589-S   |                                        |                  | 441                                | 441                                   | 1290, 1305, 1305, 1390, 1390(P), 1487 | C260               |
| 5590     | 133                                    |                  |                                    |                                       |                                       |                    |
| 5591     | 133                                    |                  |                                    |                                       |                                       |                    |
| 5592     | 134                                    | 190              |                                    |                                       |                                       |                    |
| 5593     | 134                                    |                  |                                    |                                       |                                       |                    |
| 5594     | 134                                    | 260, 571         |                                    |                                       | 1445, 1500                            |                    |
| 5595     | 134                                    | 244, 310         | 348                                | 348                                   | 816, 844(P), 955, 1485                | C222               |
| 5596     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5597     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5598     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5599     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5600     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5601     | 136                                    | 260              |                                    |                                       |                                       |                    |
| 5602     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5603     | 136                                    |                  |                                    |                                       |                                       |                    |
| 5604     | 137                                    |                  |                                    |                                       |                                       |                    |
| 5605     | 137                                    | 244, 1280        |                                    |                                       | 1531, 1611                            | C 33 L 17 E3       |
| 5605-S   |                                        |                  | 1645                               | 1645                                  | 1651, 1654(P), 1657, 1665             | C 33 L 17 E3       |
| 5606     | 137                                    |                  |                                    |                                       |                                       |                    |
| 5607     | 137                                    | 141              |                                    |                                       |                                       |                    |
| 5607-S   |                                        |                  | 147, 148, 149                      | 150                                   | 1448                                  |                    |
| 5608     | 137                                    |                  |                                    |                                       |                                       |                    |
| 5609     | 138                                    | 245              |                                    |                                       |                                       |                    |
| 5610     | 138                                    | 245, 320         |                                    |                                       | 246, 564                              |                    |
| 5611     | 138                                    |                  |                                    |                                       |                                       |                    |
| 5612     | 138                                    | 260              |                                    |                                       |                                       |                    |
| 5613     | 138                                    | 245              |                                    |                                       | 246                                   |                    |
| 5614     | 138                                    | 245              | 529                                | 529, 1472                             | 1448, 1472, 1500                      |                    |
| 5615     | 138                                    | 229              | 387                                | 387                                   | 1448                                  |                    |
| 5616     | 138                                    | 260              |                                    |                                       | 270                                   |                    |
| 5617     | 138                                    |                  |                                    |                                       |                                       |                    |
| 5618     | 142                                    | 260              |                                    |                                       |                                       | C223               |
| 5618-S   |                                        |                  | 429                                | 430                                   | 1091, 1092, 1279(P), 1287, 1485       | C223               |
| 5619     | 142                                    |                  |                                    |                                       |                                       |                    |
| 5620     | 142                                    | 286              |                                    |                                       |                                       |                    |
| 5620-S   |                                        |                  | 489, 499, 500                      | 500                                   | 499, 1448                             |                    |
| 5621     | 142                                    | 260              | 447                                | 448                                   | 1448                                  |                    |
| 5622     | 142                                    |                  |                                    |                                       |                                       |                    |
| 5623     | 142                                    |                  |                                    |                                       |                                       |                    |
| 5624     | 142                                    | 260              |                                    |                                       | 145, 564                              |                    |
| 5625     | 142                                    |                  |                                    |                                       |                                       |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|----------------------------------------|--------------------|
| 5626     | 142                                    |                  |                                    |                                       |                                        |                    |
| 5627     | 142                                    |                  |                                    |                                       |                                        |                    |
| 5628     | 142                                    | 229              |                                    |                                       |                                        | C328               |
| 5628-S   |                                        |                  | 404                                | 404                                   | 1122, 1279(P), 1287, 1492,             | C328               |
| 5629     | 142                                    | 245              | 394                                | 395                                   | 1448                                   |                    |
| 5630     | 142                                    |                  |                                    |                                       |                                        |                    |
| 5631     | 143                                    | 190              | 359                                | 359                                   | 816, 844(P), 955, 1451                 | C124               |
| 5632     | 143                                    | 260              | 448                                | 448                                   | 1092, 1279(P), 1287, 1492,             | C329               |
| 5633     | 143                                    | 260              |                                    |                                       |                                        |                    |
| 5633-S   |                                        |                  | 526                                | 526                                   | 1448                                   |                    |
| 5634     | 143                                    | 260              |                                    |                                       |                                        |                    |
| 5634-S   |                                        |                  | 442                                | 442                                   | 1448                                   |                    |
| 5635     | 143                                    | 261              | 442                                | 442                                   | 1090, 1279(P), 1287, 1485,             | C224               |
| 5636     | 143                                    |                  |                                    |                                       |                                        |                    |
| 5637     | 143                                    |                  |                                    |                                       |                                        |                    |
| 5638     | 143                                    | 261              |                                    |                                       |                                        |                    |
| 5639     | 143                                    | 261              | 407                                | 407                                   | 1500, 1531                             |                    |
| 5640     | 143                                    | 261              | 355                                | 355                                   | 843, 844(P), 955, 1287                 | C93                |
| 5641     | 143                                    | 245              |                                    |                                       |                                        |                    |
| 5641-S   |                                        |                  | 346, 347                           | 347                                   | 1448                                   |                    |
| 5642     | 143                                    | 261, 709         |                                    |                                       |                                        |                    |
| 5643     | 143                                    | 261, 320         |                                    |                                       | 569                                    |                    |
| 5644     | 143                                    | 320              |                                    |                                       | 145                                    | C187               |
| 5644-S   |                                        |                  | 386                                | 386                                   | 1111, 1112, 1279(P), 1287, 1481        | C187               |
| 5645     | 143                                    | 261              |                                    |                                       |                                        |                    |
| 5645-S   |                                        |                  | 528                                | 529                                   | 1448                                   |                    |
| 5646     | 143                                    | 261, 571         | 947, 1541                          | 947, 1542                             | 1448, 1541, 1578, 1587(P), 1597, 1664, | C 19 L 17 E3       |
| 5647     | 143                                    | 261, 320         | 475, 476, 477                      | 477                                   | 1148, 1156(P), 1287, 1489,             | C285               |
| 5648     | 144                                    |                  |                                    |                                       |                                        |                    |
| 5649     | 144                                    | 226              | 330                                | 331                                   | 816, 844(P), 955, 1282                 | C68                |
| 5650     | 144                                    |                  |                                    |                                       |                                        |                    |
| 5651     | 144                                    | 262              |                                    |                                       | 564                                    |                    |
| 5652     | 144                                    | 262              | 425                                | 425                                   | 425, 1448                              |                    |
| 5653     | 144                                    | 320              |                                    |                                       | 564                                    |                    |
| 5654     | 144                                    |                  |                                    |                                       |                                        |                    |
| 5655     | 144                                    | 245              |                                    |                                       |                                        |                    |
| 5655-S   |                                        |                  | 333                                | 333                                   | 1448                                   |                    |
| 5656     | 144                                    |                  |                                    |                                       |                                        |                    |
| 5657     | 144                                    | 262              |                                    |                                       |                                        |                    |
| 5657-S   |                                        |                  | 342                                | 342                                   | 1448                                   |                    |
| 5658     | 144                                    | 190              |                                    |                                       | 569                                    |                    |
| 5659     | 144                                    | 310              |                                    |                                       |                                        |                    |
| 5659-S   |                                        |                  | 501                                | 502                                   | 1448                                   |                    |
| 5660     | 144                                    | 262              | 440                                | 440                                   | 1448                                   |                    |
| 5661     | 145                                    | 190              | 437                                | 438                                   | 1112, 1279(P), 1287, 1481,             | C188               |
| 5662     | 145                                    | 262              | 525                                | 525                                   | 888, 915(P), 1078, 1481                | C189               |
| 5663     | 145                                    |                  |                                    |                                       |                                        |                    |
| 5664     | 145                                    | 190              | 351, 352, 356                      | 359                                   | 355, 1448                              |                    |
| 5665     | 145                                    | 262              | 448                                | 448                                   | 1100, 1279(P), 1287, 1481,             | C190               |
| 5666     | 145                                    |                  |                                    |                                       |                                        |                    |
| 5667     | 154                                    |                  |                                    |                                       |                                        |                    |



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|----------|-------------------------------------------|---------------------|---------------------------------------|------------------------------------------|------------------------------------|-----------------------|
| 5668     | 154                                       |                     |                                       |                                          |                                    |                       |
| 5669     | 154                                       |                     |                                       |                                          |                                    |                       |
| 5670     | 155                                       | 262                 |                                       |                                          | 564                                |                       |
| 5671     | 155                                       | 262                 |                                       |                                          |                                    |                       |
| 5671-S   |                                           |                     | 391, 393                              | 394                                      | 391, 1448                          |                       |
| 5672     | 155                                       | 262                 |                                       |                                          | 270                                |                       |
| 5673     | 155                                       |                     |                                       |                                          |                                    |                       |
| 5674     | 155                                       | 190                 | 426                                   | 426                                      | 1026, 1076(P), 1155, 1453,<br>1454 | C161                  |
| 5675     | 155                                       | 245                 |                                       |                                          |                                    | C69                   |
| 5675-S   |                                           |                     | 331                                   | 331                                      | 816, 844(P), 955, 1282             | C69                   |
| 5676     | 155                                       | 263                 |                                       |                                          | 270                                |                       |
| 5677     | 155                                       | 190                 |                                       |                                          |                                    |                       |
| 5678     | 155                                       |                     |                                       |                                          |                                    |                       |
| 5679     | 155                                       | 263                 |                                       |                                          |                                    |                       |
| 5679-S   |                                           |                     | 350                                   | 351                                      | 1447                               |                       |
| 5680     | 155                                       | 245                 |                                       |                                          | 564                                |                       |
| 5681     | 155                                       |                     |                                       |                                          |                                    |                       |
| 5682     | 155                                       |                     |                                       |                                          |                                    |                       |
| 5683     | 155                                       | 263                 |                                       |                                          |                                    |                       |
| 5684     | 156                                       | 263, 321            |                                       |                                          | 569                                |                       |
| 5685     | 156                                       |                     |                                       |                                          |                                    |                       |
| 5686     | 156                                       |                     |                                       |                                          |                                    |                       |
| 5687     | 156                                       |                     |                                       |                                          |                                    |                       |
| 5688     | 156                                       | 263                 |                                       |                                          |                                    |                       |
| 5689     | 156                                       |                     |                                       |                                          | 156, 161                           |                       |
| 5690     | 156                                       |                     |                                       |                                          |                                    |                       |
| 5691     | 156                                       | 263                 | 332                                   | 332                                      | 1101, 1102, 1279(P), 1287,<br>1489 | C271                  |
| 5692     | 156                                       |                     |                                       |                                          |                                    |                       |
| 5693     | 159                                       |                     |                                       |                                          |                                    |                       |
| 5694     | 159                                       |                     |                                       |                                          |                                    |                       |
| 5695     | 159                                       | 263                 |                                       |                                          | 564                                |                       |
| 5696     | 159                                       | 263                 |                                       |                                          | 270                                |                       |
| 5697     | 159                                       |                     |                                       |                                          |                                    |                       |
| 5698     | 159                                       |                     |                                       |                                          |                                    |                       |
| 5699     | 159                                       |                     |                                       |                                          |                                    |                       |
| 5700     | 159                                       |                     |                                       |                                          |                                    |                       |
| 5701     | 160                                       |                     |                                       |                                          |                                    |                       |
| 5702     | 160                                       | 321                 |                                       |                                          |                                    |                       |
| 5702-S   |                                           |                     | 408                                   | 408                                      | 1448                               |                       |
| 5703     | 160                                       | 263, 321            |                                       |                                          | 564                                |                       |
| 5704     | 160                                       |                     |                                       |                                          |                                    |                       |
| 5705     | 160                                       | 264, 321            |                                       |                                          |                                    | C330                  |
| 5705-S   |                                           |                     | 388                                   | 388                                      | 1103, 1279(P), 1287, 1492,         | C330                  |
| 5706     | 160                                       | 264                 |                                       |                                          | 564                                |                       |
| 5707     | 160                                       |                     |                                       |                                          |                                    |                       |
| 5708     | 160                                       |                     |                                       |                                          |                                    |                       |
| 5709     | 160                                       |                     |                                       |                                          |                                    |                       |
| 5710     | 160                                       |                     |                                       |                                          |                                    |                       |
| 5711     | 160                                       | 181                 |                                       |                                          | 281, 564                           |                       |
| 5712     | 160                                       | 264, 321            |                                       |                                          |                                    |                       |
| 5712-S   |                                           |                     | 527                                   | 527                                      | 1448                               |                       |

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| 5713     | 160                                    | 264, 321         |                                    |                                       |                                 | C225               |
| 5713-S   |                                        |                  | 442                                | 442                                   | 1104, 1105, 1279(P), 1287, 1485 | C225               |
| 5714     | 161                                    |                  |                                    |                                       |                                 |                    |
| 5715     | 163                                    | 190, 571         | 584                                | 585                                   | 1089, 1279(P), 1287, 1489,      | C286               |
| 5716     | 163                                    |                  |                                    |                                       |                                 |                    |
| 5717     | 163                                    |                  |                                    |                                       |                                 |                    |
| 5718     | 163                                    |                  |                                    |                                       |                                 |                    |
| 5719     | 163                                    | 264, 322         |                                    |                                       | 569                             |                    |
| 5720     | 163                                    | 264              | 421                                | 422, 1541                             | 1448, 1531, 1541, 1677          |                    |
| 5721     | 163                                    | 264              |                                    |                                       | 569                             |                    |
| 5722     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5723     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5724     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5725     | 164                                    | 264              |                                    |                                       |                                 |                    |
| 5725-S   |                                        |                  | 396, 397                           | 397                                   | 1448                            |                    |
| 5726     | 164                                    | 310              |                                    |                                       | 564                             |                    |
| 5727     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5728     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5729     | 164                                    | 264              |                                    |                                       |                                 |                    |
| 5729-S   |                                        |                  | 449                                | 449, 1478                             | 1448, 1477, 1500                |                    |
| 5730     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5731     | 164                                    | 265              |                                    |                                       | 564                             |                    |
| 5732     | 164                                    | 265              |                                    |                                       |                                 |                    |
| 5733     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5734     | 164                                    | 265              | 333                                | 333                                   | 843, 844(P), 955, 1287          | C75                |
| 5735     | 164                                    |                  |                                    |                                       |                                 |                    |
| 5736     | 164                                    | 226, 322         | 424                                | 424                                   | 955, 978(P), 1078, 1489         | C287               |
| 5737     | 165                                    |                  |                                    |                                       |                                 |                    |
| 5738     | 165                                    | 710              |                                    |                                       |                                 |                    |
| 5739     | 165                                    |                  |                                    |                                       |                                 |                    |
| 5740     | 165                                    |                  |                                    |                                       |                                 |                    |
| 5741     | 165                                    | 286              | 926                                | 927, 1477                             | 569, 1448, 1477, 1500           |                    |
| 5742     | 167                                    | 265              |                                    |                                       |                                 |                    |
| 5743     | 167                                    | 265              |                                    |                                       | 564                             |                    |
| 5744     | 167                                    | 265              |                                    |                                       | 564                             |                    |
| 5745     | 167                                    | 265, 322         |                                    |                                       | 564                             |                    |
| 5746     | 167                                    |                  |                                    |                                       |                                 |                    |
| 5747     | 167                                    |                  |                                    |                                       | 167                             |                    |
| 5748     | 167                                    |                  |                                    |                                       |                                 |                    |
| 5749     | 167                                    | 246, 322         |                                    |                                       |                                 |                    |
| 5749-S2  |                                        |                  | 438                                | 438                                   | 1448                            |                    |
| 5750     | 171                                    | 265              |                                    |                                       | 564                             |                    |
| 5751     | 171                                    | 266              |                                    |                                       |                                 | C70                |
| 5751-S   |                                        |                  | 394                                | 394                                   | 816, 844(P), 955, 1282          | C70                |
| 5752     | 171                                    |                  |                                    |                                       |                                 |                    |
| 5753     | 171                                    | 322              |                                    |                                       | 172, 569                        |                    |
| 5754     | 171                                    | 266              | 332                                | 332                                   | 1448                            |                    |
| 5755     | 171                                    | 266, 322         |                                    |                                       | 1445                            |                    |
| 5756     | 171                                    |                  |                                    |                                       |                                 |                    |
| 5757     | 171                                    |                  |                                    |                                       |                                 |                    |
| 5758     | 171                                    | 266              |                                    |                                       |                                 |                    |
| 5759     | 171                                    |                  |                                    |                                       |                                 |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|----------------------------------|--------------------|
| 5760     | 171                                    |                  |                                    |                                       |                                  |                    |
| 5761     | 171                                    | 266              | 423                                | 424                                   | 423, 816, 844(P), 955, 1282      | C71                |
| 5762     | 171                                    | 311              | 478                                | 478                                   | 1310, 1311, 1390(P), 1390, 1487  | C254               |
| 5763     | 171                                    | 266              |                                    |                                       |                                  |                    |
| 5764     | 171                                    | 266              |                                    |                                       | 172                              | C72                |
| 5764-S   |                                        |                  | 291                                | 291                                   | 843, 844(P), 955, 1282           | C72                |
| 5765     | 172                                    |                  |                                    |                                       |                                  |                    |
| 5766     | 181                                    |                  |                                    |                                       |                                  |                    |
| 5767     | 181                                    |                  |                                    |                                       |                                  |                    |
| 5768     | 182                                    | 696              |                                    |                                       |                                  |                    |
| 5768-S   |                                        |                  | 855                                | 856                                   | 1448, 1531                       |                    |
| 5769     | 182                                    | 266              |                                    |                                       | 569                              |                    |
| 5770     | 182                                    | 266              |                                    |                                       |                                  |                    |
| 5770-S   |                                        |                  | 529                                | 529                                   | 1448                             |                    |
| 5771     | 182                                    |                  |                                    |                                       |                                  |                    |
| 5772     | 182                                    |                  |                                    |                                       |                                  |                    |
| 5773     | 182                                    |                  |                                    |                                       |                                  |                    |
| 5774     | 182                                    |                  |                                    |                                       |                                  |                    |
| 5775     | 182                                    |                  |                                    |                                       |                                  |                    |
| 5776     | 183                                    |                  |                                    |                                       |                                  |                    |
| 5777     | 183                                    | 267              | 427                                |                                       |                                  |                    |
| 5777-S   |                                        |                  | 426                                | 429                                   | 1448                             |                    |
| 5778     | 183                                    | 267              | 443                                | 443                                   | 1142, 1157(P), 1287, 1481,       | C191               |
| 5779     | 183                                    | 267, 323         |                                    |                                       |                                  | C226PV             |
| 5779-S   |                                        |                  | 387                                | 387                                   | 1085, 1279(P), 1287, 1485, 1487, | C226PV             |
| 5780     | 183                                    |                  |                                    |                                       |                                  |                    |
| 5781     | 183                                    | 267              |                                    |                                       |                                  |                    |
| 5781-S   |                                        |                  | 445, 446                           | 447                                   | 1448                             |                    |
| 5782     | 183                                    | 267              |                                    |                                       |                                  |                    |
| 5783     | 183                                    | 323              |                                    |                                       |                                  |                    |
| 5783-S   |                                        |                  | 387                                | 387                                   | 1448                             |                    |
| 5784     | 183                                    |                  |                                    |                                       |                                  |                    |
| 5785     | 184                                    | 286              |                                    |                                       | 564                              |                    |
| 5786     | 192                                    | 229, 710         |                                    |                                       |                                  |                    |
| 5787     | 192                                    |                  |                                    |                                       |                                  |                    |
| 5788     | 192                                    | 267              |                                    |                                       | 194, 569                         |                    |
| 5789     | 192                                    | 267              |                                    |                                       |                                  |                    |
| 5790     | 192                                    | 267              |                                    |                                       |                                  | C331PV             |
| 5790-S   |                                        |                  | 280                                | 280                                   | 1146, 1157(P), 1287, 1492,       | C331PV             |
| 5791     | 192                                    | 267              |                                    |                                       | 564                              |                    |
| 5792     | 192                                    | 268              |                                    |                                       | 569                              |                    |
| 5793     | 192                                    | 268              | 503                                | 503                                   | 1448                             |                    |
| 5794     | 192                                    |                  |                                    |                                       |                                  |                    |
| 5795     | 193                                    |                  |                                    |                                       |                                  |                    |
| 5796     | 193                                    | 268              |                                    |                                       | 569                              |                    |
| 5797     | 193                                    | 246              |                                    |                                       |                                  |                    |
| 5797-S   |                                        |                  | 511                                | 519                                   | 1448                             |                    |
| 5798     | 193                                    | 268              | 359                                | 359                                   | 359, 1448                        |                    |
| 5799     | 193                                    | 710              |                                    |                                       | 1677                             |                    |
| 5800     | 193                                    | 268              | 530                                | 531                                   | 1448                             |                    |
| 5801     | 193                                    |                  |                                    |                                       |                                  |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------------------------------|--------------------|
| 5802     | 193                                    |                  |                                    |                                       |                                      |                    |
| 5803     | 193                                    |                  |                                    |                                       |                                      |                    |
| 5804     | 223                                    |                  |                                    |                                       |                                      |                    |
| 5805     | 223                                    |                  |                                    |                                       |                                      |                    |
| 5806     | 223                                    | 286, 287         |                                    |                                       |                                      | C288               |
| 5806-S   |                                        |                  | 330                                | 330                                   | 1086, 1087, 1279(P), 1287, 1489      | C288               |
| 5807     | 224                                    | 287              |                                    |                                       | 564                                  |                    |
| 5808     | 224                                    | 268              |                                    |                                       |                                      | C227               |
| 5808-S   |                                        |                  | 439, 510                           | 511                                   | 510, 1126, 1126, 1279(P), 1287, 1485 | C227               |
| 5809     | 226                                    | 571, 677         |                                    |                                       | 227                                  |                    |
| 5810     | 226                                    | 268              |                                    |                                       |                                      | C125               |
| 5810-S   |                                        |                  | 439                                | 439                                   | 1374, 1390, 1390(P), 1451            | C125               |
| 5811     | 226                                    |                  |                                    |                                       |                                      |                    |
| 5812     | 226                                    |                  |                                    |                                       |                                      |                    |
| 5813     | 230                                    | 268              | 527                                | 527                                   | 816, 844(P), 955, 1451               | C126               |
| 5814     | 230                                    |                  |                                    |                                       |                                      |                    |
| 5815     | 230                                    | 572              |                                    |                                       |                                      | C228               |
| 5815-S   |                                        |                  | 584                                | 584                                   | 1222, 1283(P), 1287, 1485,           | C228               |
| 5816     | 230                                    |                  |                                    |                                       |                                      |                    |
| 5817     | 230                                    |                  |                                    |                                       |                                      |                    |
| 5818     | 231                                    |                  |                                    |                                       |                                      |                    |
| 5819     | 231                                    | 311              |                                    |                                       |                                      |                    |
| 5819-S   |                                        |                  | 815, 816                           | 816                                   | 1448                                 |                    |
| 5820     | 231                                    | 269, 323         |                                    |                                       | 569                                  |                    |
| 5821     | 231                                    |                  |                                    |                                       |                                      |                    |
| 5822     | 231                                    | 269              |                                    |                                       | 1445                                 |                    |
| 5823     | 231                                    |                  |                                    |                                       |                                      |                    |
| 5824     | 231                                    |                  |                                    |                                       |                                      |                    |
| 5825     | 231                                    |                  |                                    |                                       |                                      |                    |
| 5826     | 246                                    | 269              | 417                                | 417                                   | 843, 844(P), 955, 1451               | C127               |
| 5827     | 246                                    | 287              |                                    |                                       | 564                                  |                    |
| 5828     | 246                                    |                  |                                    |                                       |                                      |                    |
| 5829     | 246                                    | 269              |                                    |                                       |                                      |                    |
| 5830     | 246                                    |                  |                                    |                                       |                                      |                    |
| 5831     | 246                                    |                  |                                    |                                       |                                      |                    |
| 5832     | 246                                    | 269              |                                    |                                       | 270                                  |                    |
| 5833     | 246                                    | 311              |                                    |                                       |                                      |                    |
| 5833-S   |                                        |                  | 533                                | 534                                   | 1448                                 |                    |
| 5834     | 246                                    | 269              | 417                                | 418                                   | 1127, 1128, 1279(P), 1287, 1486      | C229               |
| 5835     | 246                                    | 269, 323         |                                    |                                       |                                      | C294               |
| 5835-S   |                                        |                  | 525                                | 525                                   | 888, 915(P), 1078, 1493              | C294               |
| 5836     | 246                                    | 269              |                                    |                                       |                                      |                    |
| 5837     | 246                                    | 311              |                                    |                                       |                                      | C73                |
| 5837-S   |                                        |                  | 360, 361                           | 361                                   | 843, 844(P), 955, 1282               | C73                |
| 5838     | 247                                    | 567              |                                    |                                       |                                      |                    |
| 5838-S   |                                        |                  | 739, 740                           | 741, 1548                             | 1448, 1531, 1548, 1677               |                    |
| 5839     | 247                                    |                  |                                    |                                       |                                      |                    |
| 5840     | 248                                    |                  |                                    |                                       |                                      |                    |
| 5841     | 248                                    |                  |                                    |                                       |                                      |                    |
| 5842     | 248                                    |                  |                                    |                                       |                                      |                    |

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|----------|-------------------------------------------|---------------------|---------------------------------------|------------------------------------------|-------------------------------------------|-----------------------|
| 5843     | 248                                       | 269                 |                                       |                                          | 569                                       |                       |
| 5844     | 271                                       | 323                 |                                       |                                          |                                           |                       |
| 5844-S   |                                           |                     | 423                                   | 423                                      | 1448                                      |                       |
| 5845     | 275                                       |                     |                                       |                                          |                                           |                       |
| 5846     | 275                                       |                     |                                       |                                          |                                           |                       |
| 5847     | 277                                       |                     |                                       |                                          |                                           |                       |
| 5848     | 277                                       |                     |                                       |                                          |                                           |                       |
| 5849     | 277                                       | 323                 | 403                                   | 403                                      | 277, 1086, 1086, 1279(P),<br>1287, 1481   | C192                  |
| 5850     | 277                                       |                     |                                       |                                          |                                           |                       |
| 5851     | 287                                       |                     |                                       |                                          |                                           |                       |
| 5852     | 288                                       |                     |                                       |                                          |                                           |                       |
| 5853     | 311                                       | 696                 |                                       |                                          |                                           |                       |
| 5854     | 311                                       |                     |                                       |                                          |                                           |                       |
| 5855     | 325                                       |                     |                                       |                                          |                                           |                       |
| 5856     | 325                                       |                     |                                       |                                          |                                           |                       |
| 5857     | 325                                       |                     |                                       |                                          |                                           |                       |
| 5858     | 326                                       |                     |                                       |                                          |                                           |                       |
| 5859     | 337                                       |                     |                                       |                                          |                                           |                       |
| 5860     | 365                                       |                     |                                       |                                          |                                           |                       |
| 5861     | 365                                       |                     |                                       |                                          |                                           |                       |
| 5862     | 413                                       | 558                 |                                       |                                          |                                           |                       |
| 5863     | 433                                       | 656                 |                                       |                                          |                                           |                       |
| 5864     | 433                                       | 572                 |                                       |                                          | 437, 1445                                 |                       |
| 5865     | 453                                       |                     |                                       |                                          |                                           |                       |
| 5866     | 548                                       | 577, 677            | 1475                                  |                                          |                                           |                       |
| 5866-S2  |                                           |                     | 1475                                  | 1476                                     | 1500                                      |                       |
| 5867     | 552                                       | 567                 | 1263, 1266,<br>1642                   | 1266, 1643                               | 1448, 1642, 1646, 1648(P),<br>1657, 1665, | C 34 L 17 E3          |
| 5868     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5869     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5870     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5871     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5872     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5873     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5874     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5875     | 553                                       | 577                 | 596                                   |                                          |                                           |                       |
| 5875-S   |                                           |                     | 586, 598, 600                         | 602                                      | 1448                                      |                       |
| 5876     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5877     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5878     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5879     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5880     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5881     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5882     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5883     | 553                                       | 1595                |                                       |                                          |                                           | C 1 L 17 E3           |
| 5883-S   |                                           |                     | 1598                                  | 1598                                     | 1644(P), 1644, 1645, 1659,<br>1661        | C 1 L 17 E3           |
| 5884     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5885     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5886     | 553                                       |                     |                                       |                                          |                                           |                       |
| 5887     | 555                                       |                     |                                       |                                          |                                           |                       |
| 5888     | 555                                       | 1372                |                                       |                                          |                                           |                       |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------------------------------------------------------|--------------------|
| 5889     | 555                                    |                  |                                    |                                       |                                                              |                    |
| 5890     | 561                                    | 572              |                                    |                                       |                                                              | C 20 L 17 E3       |
| 5890-S   |                                        |                  | 880, 881, 1555                     | 884, 1564                             | 881, 1448, 1555, 1555, 1641, 1641, 1647(P), 1649, 1664, 1667 | C 20 L 17 E3       |
| 5891     | 561                                    | 577              | 627, 628, 632, 1476                | 632, 1476, 1519, 1520                 | 1448, 1476, 1500, 1519, 1532,                                |                    |
| 5892     | 563                                    | 677              |                                    |                                       |                                                              |                    |
| 5893     | 563                                    | 677              | 765, 766, 1473, 1474               | 767, 1475, 1520                       | 1448, 1473, 1500, 1520, 1532,                                |                    |
| 5894     | 563                                    | 577              |                                    |                                       | 564                                                          |                    |
| 5894-S   |                                        |                  | 602, 624                           | 626                                   | 1448, 1677                                                   |                    |
| 5895     | 565                                    | 578              | 626                                | 626                                   | 1448                                                         |                    |
| 5896     | 565                                    | 578              |                                    |                                       | 565, 1445                                                    |                    |
| 5897     | 569                                    |                  |                                    |                                       |                                                              |                    |
| 5898     | 569                                    | 578              |                                    |                                       |                                                              | C 21 L 17 E3       |
| 5898-S   |                                        |                  | 585, 1592                          | 586, 1594                             | 1448, 1592, 1597, 1612(P), 1645, 1664,                       | C 21 L 17 E3       |
| 5899     | 569                                    |                  |                                    |                                       |                                                              |                    |
| 5900     | 569                                    | 578              |                                    |                                       | 1445                                                         |                    |
| 5901     | 569                                    | 578              |                                    |                                       |                                                              | C 22 L 17 E3       |
| 5901-S   |                                        |                  | 586                                | 586, 1580, 1581                       | 1448, 1580, 1590(P), 1590, 1597, 1664                        | C 22 L 17 E3       |
| 5902     | 569                                    | 578              | 626                                | 626                                   | 1448                                                         |                    |
| 5903     | 569                                    |                  |                                    |                                       |                                                              |                    |
| 5904     | 575                                    |                  |                                    |                                       |                                                              |                    |
| 5905     | 575                                    | 677              |                                    |                                       |                                                              |                    |
| 5906     | 575                                    | 678              |                                    |                                       |                                                              |                    |
| 5907     | 575                                    |                  |                                    |                                       |                                                              |                    |
| 5908     | 576                                    |                  |                                    |                                       |                                                              |                    |
| 5909     | 576                                    |                  |                                    |                                       |                                                              |                    |
| 5910     | 651                                    |                  |                                    |                                       |                                                              |                    |
| 5911     | 651                                    |                  |                                    |                                       |                                                              |                    |
| 5912     | 655                                    |                  |                                    |                                       |                                                              |                    |
| 5913     | 655                                    |                  |                                    |                                       |                                                              |                    |
| 5914     | 670                                    | 710              |                                    |                                       |                                                              |                    |
| 5915     | 670                                    | 710              |                                    |                                       |                                                              |                    |
| 5915-S   |                                        |                  | 929                                | 929                                   | 1448, 1677                                                   |                    |
| 5916     | 670                                    | 710              |                                    |                                       | 1445                                                         |                    |
| 5917     | 680                                    |                  |                                    |                                       |                                                              |                    |
| 5918     | 698                                    |                  |                                    |                                       |                                                              |                    |
| 5919     | 718                                    |                  |                                    |                                       |                                                              |                    |
| 5920     | 718                                    |                  |                                    |                                       |                                                              |                    |
| 5921     | 818                                    |                  |                                    |                                       |                                                              |                    |
| 5922     | 955                                    |                  |                                    |                                       |                                                              |                    |
| 5923     | 1026                                   |                  |                                    |                                       |                                                              |                    |
| 5924     | 1026                                   | 1372             | 1643                               | 1643                                  | 1651, 1654(P), 1657, 1665, 1667                              | C 35 L 17 E3       |
| 5925     | 1078                                   | 1527             |                                    |                                       |                                                              |                    |
| 5926     | 1155                                   |                  |                                    |                                       |                                                              |                    |
| 5927     | 1155                                   |                  |                                    |                                       |                                                              |                    |
| 5928     | 1444                                   |                  |                                    |                                       |                                                              |                    |
| 5929     | 1444                                   |                  |                                    |                                       |                                                              |                    |

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action                    | Action by Governor |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------|--------------------|
| 5930     | 1444                                   |                  |                                    |                                       |                                 |                    |
| 5931     | 1444                                   |                  |                                    |                                       |                                 |                    |
| 5932     | 1449                                   |                  |                                    |                                       |                                 |                    |
| 5933     | 1451                                   | 1480             |                                    |                                       |                                 |                    |
| 5934     | 1454                                   | 1480             |                                    |                                       |                                 |                    |
| 5934-S   |                                        |                  | 1594, 1598, 1610                   | 1611                                  | 1598, 1677                      |                    |
| 5935     | 1482                                   |                  |                                    |                                       |                                 |                    |
| 5936     | 1482                                   |                  |                                    |                                       |                                 |                    |
| 5937     | 1482                                   |                  |                                    |                                       |                                 |                    |
| 5938     | 1490                                   |                  |                                    |                                       |                                 |                    |
| 5939     | 1496                                   | 1527, 1595       |                                    |                                       |                                 | C 36 L 17 E3       |
| 5939-S   |                                        |                  | 1654                               | 1656                                  | 1656(P), 1656, 1659, 1665       | C 36 L 17 E3       |
| 5940     | 1496                                   |                  |                                    |                                       |                                 |                    |
| 5941     | 1497                                   |                  |                                    |                                       |                                 |                    |
| 5942     | 1503                                   |                  |                                    |                                       |                                 |                    |
| 5943     | 1507                                   |                  |                                    |                                       |                                 |                    |
| 5944     | 1508                                   |                  |                                    |                                       |                                 |                    |
| 5945     | 1511                                   | 1516             |                                    |                                       | 1531                            |                    |
| 5946     | 1512                                   |                  |                                    |                                       |                                 |                    |
| 5947     | 1514                                   | 1530, 1596       |                                    |                                       |                                 | C 3 L 17 E3        |
| 5947-S   |                                        |                  | 1643                               | 1643                                  | 1645, 1646(P), 1649             | C 3 L 17 E3        |
| 5948     | 1514                                   |                  |                                    |                                       |                                 |                    |
| 5949     | 1514                                   |                  |                                    |                                       |                                 |                    |
| 5950     | 1515                                   |                  |                                    |                                       |                                 |                    |
| 5951     | 1516                                   |                  |                                    |                                       |                                 |                    |
| 5952     | 1527                                   | 1530             |                                    |                                       |                                 |                    |
| 5952-S   |                                        |                  | 1581                               | 1587                                  | 1677                            |                    |
| 5953     | 1527                                   |                  |                                    |                                       |                                 |                    |
| 5954     | 1527                                   |                  |                                    |                                       |                                 |                    |
| 5955     | 1528                                   |                  |                                    |                                       |                                 |                    |
| 5956     | 1528                                   |                  |                                    |                                       |                                 |                    |
| 5957     | 1528                                   |                  |                                    |                                       |                                 |                    |
| 5958     | 1528                                   |                  |                                    |                                       |                                 |                    |
| 5959     | 1528                                   |                  |                                    |                                       |                                 |                    |
| 5960     | 1530                                   |                  |                                    |                                       |                                 |                    |
| 5961     | 1530                                   |                  |                                    |                                       |                                 |                    |
| 5962     | 1530                                   |                  |                                    |                                       |                                 |                    |
| 5963     | 1535                                   |                  |                                    |                                       |                                 |                    |
| 5964     | 1535                                   |                  |                                    |                                       |                                 |                    |
| 5965     | 1535                                   | 1596             |                                    |                                       |                                 | C 4 L 17 E3        |
| 5965-S   |                                        |                  | 1650                               | 1650                                  | 1657(P), 1657                   | C 4 L 17 E3        |
| 5966     | 1535                                   |                  |                                    |                                       |                                 |                    |
| 5967     | 1539                                   |                  |                                    |                                       |                                 |                    |
| 5968     | 1539                                   | 1589             |                                    |                                       | 1539, 1543                      |                    |
| 5969     | 1543                                   |                  | 1547                               | 1548                                  | 1543, 1590(P), 1590, 1597, 1664 | C 23 L 17 E3       |
| 5970     | 1545                                   |                  |                                    |                                       |                                 |                    |
| 5971     | 1545                                   |                  |                                    |                                       |                                 |                    |
| 5972     | 1545                                   |                  |                                    |                                       |                                 |                    |
| 5973     | 1545                                   |                  |                                    |                                       |                                 |                    |
| 5974     | 1546                                   |                  |                                    |                                       |                                 |                    |
| 5975     | 1546                                   | 1596             |                                    |                                       |                                 | C 5 L 17 E3        |

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action                    | Action by Governor |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------|--------------------|
| 5975-S   |                                        |                  | 1646                               | 1646                                  | 1646, 1648(P), 1657, 1664       | C 5 L 17 E3        |
| 5976     | 1590                                   |                  | 1594                               | 1594                                  | 1590, 1597, 1612(P), 1645, 1664 | C 24 L 17 E3       |
| 5977     | 1590                                   | 1596             |                                    |                                       |                                 | C 37 L 17 E3       |
| 5977-S   |                                        |                  | 1646                               | 1647                                  | 1651, 1654(P), 1657, 1665, 1668 | C 37 L 17 E3       |
| 5978     | 1659                                   |                  |                                    |                                       |                                 |                    |
| 5979     | 1659                                   |                  |                                    |                                       |                                 |                    |
| 5980     | 1674                                   |                  |                                    |                                       | 1674, 1677                      |                    |
| 5981     | 1674                                   |                  |                                    |                                       | 1674, 1677                      |                    |
| 5982     | 1676                                   |                  |                                    |                                       |                                 |                    |
| 5983     | 1676                                   |                  |                                    |                                       |                                 |                    |
| 5984     | 1676                                   |                  |                                    |                                       |                                 |                    |

#### HISTORY OF SENATE JOINT MEMORIALS

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------|
| 8000     | 14                                     |                  |                                    |                                       |              |
| 8001     | 14                                     |                  |                                    |                                       |              |
| 8002     | 35                                     |                  |                                    |                                       |              |
| 8003     | 93                                     |                  |                                    |                                       | 93           |
| 8004     | 93                                     | 154              | 345                                | 345                                   | 1448         |
| 8005     | 103                                    | 170              |                                    |                                       | 564          |
| 8006     | 107                                    |                  |                                    |                                       |              |
| 8007     | 134                                    |                  |                                    |                                       |              |
| 8008     | 165                                    | 230              |                                    |                                       | 569          |
| 8009     | 165                                    | 269              | 408                                | 409                                   | 1448         |
| 8010     | 311                                    |                  |                                    |                                       |              |
| 8011     | 548                                    |                  |                                    |                                       |              |
| 8012     | 1372                                   |                  |                                    |                                       |              |
| 8013     | 1660                                   |                  |                                    |                                       |              |

#### HISTORY OF SENATE JOINT RESOLUTIONS

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------|
| 8200     | 14                                     |                  |                                    |                                       |              |
| 8201     | 35                                     | 323              |                                    |                                       | 1445         |
| 8202     | 35                                     |                  |                                    |                                       |              |
| 8203     | 84                                     |                  |                                    |                                       |              |
| 8204     | 126                                    | 311              | 461                                | 463                                   |              |
| 8205     | 126                                    |                  |                                    |                                       |              |
| 8206     | 247                                    |                  |                                    |                                       |              |
| 8207     | 277                                    |                  |                                    |                                       |              |
| 8208     | 288                                    | 324              |                                    |                                       | 1445         |
| 8209     | 548                                    | 579, 678         |                                    |                                       |              |
| 8210     | 1660                                   |                  |                                    |                                       |              |



## HISTORY OF SENATE CONCURRENT RESOLUTIONS

| <b>Bill No.</b> | <b>Introduction<br/>&amp; 1<sup>st</sup> Reading</b> | <b>Committee<br/>Report</b> | <b>2<sup>nd</sup> Reading<br/>Amendments</b> | <b>3<sup>rd</sup> Reading<br/>Final Passage</b> | <b>Other Action</b>              |
|-----------------|------------------------------------------------------|-----------------------------|----------------------------------------------|-------------------------------------------------|----------------------------------|
| 8400            | 14                                                   |                             | 14                                           |                                                 | 14, 74, 86,                      |
| 8401            | 89                                                   | 158                         | 527                                          | 527                                             | 1287, 1390(P), 1390              |
| 8402            | 145                                                  |                             | 146                                          |                                                 | 145, 146, 159, 161(P), 163       |
| 8403            | 312                                                  |                             |                                              |                                                 |                                  |
| 8404            | 1449                                                 |                             | 1449                                         |                                                 | 1449, 1451, 1453(P), 1478, 1535, |
| 8405            | 1502                                                 |                             | 1502                                         |                                                 | 1502, 1503, 1512(P), 1514,       |
| 8406            | 1533                                                 |                             | 1533                                         |                                                 | 1533, 1534, 1538(P), 1597        |

## HISTORY OF SENATE FLOOR RESOLUTIONS

| NUMBER | SUBJECT                      | ACTION |
|--------|------------------------------|--------|
| 8600   | Senate organized, ready      | 10     |
| 8601   | Miss & Mr Mason Area Pageant | 82     |
| 8602   | Senate permanent rules       | 32     |
| 8603   | Korean-American Day          | 48     |
| 8604   | Dr. Martin Luther King, Jr.  | 82     |
| 8605   | 2-1-1 10th anniversary       | 139    |
| 8606   | Dairy farms                  | 108    |
| 8607   | USS Olympia submarine        | 184    |
| 8608   | Mukilteo shooting victims    | 135    |
| 8609   | Amending Senate rules        |        |
| 8610   | Tahoma HS/We the People team | 146    |
| 8611   | Philip Jones                 | 134    |
| 8612   | Ken Boad                     | 139    |
| 8613   | Motorcycle awareness month   | 718    |
| 8614   | Executive Order 9066         | 232    |
| 8615   | West Seattle Helpline        | 671    |
| 8616   | Civil Air Patrol             | 1027   |
| 8617   | Judge William L. Downing     | 289    |
| 8618   | 13th Amendment               | 249    |
| 8619   | Reconstruction Act           | 250    |
| 8620   | Children                     | 273    |
| 8621   | Future Farmers of America    | 278    |
| 8622   | Wilfred R. Woods             | 289    |
| 8623   | Gina Grant Bull              | 279    |
| 8624   | Amanda Rohrkemper            | 312    |
| 8625   | Sandra G. Wibbels            | 313    |
| 8626   | Kyle Lynch                   | 313    |
| 8627   | Joint Base Lewis-McChord     | 416    |
| 8628   | International Women's Day    | 509    |
| 8629   | Central WA State Fair        | 556    |
| 8630   | Fred Oldfield                | 557    |
| 8631   | Nowruz, the Persian New Year | 576    |
| 8632   | Apple Blossom Festival       | 570    |
| 8633   | Fraternal Order of Eagles    | 1079   |
| 8634   | Ian Mackay                   | 566    |
| 8635   | Melanie J. Dressel           | 1155   |
| 8636   | Kathleen Southwick           | 1282   |
| 8637   | Autism awareness month       | 654    |
| 8638   | Neah Bay Red Devils          | 654    |
| 8639   | WA State Dental Association  | 680    |
| 8640   | Donnetta Walser              | 654    |
| 8641   | Seattle Metropolitans        | 655    |
| 8642   | César Chávez                 | 656    |
| 8643   | Organ, eye, & tissue donors  | 719    |
| 8644   | Gonzaga men's basketball     | 695    |
| 8645   | Trade between Togo and WA    | 1043   |
| 8646   | Project Linus                | 1156   |
| 8647   | WestSide Baby                | 747    |
| 8648   | Maury Island Incident        | 1129   |
| 8649   | Navy appreciation day        | 746    |
| 8650   | Washington National Guard    | 819    |

| <b>NUMBER</b> | <b>SUBJECT</b>               | <b>ACTION</b> |
|---------------|------------------------------|---------------|
| 8651          | Senate Rule 51               | 844           |
| 8653          | Ms. Zoe Sheill               | 889           |
| 8654          | Chateau Ste. Michelle        | 1080          |
| 8655          | Wide receivers               | 1028          |
| 8656          | Judge Salvatore F. Cozza     | 1130          |
| 8657          | WWU women's soccer team      | 1283          |
| 8662          | El Wanda Bryant              | 1374          |
| 8663          | Holodomor                    | 1498          |
| 8664          | Mukilteo Boys & Girls Club   | 1509          |
| 8665          | Rich Wagner                  | 1512          |
| 8666          | Mike Lowry                   | 1518          |
| 8667          | Auburn 4th of July Festival  | 1517          |
| 8668          | Kent Black Action Commission | 1517          |
| 8669          | Marty Brown                  | 1540          |
| 8670          | AuburnFest and Auburn Days   | 1528          |
| 8671          | Juneteenth Independence Day  | 1529          |
| 8672          | Joe Duffie                   | 1537          |
| 8673          | Don Nelson                   | 1537          |
| 8674          | Charlie Groth                | 1537          |
| 8675          | Finland independence, 100th  | 1543          |
| 8676          | Dave Eubank                  | 1546          |
| 8677          | Senate business/interim      | 1675          |

## HISTORY OF HOUSE BILLS

| Bill No. | Introduction<br>& 1 <sup>st</sup> Reading | Committee<br>Report | 2 <sup>nd</sup> Reading<br>Amendments | 3 <sup>rd</sup> Reading<br>Final Passage | Other Action                            | Action by<br>Governor |
|----------|-------------------------------------------|---------------------|---------------------------------------|------------------------------------------|-----------------------------------------|-----------------------|
| 1001     | 541                                       | 648                 | 674                                   | 674                                      | 504, 816, 817(P)                        | C19                   |
| 1010-S   | 399                                       | 656                 | 706                                   | 706                                      | 362, 816, 817(P)                        | C47                   |
| 1017-S   | 541                                       | 657                 | 920, 922                              | 923                                      | 539, 922, 1154, 1287,<br>1305(P)        | C129PV                |
| 1018     | 161                                       | 558                 | 823                                   | 824                                      | 154, 955, 973(P)                        | C48                   |
| 1022-S   | 365                                       |                     |                                       |                                          | 336, 1445                               |                       |
| 1027-S   | 165                                       | 558                 | 681                                   | 681                                      | 159, 816, 817(P)                        | C49                   |
| 1032     | 844                                       | 1280                |                                       |                                          | 818, 1445                               |                       |
| 1036-S   | 399                                       | 657                 | 701                                   | 701                                      | 362, 816, 817(P)                        | C50                   |
| 1037-S   | 275                                       | 657                 |                                       |                                          | 275, 1445                               |                       |
| 1038-S   | 399                                       | 551                 | 926                                   | 926                                      | 362, 926, 1126, 1281,<br>1283(P)        | C238                  |
| 1042     | 548, 1597                                 | 657                 | 1613                                  | 1613                                     | 539, 1445, 1592, 1597,<br>1644, 1646(P) | C 7 L 17 E3           |
| 1043-S   | 504                                       | 657                 | 874, 1275                             | 876, 1276                                | 452, 875, 1275, 1287,<br>1377, 1390(P)  | C193                  |
| 1045-S   | 193                                       |                     |                                       |                                          | 192, 1445                               |                       |
| 1046-S   | 504, 1482,<br>1504                        | 1516                |                                       |                                          | 453, 1445, 1478, 1500,<br>1503, 1531    |                       |
| 1053     | 161                                       |                     |                                       |                                          | 154, 1445                               |                       |
| 1055-S   | 413                                       | 657, 711            | 932                                   | 933                                      | 399, 932, 1126, 1281,<br>1283(P)        | C163                  |
| 1056     | 165, 1482,<br>1504                        | 657                 | 1001                                  |                                          | 159, 1445, 1478, 1500,<br>1503, 1531    |                       |
| 1058     | 548                                       | 657                 | 1016, 1018,<br>1258                   | 1019, 1260                               | 539, 1019, 1258                         |                       |
| 1059-S   | 113                                       |                     |                                       |                                          | 105, 1445                               |                       |
| 1060-S   | 453                                       | 657, 699            |                                       |                                          | 432, 1446                               |                       |
| 1063     | 505                                       | 699                 |                                       |                                          | 453, 1446                               |                       |
| 1064     | 161                                       | 546                 | 830                                   | 831                                      | 154, 955, 973(P)                        | C20                   |
| 1069     | 161                                       | 191                 |                                       |                                          | 154, 1446                               |                       |
| 1070-S   | 505                                       | 657                 |                                       |                                          | 452, 1446                               |                       |
| 1071     | 248                                       | 558                 | 824                                   | 824                                      | 248, 955, 973(P)                        | C51                   |
| 1075-S   |                                           |                     |                                       |                                          | 1659, 1677                              |                       |
| 1078     | 193                                       |                     |                                       |                                          | 192, 1446                               |                       |
| 1079-S   | 226                                       | 658                 | 720                                   | 723                                      | 223, 723, 1126, 1281,<br>1283(P)        | C230                  |
| 1081     | 400                                       | 558                 |                                       |                                          | 377, 1446                               |                       |
| 1086-S   | 433                                       | 658                 | 895                                   | 896                                      | 412, 896, 1076, 1154,<br>1222(P)        | C289                  |
| 1089     | 505                                       |                     |                                       |                                          | 452, 1446                               |                       |
| 1091     | 161                                       | 579                 | 974                                   | 974                                      | 154, 974, 1076, 1154,<br>1222(P)        | C130                  |
| 1095     | 365                                       | 658                 |                                       |                                          | 336, 1446                               |                       |
| 1097-S   | 541                                       | 658                 |                                       |                                          | 539, 1446                               |                       |
| 1100-S   | 365                                       | 579, 678            | 760                                   | 762                                      | 336, 888, 896(P)                        | C74                   |
| 1105-S   | 541                                       | 699                 | 846, 848                              | 849                                      | 539, 545, 847, 1076, 1154,<br>1222(P)   | C333                  |
| 1107     | 161                                       | 658                 | 743                                   | 744                                      | 154, 888, 896(P)                        | C52                   |

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action                        | Action by Governor |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|-------------------------------------|--------------------|
| 1109-S   | 505                                    | 658, 711         | 891, 1306                          | 895, 1310                             | 504, 895, 1306, 1370, 1377, 1390(P) | C290               |
| 1115-S   | 453                                    | 658, 696         | 957, 961                           | 962                                   | 432, 961, 1126, 1281, 1283(P)       | C237PV             |
| 1120-S2  | 433                                    | 658, 711         | 823                                | 823                                   | 412, 955, 973(P)                    | C53                |
| 1121-S   | 227                                    | 546              | 758                                | 758                                   | 223, 888, 896(P)                    | C54                |
| 1125     | 161                                    | 579              |                                    |                                       | 154, 1446                           |                    |
| 1126-S   | 275                                    | 579              |                                    |                                       | 275, 1446                           |                    |
| 1128     | 365                                    | 579              |                                    |                                       | 336, 1446                           |                    |
| 1129-S   | 413                                    | 579              |                                    |                                       | 399, 1446                           |                    |
| 1130-S   | 247                                    | 658, 711         | 762                                | 762                                   | 240, 888, 896(P)                    | C21                |
| 1132     | 505                                    | 562              |                                    |                                       | 453, 1446                           |                    |
| 1136-S   | 433                                    | 658              | 702                                | 703                                   | 406, 703, 1126, 1281, 1283(P)       | C239               |
| 1139     | 161                                    |                  |                                    |                                       | 154, 1446                           |                    |
| 1140     | 1578                                   | 1596             | 1627                               | 1628                                  | 1578, 1644, 1646(P),                | C 2 L 17 E3        |
| 1148     | 548                                    | 659              | 719                                | 720                                   | 539, 888, 896(P)                    | C55                |
| 1149-S   | 365                                    | 659              | 744                                | 744                                   | 336, 888, 896(P)                    | C76                |
| 1150     | 161                                    | 546              | 681                                | 682                                   | 154, 682, 1076, 1154, 1222(P)       | Vetoed             |
| 1153-S   | 400                                    | 659, 711         | 880                                | 880                                   | 362, 1078, 1081(P)                  | C266               |
| 1155-S   | 505                                    |                  |                                    |                                       | 452, 1446                           |                    |
| 1160-S   | 247                                    |                  |                                    |                                       | 240, 1446                           |                    |
| 1162     | 161                                    | 546              |                                    |                                       | 154, 1446                           |                    |
| 1163-S2  | 433                                    | 659, 711         | 903                                | 914                                   | 406, 914, 1126, 1281, 1283(P)       | C272               |
| 1166     | 541                                    | 572, 696         | 764                                | 764                                   | 504, 888, 896(P)                    | C107               |
| 1167     | 165                                    | 562              |                                    |                                       | 159, 1446                           |                    |
| 1168-S2  | 505                                    |                  |                                    |                                       | 452, 1446                           |                    |
| 1169-S2  | 413                                    | 659              |                                    |                                       | 399, 1446                           |                    |
| 1170-S2  | 505                                    | 659, 711         | 943                                | 947                                   | 453, 947, 1126, 1281, 1283(P)       | C291               |
| 1176-S   | 505                                    | 579              | 684                                | 684                                   | 453, 816, 817(P)                    | C8                 |
| 1182     | 247                                    |                  |                                    |                                       | 240, 1446                           |                    |
| 1183-S   | 541                                    | 648, 678         | 927                                | 929                                   | 504, 929, 1126, 1281, 1283(P)       | C240               |
| 1184-S   | 165                                    | 659              | 764                                | 764                                   | 159, 764, 1126, 1281, 1283(P)       | C232               |
| 1186-S   | 433                                    |                  |                                    |                                       | 412, 1446                           |                    |
| 1188     | 275                                    | 659              |                                    |                                       | 275, 1446                           |                    |
| 1189-S   | 193                                    | 546              | 673                                | 674                                   | 192, 816, 817(P)                    | C77                |
| 1194-S   | 288                                    |                  |                                    |                                       | 287, 1446                           |                    |
| 1195     | 193                                    | 558              | 728                                | 728                                   | 192, 888, 896(P)                    | C78                |
| 1196-S   | 505                                    |                  |                                    |                                       | 453, 1446                           |                    |
| 1198     | 193                                    | 568              | 758                                | 758                                   | 192, 888, 896(P)                    | C22                |
| 1199-S   | 194                                    | 558              | 683                                | 684                                   | 192, 816, 817(P)                    | C9                 |
| 1200-S   | 433                                    | 659              | 979                                | 984                                   | 412, 984, 1126, 1281, 1283(P)       | C292               |
| 1201     | 453                                    | 712              | 876                                | 876                                   | 432, 1078, 1081(P)                  | C164               |
| 1204     | 542                                    | 659              | 723                                | 723                                   | 504, 888, 896(P)                    | C79                |
| 1209-S   | 248                                    |                  |                                    |                                       | 248, 1446                           |                    |
| 1218-S   | 400                                    | 660              | 726                                | 726                                   | 362, 888, 896(P)                    | C94                |
| 1221     | 194                                    |                  |                                    |                                       | 192, 1446                           |                    |
| 1232-S   | 400                                    |                  |                                    |                                       | 362, 1446                           |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|------------------------------------|--------------------|
| 1234-S   | 413                                    | 568              | 1025                               | 1025                                  | 399, 1078, 1081(P)                 | C293               |
| 1235-S   | 400                                    | 572              | 685                                | 686                                   | 362, 816, 817(P)                   | C80                |
| 1237     | 453                                    |                  |                                    |                                       | 433, 1446                          |                    |
| 1239-S   | 400                                    |                  |                                    |                                       | 362, 1446                          |                    |
| 1248     | 453                                    | 558              | 704                                | 705                                   | 433, 816, 817(P)                   | C81                |
| 1250     | 365                                    | 579              | 749                                | 749                                   | 336, 749, 1076, 1154, 1222(P)      | C131               |
| 1257-S   | 194                                    | 579              | 683                                | 683                                   | 192, 816, 817(P)                   | C82                |
| 1258-S   | 413                                    | 660              | 887                                | 887                                   | 399, 1078, 1081(P)                 | C295               |
| 1262     | 247                                    | 660              | 901                                | 901                                   | 240, 1078, 1081(P)                 | C132               |
| 1266-S   | 505                                    | 648              | 757                                | 757                                   | 453, 888, 896(P)                   | C23                |
| 1267     | 365                                    | 546, 697         |                                    |                                       | 336, 547, 1446                     |                    |
| 1273-S   | 276                                    | 678              | 974                                | 978                                   | 275, 977, 1126, 1281, 1283(P)      | C194               |
| 1274     | 365                                    | 551              | 889                                | 890                                   | 336, 1078, 1081(P)                 | C133               |
| 1275-S   | 413                                    | 580              | 723                                | 724                                   | 399, 724, 1126, 1281, 1283(P)      | C241               |
| 1278     | 194                                    | 555              | 731, 737                           | 738                                   | 192, 1076, 1154, 1222(P)           | C108               |
| 1279-S   | 400                                    | 648              | 898                                | 899                                   | 362, 899, 1126, 1281, 1283(P)      | C165               |
| 1280-S2  | 506                                    | 660              |                                    |                                       | 453, 1446                          |                    |
| 1281     | 548                                    | 648              | 856                                | 857                                   | 539, 1078, 1081(P)                 | C134               |
| 1283     | 194                                    | 562              | 705                                | 705                                   | 192, 816, 817(P)                   | C109               |
| 1285     | 194                                    | 559              | 762                                | 762                                   | 192, 888, 896(P)                   | C83                |
| 1289-S   | 542                                    |                  |                                    |                                       | 539, 1446                          |                    |
| 1291-S   | 433                                    | 555              |                                    |                                       | 412, 1446                          |                    |
| 1293-S   | 365                                    |                  |                                    |                                       | 336, 1446                          |                    |
| 1296-S   | 400                                    | 562, 712         | 918                                | 918                                   | 362, 563, 1078, 1081(P)            | C135               |
| 1298-S   | 413                                    |                  |                                    |                                       | 399, 1446                          |                    |
| 1309     | 1444, 1482, 1504                       |                  |                                    |                                       | 1305, 1446, 1478, 1500, 1503, 1531 |                    |
| 1314-S   | 506                                    | 660, 697         | 942                                | 943                                   | 452, 669, 943, 1126, 1281, 1283(P) | C242               |
| 1316-S   | 548                                    |                  |                                    |                                       | 541, 1446                          |                    |
| 1319-S   | 400                                    |                  |                                    |                                       | 362, 1446                          |                    |
| 1320-S   | 400                                    | 580              | 704                                | 704                                   | 362, 816, 817(P)                   | C24                |
| 1321-S   | 414                                    | 562              |                                    |                                       | 399, 1446                          |                    |
| 1322     | 453                                    | 648              | 915                                | 915                                   | 432, 1078, 1081(P)                 | C267               |
| 1323-S   | 434                                    |                  |                                    |                                       | 406, 1446                          |                    |
| 1329     | 247                                    | 551              | 675                                | 675                                   | 240, 816, 817(P)                   | C10                |
| 1333-S   | 542                                    | 660              |                                    |                                       | 539, 1446                          |                    |
| 1337     | 247                                    | 546              | 729                                | 729                                   | 240, 1287, 1305(P)                 | C195               |
| 1338-S2  | 414                                    | 555, 678         | 725                                | 725                                   | 399, 888, 896(P)                   | C110               |
| 1339-S   | 542                                    |                  |                                    |                                       | 539, 1446                          |                    |
| 1340-S   | 453                                    | 660              |                                    |                                       | 432, 1446                          |                    |
| 1341-S2  | 400, 1590                              | 660              | 1645                               | 1645                                  | 362, 1446, 1590, 1649, 1650(P)     | C 26 L 17 E3       |
| 1344-S   | 366                                    | 562, 699         | 759                                | 759                                   | 336, 888, 896(P)                   | C296               |
| 1346-S   | 366                                    | 572              | 835                                | 835                                   | 336, 955, 973(P)                   | C84                |
| 1347-S   | 454                                    | 572              |                                    |                                       | 432, 1446                          |                    |
| 1351-S2  | 506                                    | 580              | 725                                | 725                                   | 504, 888, 896(P)                   | C96                |
| 1352     | 366                                    | 551              | 962                                | 962                                   | 336, 1078, 1081(P)                 | C243               |

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| 1353-S   | 276                                    | 660, 712         | 759                                | 760                                   | 275, 760, 1154, 1287, 1305(P)             | C244               |
| 1358-S2  | 434                                    | 568, 712         | 984                                | 985                                   | 406, 985, 1126, 1281, 1283(P)             | C273               |
| 1359-S   | 454                                    | 568              |                                    |                                       | 432, 1446                                 |                    |
| 1369-S   | 366                                    | 660              | 704                                | 704                                   | 336, 816, 817(P)                          | C97                |
| 1371-S   | 542                                    | 678              |                                    |                                       | 539, 1446                                 |                    |
| 1373     | 194                                    | 700              |                                    |                                       | 192, 1446                                 |                    |
| 1375-S2  | 548                                    | 661, 712         | 763                                | 764                                   | 541, 888, 896(P)                          | C98                |
| 1377-S   | 542                                    | 661              |                                    |                                       | 504, 1446                                 |                    |
| 1378     | 276                                    |                  |                                    |                                       | 275, 1446                                 |                    |
| 1384-S   | 276                                    |                  |                                    |                                       | 275, 1446                                 |                    |
| 1388-S   | 434, 1508                              | 661              |                                    |                                       | 412, 1446, 1507, 1531                     |                    |
| 1395     | 400                                    | 700              | 890                                | 890                                   | 362, 1078, 1081(P)                        | C136               |
| 1400     | 401                                    | 580              | 684                                | 685                                   | 362, 816, 817(P)                          | C11                |
| 1401     | 366                                    | 648              | 703                                | 704                                   | 336, 816, 817(P)                          | C99                |
| 1402-S2  | 454                                    | 652, 697         | 997                                | 1000                                  | 432, 1000, 1126, 1281, 1283(P)            | C268               |
| 1406     | 1590                                   |                  | 1649                               | 1649                                  | 1578, 1590, 1644, 1657(P), 1657           | C 27 L 17 E3       |
| 1411-S   | 366                                    | 568              | 705                                | 705                                   | 336, 816, 817(P)                          | C100               |
| 1413-S   | 454                                    |                  |                                    |                                       | 432, 1446                                 |                    |
| 1414-S   | 165                                    |                  |                                    |                                       | 159, 1446                                 |                    |
| 1417-S   | 401                                    | 661              | 880                                | 880                                   | 362, 1078, 1081(P)                        | C137               |
| 1420-S   | 454                                    | 551              | 688                                | 688                                   | 432, 816, 817(P)                          | C46                |
| 1421-S   | 506                                    | 661              |                                    |                                       | 453, 1446                                 |                    |
| 1426-S2  | 454                                    |                  |                                    |                                       | 433, 1446                                 |                    |
| 1427-S   | 454                                    | 661, 712         | 1006, 1008, 1210                   | 1013, 1215                            | 433, 669, 1008, 1210, 1287, 1377, 1390(P) | C297               |
| 1431-S   | 401                                    | 546              | 685                                | 685                                   | 362, 816, 817(P)                          | C101               |
| 1432-S   | 454, 1504                              | 661              |                                    |                                       | 432, 1446, 1503, 1531                     |                    |
| 1433-S   | 506                                    | 661              |                                    |                                       | 452, 1446                                 |                    |
| 1434-S   | 414                                    | 661, 713         |                                    |                                       | 399, 1446                                 |                    |
| 1437     | 401                                    |                  |                                    |                                       | 362, 1446                                 |                    |
| 1439-S2  | 506                                    | 662              |                                    |                                       | 504, 1446                                 |                    |
| 1440-S2  | 434, 1482                              |                  |                                    |                                       | 406, 1446, 1478, 1500                     |                    |
| 1444-S   | 414                                    | 648              | 763                                | 763                                   | 399, 763, 1076, 1154, 1222(P)             | C166               |
| 1445-S   | 414                                    | 572, 713         | 1000, 1013, 1014                   | 1016                                  | 399, 1014, 1154, 1287, 1305(P)            | C236               |
| 1449     | 542                                    | 649              | 725                                | 725                                   | 504, 888, 896(P)                          | C102               |
| 1450     | 506                                    | 559              | 719                                | 719                                   | 504, 888, 896(P)                          | C103               |
| 1452     | 889, 1482, 1504                        |                  |                                    |                                       | 843, 1446, 1478, 1500, 1503, 1531         |                    |
| 1456-S   | 434                                    |                  |                                    |                                       | 412, 1446                                 |                    |
| 1462-S   | 434                                    | 562              | 973                                | 973                                   | 412, 1078, 1081(P)                        | C138               |
| 1464-S   | 366                                    | 662              | 919                                | 920                                   | 336, 919, 1126, 1281, 1283(P)             | C245               |
| 1465-S   | 542                                    | 662              | 831, 832, 1261                     | 832, 1263                             | 539, 832, 1261, 1287, 1377, 1390(P)       | C246               |
| 1467-S   | 542                                    | 662              | 749, 750, 757                      | 757                                   | 504, 757, 1126, 1281, 1283(P)             | C196               |
| 1468     | 414                                    |                  |                                    |                                       | 399, 1446                                 |                    |
| 1470     | 401                                    | 662              |                                    |                                       | 362, 1446                                 |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------------------------------|--------------------|
| 1472-S   | 548                                    |                  |                                    |                                       | 539, 1446                            |                    |
| 1475     | 506                                    | 551              | 899, 900                           | 900                                   | 452, 1078, 1081(P)                   | C111               |
| 1476     | 548                                    |                  |                                    |                                       | 541, 1446                            |                    |
| 1477-S   | 454                                    | 652              | 962, 1267                          | 970, 1275                             | 432, 970, 1267, 1287, 1377, 1390(P)  | C298               |
| 1480     | 542                                    |                  |                                    |                                       | 539, 1446                            |                    |
| 1481-S   | 542                                    | 679              | 824, 830                           | 830                                   | 539, 830, 1076, 1154, 1222(P)        | C197               |
| 1482-S2  | 542                                    | 559              |                                    |                                       | 539, 1446                            |                    |
| 1489-S   | 401                                    | 580              | 675                                | 675                                   | 362, 816, 817(P)                     | C104               |
| 1490-S   | 454                                    | 559              | 857                                | 857                                   | 432, 1078, 1081(P)                   | C139               |
| 1492     | 506                                    |                  |                                    |                                       | 453, 1446                            |                    |
| 1493-S   | 454                                    | 662              | 940, 952                           | 954                                   | 432, 1078, 1081(P)                   | C299               |
| 1494     | 401                                    |                  |                                    |                                       | 362, 1446                            |                    |
| 1495-S2  | 548                                    | 662, 713         | 986                                | 991                                   | 541, 991                             |                    |
| 1499     | 454                                    | 662              |                                    |                                       | 432, 1446                            |                    |
| 1501-S   | 455                                    | 662, 713         | 1360, 1364, 1367                   | 1370                                  | 432, 1363, 1367, 1374, 1390, 1443(P) | C261               |
| 1502-S   | 366                                    |                  |                                    |                                       | 336, 1446                            |                    |
| 1503-S   | 548                                    | 662              | 743                                | 743                                   | 541, 888, 896(P)                     | C105               |
| 1504-S   | 543                                    | 663              | 1019, 1024                         | 1025                                  | 539, 1024, 1280, 1377, 1390(P)       | Vetoed             |
| 1506     | 549, 1482, 1504                        | 663              |                                    |                                       | 541, 1446, 1478, 1500, 1503, 1531    |                    |
| 1507     | 401                                    | 663              | 979                                | 979                                   | 377, 1078, 1081(P)                   | C300               |
| 1508-S   | 455, 1482, 1504                        | 652, 713         |                                    |                                       | 432, 1446, 1478, 1500, 1503, 1531    |                    |
| 1512-S2  | 506                                    |                  |                                    |                                       | 504, 1446                            |                    |
| 1513-S   | 435                                    | 663              |                                    |                                       | 406, 1446                            |                    |
| 1514-S   | 401                                    |                  |                                    |                                       | 362, 1446                            |                    |
| 1515-S   | 366                                    | 580              | 684                                | 684                                   | 336, 816, 817(P)                     | C112               |
| 1520-S   | 455                                    | 649, 713         | 896                                | 897                                   | 432, 897, 1076, 1154, 1222(P)        | C198               |
| 1521-S   | 414                                    | 663, 714         | 978                                | 978                                   | 399, 1078, 1081(P)                   | C167               |
| 1523-S   | 435                                    |                  |                                    |                                       | 406, 1446                            |                    |
| 1524-S   | 414                                    |                  |                                    |                                       | 399, 1446                            |                    |
| 1526-S   | 401                                    | 697              | 978                                | 978                                   | 362, 1078, 1081(P)                   | C301               |
| 1530     | 455                                    | 663              | 918                                | 918                                   | 432, 1078, 1081(P)                   | C168               |
| 1531-S   | 455                                    | 580              | 673                                | 673                                   | 432, 816, 817(P)                     | C140               |
| 1532-S   | 543                                    | 559, 697         |                                    |                                       | 504, 1446                            |                    |
| 1538-S   | 543                                    | 551              | 991, 993                           | 994                                   | 539, 993, 1078, 1081(P)              | C302               |
| 1540-S2  | 414                                    | 663              |                                    |                                       | 399, 1446                            |                    |
| 1541-S2  | 506                                    |                  |                                    |                                       | 453, 1446                            |                    |
| 1543-S   | 366                                    | 663              | 1318, 1323                         | 1323                                  | 336, 1323, 1374, 1390, 1443(P)       | C234               |
| 1547-S   | 401                                    | 663              | 937                                | 940                                   | 362, 940, 1287, 1305(P)              | C199               |
| 1548-S   | 435                                    | 555              | 726                                | 726                                   | 406, 888, 896(P)                     | C200               |
| 1551     | 401                                    | 652              |                                    |                                       | 362, 1446                            |                    |
| 1558     | 435                                    |                  |                                    |                                       | 412, 1446                            |                    |
| 1560     | 401                                    |                  |                                    |                                       | 362, 1446                            |                    |
| 1561-S2  | 506                                    | 663, 714         |                                    |                                       | 504, 1446                            |                    |
| 1562-S2  | 543                                    | 664, 714         |                                    |                                       | 539, 1446                            |                    |
| 1566-S   | 506                                    | 559, 679         |                                    |                                       | 453, 1446                            |                    |



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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------------------------------------------------------------|--------------------|
| 1568-S   | 402                                    | 580              | 743                                | 743                                   | 362, 888, 896(P)                                                   | C25                |
| 1570-S   | 1508                                   |                  |                                    |                                       | 1507, 1531                                                         |                    |
| 1571     | 414, 1482, 1504                        | 664              |                                    |                                       | 399, 1446, 1478, 1500, 1503, 1531                                  |                    |
| 1578     | 455                                    | 664              | 856                                | 856                                   | 432, 1078, 1081(P)                                                 | Vetoed             |
| 1586-S   | 402                                    |                  |                                    |                                       | 362, 1446                                                          |                    |
| 1593     | 276                                    | 559              | 705                                | 705                                   | 275, 816, 817(P)                                                   | C113               |
| 1594-S   | 455                                    | 664, 714         | 858, 862, 867                      | 871                                   | 433, 862, 867, 1126, 1281, 1283(P)                                 | C303               |
| 1595     | 455                                    | 664              | 836                                | 838                                   | 433, 838, 1126, 1281, 1283(P)                                      | C304               |
| 1597-S   | 1590                                   |                  | 1594                               | 1594                                  | 1590, 1644, 1646(P)                                                | C 8 L 17 E3        |
| 1600-S   | 435, 1483, 1504                        | 649, 714         | 821, 822                           | 823                                   | 406, 823, 1446, 1478, 1500, 1503, 1531                             |                    |
| 1603     | 455                                    | 664              |                                    |                                       | 432, 1446                                                          |                    |
| 1605-S   | 402                                    | 664              | 839                                | 842                                   | 362, 841, 1126, 1281, 1283(P)                                      | C247               |
| 1606     | 414                                    | 580              |                                    |                                       | 399, 1446                                                          |                    |
| 1612-S2  | 455                                    | 572, 714         | 947, 948                           | 952                                   | 433, 952, 1126, 1281, 1283(P)                                      | C262PV             |
| 1614-S2  | 455                                    | 664, 700         | 1323, 1334, 1345, 1356             | 1360                                  | 432, 1334, 1345, 1374, 1390, 1443(P)                               | C336               |
| 1615     | 248                                    | 559              | 683                                | 683                                   | 248, 816, 817(P)                                                   | C12                |
| 1616     | 402                                    | 649              | 685                                | 685                                   | 362, 816, 817(P)                                                   | C274               |
| 1618-S   | 366                                    | 649              |                                    |                                       | 336, 1446                                                          |                    |
| 1620     | 435                                    | 664              | 915, 1205                          | 917, 1207                             | 406, 917, 1205, 1287, 1377, 1390(P)                                | C332               |
| 1623     | 366                                    | 580              | 876                                | 876                                   | 336, 1078, 1081(P)                                                 | C169               |
| 1624-S   | 456, 1505, 1578                        | 573, 715         | 924, 925, 1587                     | 925, 1587                             | 432, 925, 1446, 1503, 1531, 1578, 1597(P), 1597,                   | C 9 L 17 E3        |
| 1626-S   | 366                                    | 581              | 842                                | 842                                   | 336, 955, 973(P)                                                   | C141               |
| 1627     | 402                                    | 649              |                                    |                                       | 362, 1446                                                          |                    |
| 1629     | 367                                    | 551              | 694                                | 694                                   | 336, 816, 817(P)                                                   | C13                |
| 1630     | 456, 1483, 1505                        | 664              |                                    |                                       | 432, 1446, 1478, 1500, 1503, 1531                                  |                    |
| 1640     | 367                                    |                  |                                    |                                       | 336, 1446                                                          |                    |
| 1641-S   | 367                                    | 665              | 901                                | 903                                   | 336, 902, 1126, 1281, 1283(P)                                      | C275               |
| 1648     | 402                                    | 562              | 686                                | 688                                   | 377, 688, 1076, 1154, 1222(P)                                      | C142               |
| 1654     | 456                                    | 573              | 706                                | 706                                   | 432, 816, 817(P)                                                   | C14                |
| 1655-S   | 456                                    |                  |                                    |                                       | 432, 1446                                                          |                    |
| 1656     | 549                                    |                  |                                    |                                       | 541, 1446                                                          |                    |
| 1661-S2  | 563, 1483, 1505, 1591                  | 665              | 1651, 1652, 1653, 1654             | 1654                                  | 561, 1446, 1478, 1500, 1503, 1531, 1589, 1652, 1653, 1657(P), 1657 | C 6 L 17 E3        |
| 1671-S   | 367                                    | 555              | 855                                | 855                                   | 336, 1078, 1081(P)                                                 | C201               |
| 1672     | 367                                    |                  |                                    |                                       | 336, 1446                                                          |                    |
| 1673-S   | 456                                    |                  |                                    |                                       | 432, 1446                                                          |                    |
| 1674     | 415                                    |                  |                                    |                                       | 399, 1446                                                          |                    |
| 1676     | 402                                    | 665              | 952                                | 952                                   | 362, 1078, 1081(P)                                                 | C170               |
| 1677-S   | 1591                                   |                  | 1594                               | 1595                                  | 1590, 1644, 1646(P)                                                | C 10 L 17 E3       |
| 1680-S   | 415                                    | 665              |                                    |                                       | 399, 1446                                                          |                    |
| 1683-S   | 456                                    | 573              | 850                                | 850                                   | 432, 1078, 1081(P)                                                 | C305               |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------------------------------------------------|--------------------|
| 1709     | 415                                    | 697              | 973                                | 974                                   | 399, 1078, 1081(P)                                     | C143               |
| 1711-S2  | 507                                    | 665, 715         | 850                                | 853                                   | 504, 853, 1280, 1377, 1390(P)                          | C248               |
| 1713-S2  | 435                                    | 573, 715         | 1004                               | 1004                                  | 406, 1078, 1081(P)                                     | C202               |
| 1714-S   | 543                                    | 649, 715         | 932, 933, 934, 1207                | 936, 1209                             | 539, 934, 1207, 1287, 1377, 1390(P)                    | C249               |
| 1715     | 543                                    |                  |                                    |                                       | 504, 1446                                              |                    |
| 1716     | 549, 1578                              | 649, 715         | 1587                               | 1587                                  | 539, 1446, 1578, 1578, 1597(P), 1597                   | C 11 L 17 E3       |
| 1717-S   | 435                                    | 665              | 890                                | 890                                   | 412, 1078, 1081(P)                                     | C306               |
| 1718     | 248                                    | 552              | 729, 730                           | 730                                   | 248, 729, 1377, 1390(P)                                | C250               |
| 1719-S   | 435                                    | 652              | 929, 930                           | 931                                   | 406, 931, 1280, 1377, 1390(P)                          | C171               |
| 1721     | 543                                    | 649              | 918                                | 918                                   | 504, 1078, 1081(P)                                     | C203               |
| 1722     | 456                                    | 559              | 674                                | 674                                   | 432, 816, 817(P)                                       | C15                |
| 1723-S   | 435                                    |                  |                                    |                                       | 412, 1446                                              |                    |
| 1728     | 435                                    | 665              | 728                                | 729                                   | 406, 888, 896(P)                                       | C114               |
| 1732     | 415                                    | 573              | 707                                | 707                                   | 399, 816, 817(P)                                       | C16                |
| 1733     | 367                                    |                  |                                    |                                       | 336, 1446                                              |                    |
| 1734     | 507                                    | 573              | 682                                | 682                                   | 453, 816, 817(P)                                       | C17                |
| 1738-S   | 248                                    | 547              | 1002                               | 1002                                  | 248, 1078, 1081(P)                                     | C204               |
| 1739-S   | 507                                    | 665, 715         | 1001                               | 1001                                  | 504, 1078, 1081(P)                                     | C235               |
| 1741-S   | 402                                    | 573, 700         | 858                                | 858                                   | 362, 1078, 1081(P)                                     | C172               |
| 1742     | 507                                    | 679              |                                    |                                       | 504, 1446                                              |                    |
| 1747-S   | 507                                    | 573, 700         | 936                                | 937                                   | 453, 508, 575, 1078, 1081(P)                           | C251               |
| 1751-S   | 402                                    | 563              |                                    |                                       | 377, 1446                                              |                    |
| 1753-S   | 436                                    |                  |                                    |                                       | 406, 1446                                              |                    |
| 1754     | 415                                    | 665              | 738                                | 738                                   | 399, 888, 896(P)                                       | C144               |
| 1755-S   | 456                                    | 547              | 706                                | 706                                   | 432, 816, 817(P)                                       | C145               |
| 1757     | 415                                    | 665              | 897                                | 898                                   | 399, 1078, 1081(P)                                     | C115               |
| 1763-S   | 543                                    |                  |                                    |                                       | 504, 1446                                              |                    |
| 1765-S   | 543                                    | 650              | 674                                | 674                                   | 504, 816, 817(P)                                       | C205               |
| 1772     | 456                                    |                  |                                    |                                       | 432, 1446                                              |                    |
| 1777-S2  | 549, 1483, 1505, 1591                  | 700              | 1595                               | 1595                                  | 539, 1446, 1478, 1500, 1503, 1531, 1589, 1644, 1646(P) | C 12 L 17 E3       |
| 1782-S   | 456                                    |                  |                                    |                                       | 432, 1446                                              |                    |
| 1783-S2  | 456, 1483, 1505                        | 666              |                                    |                                       | 432, 1446, 1478, 1500, 1503, 1531                      |                    |
| 1787-S   | 507                                    |                  |                                    |                                       | 453, 1446                                              |                    |
| 1789-S2  | 456                                    | 666, 715         |                                    |                                       | 432, 1447                                              |                    |
| 1790     | 415                                    | 650              |                                    |                                       | 399, 1447                                              |                    |
| 1794     | 507                                    | 666, 716         | 821                                | 821                                   | 453, 955, 973(P)                                       | C146               |
| 1795     | 436                                    |                  |                                    |                                       | 406, 1447                                              |                    |
| 1796-S   | 436                                    | 547, 679         |                                    |                                       | 406, 547, 1447                                         |                    |
| 1800     | 367                                    |                  |                                    |                                       | 336, 1447                                              |                    |
| 1802-S2  | 456                                    | 666, 716         | 985                                | 985                                   | 432, 1078, 1081(P)                                     | C173               |
| 1806     | 436                                    |                  |                                    |                                       | 412, 1447                                              |                    |
| 1807-S   | 457                                    |                  |                                    |                                       | 432, 1447                                              |                    |
| 1808-S   | 457                                    | 559, 679         | 856                                | 856                                   | 432, 1078, 1081(P)                                     | C206               |
| 1809-S   | 436                                    | 700              | 855                                | 855                                   | 406, 1078, 1081(P)                                     | C116               |
| 1813-S   | 367                                    | 560              | 739                                | 739                                   | 336, 888, 896(P)                                       | C147               |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|------------------------------------------|--------------------|
| 1814-S   | 507                                    | 560              | 876, 877                           | 879                                   | 504, 879, 1076, 1154, 1222(P)            | C269               |
| 1815-S   | 507                                    | 666              | 937                                | 937                                   | 453, 1078, 1081(P)                       | C276               |
| 1816-S   | 507                                    | 650              | 1002                               | 1004                                  | 453, 1002, 1003, 1078, 1081(P)           | C277               |
| 1819-S2  | 436                                    | 573, 679         | 741                                | 743                                   | 406, 575, 742, 1154, 1287, 1305(P)       | C207               |
| 1820-S   | 457                                    | 581              | 728                                | 728                                   | 432, 888, 896(P)                         | C148               |
| 1824-S   | 436                                    | 666              |                                    |                                       | 406, 1447                                |                    |
| 1825-S   | 436                                    | 573              |                                    |                                       | 412, 1447                                |                    |
| 1828     | 367                                    |                  |                                    |                                       | 336, 1447                                |                    |
| 1829     | 436                                    | 666              | 890                                | 891                                   | 412, 1078, 1081(P)                       | C149               |
| 1831-S   | 543                                    | 560              |                                    |                                       | 539, 1447                                |                    |
| 1832     | 436                                    | 650              | 676                                | 676                                   | 412, 816, 817(P)                         | C18                |
| 1833     | 543                                    | 666              |                                    |                                       | 504, 1447                                |                    |
| 1838-S   | 415                                    | 666              | 748                                | 748                                   | 399, 888, 896(P)                         | C26                |
| 1843-S   | 288                                    |                  |                                    |                                       | 287, 1447                                |                    |
| 1844     | 436                                    |                  |                                    |                                       | 412, 1447                                |                    |
| 1845-S   | 402                                    | 560              | 726                                | 728                                   | 362, 727, 1076, 1154, 1222(P)            | C307               |
| 1849     | 415                                    |                  |                                    |                                       | 399, 1447                                |                    |
| 1851-S   | 549                                    |                  |                                    |                                       | 541, 1447                                |                    |
| 1853     | 367                                    | 666              | 744                                | 744                                   | 336, 888, 896(P)                         | C117               |
| 1855     | 544                                    |                  |                                    |                                       | 504, 1447                                |                    |
| 1857     | 457                                    |                  |                                    |                                       | 433, 1447                                |                    |
| 1858     | 1281                                   |                  |                                    |                                       | 1154, 1447                               |                    |
| 1859     | 507                                    | 667              |                                    |                                       | 452, 1447                                |                    |
| 1861     | 549                                    |                  |                                    |                                       | 539, 1447                                |                    |
| 1863-S   | 507                                    | 574, 716         | 886                                | 886                                   | 453, 886, 1154, 1287, 1305(P)            | C308               |
| 1867-S   | 457                                    | 650, 716         | 871                                | 873                                   | 432, 873, 1126, 1281, 1283(P)            | C265               |
| 1877-S   | 508                                    | 667              | 748                                | 749                                   | 453, 888, 896(P)                         | Vetoed             |
| 1886-S   | 549, 1484                              | 667              | 708                                | 709                                   | 541, 708, 1478, 1500                     |                    |
| 1893-S   | 436                                    | 547              |                                    |                                       | 412, 1447                                |                    |
| 1902-S   | 544                                    | 650              | 853, 854                           | 855                                   | 504, 853, 1287, 1305(P)                  | C252               |
| 1905-S   | 437                                    | 560              | 708                                | 708                                   | 412, 816, 817(P)                         | Vetoed             |
| 1906     | 457                                    | 581              | 682                                | 683                                   | 432, 682, 1076, 1154, 1222(P)            | C150               |
| 1907     | 544                                    | 667              | 730                                | 731                                   | 504, 888, 896(P)                         | C208               |
| 1913     | 544, 1506                              | 667              |                                    |                                       | 539, 1447, 1503, 1531                    |                    |
| 1924     | 457                                    | 581              | 884                                | 885                                   | 432, 885, 1076, 1154, 1222(P)            | C253               |
| 1927     | 508                                    |                  |                                    |                                       | 504, 1447                                |                    |
| 1929-S2  | 508                                    | 667              |                                    |                                       | 453, 1447                                |                    |
| 1930-S   | 544                                    |                  |                                    |                                       | 504, 1447                                |                    |
| 1931     | 402                                    | 574              | 874                                | 874                                   | 362, 1078, 1081(P)                       | C118               |
| 1939     | 367                                    | 667              |                                    |                                       | 336, 1447                                |                    |
| 1944-S   | 508                                    | 581              | 820                                | 821                                   | 453, 821, 1076, 1154, 1222(P)            | C255               |
| 1952-S   | 457                                    |                  |                                    |                                       | 433, 1447                                |                    |
| 1953     | 544                                    | 650              |                                    |                                       | 504, 1447                                |                    |
| 1958     | 1079, 1484, 1506                       |                  |                                    |                                       | 1074, 1079, 1447, 1478, 1500, 1503, 1531 |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|------------------------------------------|--------------------|
| 1959     | 367                                    | 563              | 887                                | 887                                   | 336, 1078, 1081(P)                       | C119               |
| 1965     | 402                                    | 581              | 689                                | 693                                   | 362, 693, 1154, 1287, 1305(P)            | C174               |
| 1966-S   | 437                                    |                  |                                    |                                       | 412, 1447                                |                    |
| 1967     | 549                                    | 667              |                                    |                                       | 541, 1447                                |                    |
| 1980-S2  | 544                                    | 560              |                                    |                                       | 504, 1447                                |                    |
| 1983     | 402                                    | 667              | 747, 748                           | 748                                   | 362, 748, 1076, 1154, 1222(P)            | C278               |
| 1988-S   | 415                                    | 560, 667         | 832                                | 835                                   | 399, 560, 835, 1076, 1154, 1222(P)       | C279               |
| 1991     | 544                                    | 650              |                                    |                                       | 504, 1447                                |                    |
| 2003     | 544                                    | 701              | 857, 858                           | 858                                   | 539, 858, 1076, 1154, 1222(P)            | C151               |
| 2005     | 457                                    | 650, 697         | 994                                | 996                                   | 432, 651, 996, 1126, 1281, 1283(P)       | C209               |
| 2006-S   | 544                                    | 668              |                                    |                                       | 504, 1447                                |                    |
| 2007     | 415                                    | 668, 716         |                                    |                                       | 399, 1447                                |                    |
| 2008     | 549                                    |                  |                                    |                                       | 541, 1447                                |                    |
| 2009-S2  | 457                                    | 668              |                                    |                                       | 432, 1447                                |                    |
| 2010-S   | 508                                    | 668, 716         | 819                                | 820                                   | 504, 669, 820, 1076, 1154, 1222(P)       | C280               |
| 2016-S   | 402                                    | 568              |                                    |                                       | 362, 1447                                |                    |
| 2021-S   | 544                                    |                  |                                    |                                       | 504, 1447                                |                    |
| 2023-S   | 544                                    | 668, 716         | 1004, 1005                         | 1005                                  | 539, 669, 1005, 1447                     |                    |
| 2029-S   | 544                                    |                  |                                    |                                       | 539, 1447                                |                    |
| 2037-S   | 544                                    | 668              | 973                                | 973                                   | 504, 1078, 1081(P)                       | C175               |
| 2038     | 402                                    | 581              | 993                                | 993                                   | 362, 1078, 1081(P)                       | C210               |
| 2052     | 508                                    | 668              | 823                                | 823                                   | 452, 955, 973(P)                         | C211               |
| 2057-S   | 508                                    | 560              |                                    |                                       | 504, 1447                                |                    |
| 2058-S   | 545                                    | 679              | 738                                | 738                                   | 504, 888, 896(P)                         | C152               |
| 2064     | 403                                    | 581              | 970                                | 971                                   | 362, 1078, 1081(P)                       | C153               |
| 2066     | 549                                    |                  |                                    |                                       | 539, 1447                                |                    |
| 2073     | 437                                    | 574              | 675                                | 675                                   | 406, 816, 817(P)                         | C256               |
| 2087     | 367                                    | 581              |                                    |                                       | 336, 1447                                |                    |
| 2095     | 508                                    |                  |                                    |                                       | 504, 1447                                |                    |
| 2097     | 403                                    |                  |                                    |                                       | 362, 1447                                |                    |
| 2106     |                                        |                  | 371                                |                                       |                                          | C7                 |
| 2106-S   | 288                                    | 336              | 370                                | 372                                   | 287, 288, 312, 372, 583(P), 583          | C7                 |
| 2107     | 437, 1508                              | 652, 697         |                                    |                                       | 406, 1447, 1507, 1531                    |                    |
| 2114-S   | 508, 1506                              | 668              |                                    |                                       | 504, 1447, 1503, 1531                    |                    |
| 2121-S   | 457                                    | 574, 717         |                                    |                                       | 433, 1447                                |                    |
| 2126-S   | 508                                    | 668, 717         | 971                                | 972                                   | 504, 972, 1126, 1281, 1283(P)            | C257               |
| 2138-S   | 889                                    |                  | 1006                               | 1006                                  | 843, 991, 1078, 1081(P)                  | C176               |
| 2143-S2  | 889, 1484, 1506                        | 1372             |                                    |                                       | 843, 1447, 1478, 1500, 1503, 1531        |                    |
| 2163     | 1612                                   |                  | 1648                               | 1649                                  | 1611, 1612, 1657(P), 1657                | C 28 L 17 E3       |
| 2182-S   | 1076                                   |                  |                                    |                                       | 1026, 1447                               |                    |
| 2190     | 1597                                   |                  | 1647                               | 1647                                  | 1597, 1657(P), 1657,                     | C 29 L 17 E3       |
| 2200-S   | 1372, 1484, 1506                       |                  |                                    |                                       | 1281, 1373, 1447, 1478, 1500, 1503, 1531 |                    |
| 2201     | 1079, 1506                             |                  |                                    |                                       | 1074, 1079, 1447, 1503, 1531             |                    |

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|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------------|--------------------|
| 2202-S   | 1281                                   |                  | 1286                               | 1286                                  | 1154, 1286, 1377, 1390(P)             | C309               |
| 2213     | 1506                                   |                  | 1519                               | 1519                                  | 1503, 1506, 1516, 1527(P), 1527       | C 1 L 17 E2        |
| 2222-S   | 1546                                   | 1597             | 1612                               | 1612                                  | 1543, 1546, 1590, 1645, 1649, 1650(P) | C 30 L 17 E3       |
| 2224-S   | 1546                                   |                  | 1650                               | 1650                                  | 1543, 1546, 1657(P), 1657             | C 31 L 17 E3       |
| 2242     | 1612                                   |                  | 1643, 1644                         | 1644                                  | 1611, 1646, 1647(P)                   | C 13 L 17 E3       |
| 2243     | 1654                                   |                  | 1656                               | 1656                                  | 1654, 1657(P), 1657,                  | C 32 L 17 E3       |

## HISTORY OF HOUSE JOINT MEMORIALS

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------|
| 4002     | 403                                    |                  |                                    |                                       | 362, 1447    |
| 4008-S   | 403                                    | 547              |                                    |                                       | 362, 1447    |
| 4010     | 545                                    | 581              |                                    |                                       | 504, 1447    |
| 4011     | 508                                    | 668              |                                    |                                       | 452, 1447    |

## HISTORY OF HOUSE JOINT RESOLUTIONS

| Bill No.                                 | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action |
|------------------------------------------|----------------------------------------|------------------|------------------------------------|---------------------------------------|--------------|
| House Joint Resolutions – None received. |                                        |                  |                                    |                                       |              |

## HISTORY OF HOUSE CONCURRENT RESOLUTIONS

| Bill No. | Introduction & 1 <sup>st</sup> Reading | Committee Report | 2 <sup>nd</sup> Reading Amendments | 3 <sup>rd</sup> Reading Final Passage | Other Action                    |
|----------|----------------------------------------|------------------|------------------------------------|---------------------------------------|---------------------------------|
| 4400     | 194, 1660                              | 669              |                                    |                                       | 192, 1447, 1590, 1677           |
| 4401     | 14                                     |                  | 14                                 |                                       | 12, 15, 45, 74                  |
| 4402     | 549                                    | 669              |                                    |                                       | 539, 1447                       |
| 4403     | 1444                                   |                  | 1445                               |                                       | 1444, 1445, 1445(P), 1445, 1445 |
| 4404     | 1444                                   |                  | 1445                               |                                       | 1444, 1445, 1445(P), 1445, 1445 |
| 4405     | 1499                                   |                  | 1499                               |                                       | 1499, 1500, 1500, 1501(P),      |
| 4406     | 1499                                   |                  | 1500                               |                                       | 1499, 1500, 1500, 1501(P),      |
| 4407     | 1530                                   |                  | 1531                               |                                       | 1530, 1531, 1532(P), 1532,      |
| 4408     | 1531                                   |                  | 1531                               |                                       | 1530, 1531, 1532(P), 1532,      |
| 4409     | 1676                                   |                  | 1676                               |                                       | 1676, 1677(P), 1677,            |
| 4410     | 1676                                   |                  | 1677                               |                                       | 1676, 1677(P), 1677, 1677,      |

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| Dugan, Reverend Stuart, Lacey Presbyterian Church.....                            | 336                |
| Dumont, Father Photios, St. Demetrios Greek Orthodox Church, Seattle .....        | 176                |
| Dunfee, Mr. Scott, Captain, Deputy Region Chaplain of Navy Region Northwest ..... | 746                |
| Engdahl, Ms. Tanna, Cowlitz Tribe Spiritual Leader.....                           | 1                  |
| Franklin, Mr. Dave, Lieutenant Colonel, Pacific Region Chaplain Corps.....        | 1026               |
| Goldstein, Rabbi Seth, Temple Beth Hatfiloh, Olympia .....                        | 175                |
| Greene, Reverend Dr. Martha, Westminster Presbyterian Church, Olympia.....        | 1078               |
| Holtz, Reverend Ross, Summit Church, Enumclaw .....                               | 888                |
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| Johnson, Reverend Tony, Tacoma First Nazarene Church, Tacoma .....                | 1129               |
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| Senator Warnick .....                                                             | 843                |
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| Wiegman, Reverend Dr. Eugene .....                                                | 699                |
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| Guintoll, Mr. Bruce.....                                                                   | 718   |
| Hallmark, Mr. Tyler, Personnel Specialist.....                                             | 746   |
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| Horn, Miss Nina.....                                                                       | 282   |
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| Korve, Miss Terra.....                                                                     | 432   |
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| Masters, Mr. Garrett, Hospital Corpsman.....                                               | 746   |
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| Tobol, Mr. Brandon, Trooper.....                                                           | 40    |
| Tou, Mr. Gary.....                                                                         | 452   |
| Tri, Mr. Greg, Sergeant.....                                                               | 1, 40 |
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 School district bonds and payment levies, requiring simple majority to authorize: SB 5076, SJR 8202  
 State bond proceeds, state employee compensation using, prohibiting: SB 5999, SB 6123

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 Balanced budget, four-year, operating, constitutional amendment to require: SJR 8208  
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 Capital, 2017-2019 and supplemental 2015-2017: SB 5086  
 Capital, 2017-2019 new appropriations and expenditures: SB 5981  
 Capital, appropriations, buildings funded by, plaque requirement: ESHB 1289  
 Capital, general obligation bonds for projects: SB 5090, SB 6089, SB 6094  
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 Operating, general obligation bonds for projects: SB 5090, SB 6089, SB 6094  
 Operating, omnibus appropriations act, certificated instructional staff salary model: SB 5297  
 Operating, omnibus appropriations act, to include tax expenditure budget: SB 5513  
 Operating, recreational access fee systems, state parks proviso on: SB 6128  
 Operating, supplemental, 2017: SB 5047  
 Operating, supplemental, 2017-2019: SB 6032

Revenue, extensive changes to ensure sufficient: \***EBH 2163, CH 28 (2017)**  
 Transportation, 2017-2019 and supplemental 2015-2017: \***ESB 5096, CH 313 (2017) PV**  
 Transportation, supplemental 2015-2017: SB 5095  
 Transportation, supplemental 2017-2019: SB 6106

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Council members, provisions concerning: SB 5412, SB 5500  
 Council, administration and operations of, legislative task force on, establishing: SB 5412  
 Cross-laminated timber products, in building construction, council rule making: SB 5450  
 Electric vehicle charging capability, at certain developments, council role: SB 6080  
 Energy codes, adoption, amendment, implementation, procedures for: SB 5412, SB 5500  
 Enterprise services, department of, expanding role in council operations: SB 5412, SB 5500  
 Parking spaces, for persons with disabilities, van accessible, council rule making: \***HB 1262, CH 132 (2017)**  
 Renewable energy systems, encouraging and studying, council role: SB 6081  
 Rule adoption and procedures, provisions: SB 5412, SB 5500  
 Wildland urban interface code, international, council amendments to: SB 6109

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 Building permits, local governments issuing, subcontractor information reporting: SB 5929  
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 Electric vehicle charging capability, at certain developments: SB 6080  
 Energy codes, adoption, amendment, implementation, procedures for: SB 5412, SB 5500  
 Fire safety requirements, rental property or condominiums, compliance certification: SB 5082  
 Parking spaces, for persons with disabilities, access aisle requirements: \***HB 1262, CH 132 (2017)**  
 Water supply, permit-exempt groundwater withdrawals, county mitigation programs: SB 5024  
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Cross-laminated timber, for new public buildings, requiring, when: SB 5379  
 Facilities and real estate, colocating and consolidating in same geographic area: HB 1828, SB 5089

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Limited cooperative associations, comprehensive provisions: SB 6038  
 Limited liability entities, recoverable taxes, collection, when: SB 5112  
 Transfers and obligations, incurred by debtor, uniform voidable transactions act: \***SB 5085, CH 57 (2017)**  
 Uniform business organizations code, domestic and foreign entities, revisions: \***SB 5040, CH 31 (2017)**  
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Accounts receivable, forbearances concerning, interest accrual, when: SB 5456  
 Biometric identifiers, enrolling in a database, requirements and prohibitions: \***ESHB 1493, CH 299 (2017)**  
 Cars, rental agencies, liability for negligent entrustment: SB 5944  
 Cars, rental agencies, sales tax revenue for tourism marketing: SB 5251  
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Consumer reporting agencies, data breaches and security freezes: SB 6014  
 Consumer reporting agencies, fee for security freezes, prohibiting: SB 6018  
 Contracts, business equipment leasing, automatic renewal or extension: SB 5507  
 Credit reports, consumer security freeze when data breached: SB 6014  
 Credit reports, consumer security freezes, prohibiting fee for: SB 6018  
 Currency exchanges, regulation of: SHB 1045, SB 5031  
 Economic disruption, intent to cause, special allegation of, when: SB 5009  
 Electrolytic processing, electricity sales to, public utility tax exemption, extending: SB 5332, SB 6007  
 Employer services/organizations, professional, B&O tax deduction, repealing: SB 5821  
 Employment agencies or directories, revising and repealing regulatory provisions: SB 5045  
 Equipment, business, contracts for leasing, automatic renewal or extension: SB 5507  
 Farmers markets, alcoholic beverage sales at, various: SB 6122  
 Goods and services provided, forbearances concerning, interest accrual, when: SB 5456  
 Grocery stores, retail liquor license endorsement for beer and wine tastings, when: SB 5164, SB 5925, SB 5927, SB 6000  
 Grocery stores, retail liquor license, transition to combination spirits, beer, wine: **\*E2SHB 1351, CH 96 (2017)**, SB 5194  
 Investment management services, international, preferential B&O rate, eliminating: SB 5929  
 Licenses, application handling fee, increasing: SB 5112  
 Licenses, municipal general business licenses, requirements: **\*EHB 2005, CH 209 (2017)**, SB 5777  
 Licensing service, city-DOR partnering for general business licenses: **\*EHB 2005, CH 209 (2017)**, SB 5777  
 Licensing service, information commercial purposes disclosure, prohibiting: SB 5358  
 Marijuana, businesses, additional licensing fee: EHB 1858, **\*SB 5130, CH 316 (2017)**  
 Marijuana, businesses, business and nonprofit entity interest holders' residency: SB 5102, SB 5284  
 Marijuana, businesses, financial institution services for, authorizing: SB 5928  
 Marijuana, businesses, general licensing process: EHB 1857, SB 5131  
 Marijuana, businesses, licensing agreements and consulting contracts with entities: SB 5101  
 Marijuana, businesses, liquor enforcement officer powers pertaining to: SB 5132  
 Marijuana, businesses, paying with or accepting virtual currency, prohibiting: SB 5264  
 Marijuana, businesses, production and processing standards for licensees: SB 5323  
 Marijuana, businesses, robbery of, as special allegation for robbery: SB 5284  
 Marijuana, businesses, signage and advertising: SB 5284  
 Marijuana, businesses, targeting children, youth, and young adults, prohibiting: SB 5284  
 Marijuana, businesses, various licensing provisions: EHB 1857, SB 5131, SB 5284  
 Marijuana, producers, sales for cannabis health and beauty aid production: SB 5698  
 Marijuana, producers, sales to qualifying patients and providers: SHB 2021, SB 5606, SB 5933  
 Marijuana, retail licenses, forfeiture for failing to use by deadline: SHB 1126  
 Marijuana, retail outlets, local governments prohibiting within alcohol impact area: SB 5282  
 Marijuana, retail outlets, lockable drug box, donating: **\*HB 1250, CH 131 (2017)**  
 Marijuana, retailers and co-owners, limiting aggregate licenses per business: HB 1125  
 Marijuana, transfer of immature plants between producers and researchers: SB 5451  
 Marketplace facilitators, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
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 Money transmitters, regulation of: SHB 1045, SB 5031  
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 Restaurants, flavor-imparting cooking products, extending sales/use tax exemption: SB 5799  
 Restaurants, private label spirits sales by: SB 5145, SB 5589, SB 5953  
 Restaurants, sales tax revenue for tourism marketing: SB 5251  
 Retailers, private label credit accounts, unpaid balances, sales tax credit or refund: SB 5910  
 Secondhand dealers, electronic products, purchasing via automated kiosk: **\*HB 1623, CH 169 (2017)**  
 Service contract providers, coverage options and net worth or stockholder's equity: SB 6042  
 Signature gatherers, entities that compensate, disclosure requirements: SB 5397

Small businesses, excise tax filing threshold, modifying: ESB 5113  
 Small businesses, impact of agency rules on, regulatory fairness measures: \***2SHB 1120, CH 53 (2017)**  
 Small businesses, main street program tax credits and program participation of: SB 5135  
 Small businesses, retirement marketplace investment options, review of: SHB 1966, SB 5675  
 Small businesses, small business tax credit, increasing: ESB 5113, SB 5127  
 Small businesses, small business tax credit, repealing: SB 5929  
 Small, rights and protections when agency enforcement action: \***HB 1352, CH 243 (2017)**, SB 5230  
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 Taverns, beer and wine retail license, caterer's endorsement for events: \***SHB 1902, CH 252 (2017)**, SB 5927  
 Taxes, remitting by business of, officer/individual recoverable tax liability for: SB 5929  
 Theaters, beer and wine theater license, removing screens limit for: SB 5229, SB 5925, SB 5926, SB 5927  
 Theaters, spirits, beer, and wine theater license, removing certain limits: SB 5161, SB 5925, SB 5927  
 Transfers and obligations, incurred by debtor, uniform voidable transactions act: \***SB 5085, CH 57 (2017)**  
 Transportation network companies, regulating of: SB 5620, SB 6043  
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 Capitol campus design advisory committee, appointment of members, modifying: SB 5922  
 Enterprise services, department of, director to be appointed by new committee: SB 5922  
 Parking, rules, infractions, and adjudication: SB 5672  
 State capital historical museum, former, name to revert to historic Lord mansion: \***HB 1853, CH 117 (2017)**, SB 5660  
 State capitol committee, new committee to approve certain campus actions of: SB 5922  
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 State capitol group campus, definition and new committee's authority concerning: SB 5922

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 Child abuse or neglect, screened-in reports of, council forecasting of: EHB 2008  
 Child protective services, forecasting and budgeting, council role, when: EHB 2008  
 Children, core state services for, forecasting and budgeting, council role, when: EHB 2008  
 Evergreen investment scholarship program, caseload forecast, council role: SB 6101  
 Foster care services, forecasting and budgeting, council role, when: EHB 2008  
 Foster youth behavioral rehabilitation services, forecasting, council role: SB 6013  
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 Health care claims database, statewide all-payer, procurement for, office role: SB 5197  
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Background checks, on child care workers, access to various records for: SB 5246  
 Behavioral concerns, child care consultation program, DEL role: \***E2SHB 1713, CH 202 (2017)**, SB 5763  
 Child care subsidy, seeking child support enforcement as requirement for: SB 5901  
 Early childhood education and assistance program, eligibility of 3-year-olds: SB 5901

Outdoor nature-based child care programs pilot project: SB 5357  
 Pesticides, aerial application near day care center, notice requirements: SB 6063  
 Providers, family child care, collective bargaining unit representative elections: SB 5551  
 Providers, family child care, requiring union membership/dues payment, prohibiting: SB 5692  
 Working connections child care, baccalaureate program students, eligibility, when: SB 5742  
 Working connections child care, child support enforcement as subsidy requirement: SB 5901  
 Working connections child care, for child protective or welfare services recipients: \***SHB 1624, CH 9 (2017)**  
 Working connections child care, pathway for funding from community sources: SB 5107  
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Abuse or neglect, family assessment response, provisions: SHB 1825  
 Abuse or neglect, mandated reporter requirements, DSHS poster displaying: \***HB 1931, CH 118 (2017)**  
 Abuse or neglect, records of, access for child care worker background checks: SB 5246  
 Abuse or neglect, screened-in reports of, caseload forecasting of: EHB 2008  
 Academic, innovation, and mentoring (AIM) program, Washington: SB 5258  
 Access to children, unsupervised, persons with, background checks: \***EHB 1620, CH 332 (2017)**, SB 5399  
 Car seat, harness, and safety belt restraint systems, age-based requirements for: EHB 1188  
 Child protective services, forecasting and budgeting, when: EHB 2008  
 Child protective services, unaccompanied homeless children, returning: SB 5656, SB 5864  
 Child welfare services, child welfare system improvement account, creating: SB 5890  
 Child welfare services, foster care youth getting driver's license and insurance: \***ESHB 1808, CH 206 (2017)**, SB 5663  
 Child welfare services, records, when youth in crisis residential or HOPE centers: \***SHB 1816, CH 277 (2017)**  
 Child welfare system, girls dually involved in juvenile justice and, studying: SB 5831  
 Children's oversight committee, legislative, repealing, transfer of duties: \***2E2SHB 1661, CH 6 (2017)**  
 Children, youth, and families, department of, creating: \***2E2SHB 1661, CH 6 (2017)**, SB 5498  
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 Children, youth, and families, department of, oversight board for, establishing: \***2E2SHB 1661, CH 6 (2017)**  
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 Depictions of minors, sexually explicit, possessing or bringing into state: \***SB 5813, CH 126 (2017)**  
 Depression screening, for children of certain ages, through medicaid: \***E2SHB 1713, CH 202 (2017)**, SB 5763  
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 Homeless youth prevention and protection programs, office of, duties and role of: SB 5656, SB 5864  
 Homeless youth, ending in Washington, comprehensive provisions: SB 5656, SB 5864  
 Homeless youth, health care informed consent from school personnel: \***SHB 1641, CH 275 (2017)**  
 Homeless youth, runaway and abandoned, database of, developing: SB 5864  
 Homeless, 13 or older, personally identifying information, consent for collecting of: HB 1630, SB 5608, SB 5625  
 Infants, healthy pregnancy advisory committee, establishing: SB 5299, SB 5835  
 Mental health work group, children's, recommendations of, implementing: \***E2SHB 1713, CH 202 (2017)**, \***E2SHB 1819, CH 207 (2017)**, SB 5749, SB 5763  
 Missing child, failure of parent, guardian, or caregiver to report, misdemeanor: SB 5656, SB 5864  
 Neglect, to include when child is runaway or unaccompanied homeless child: SB 5656, SB 5864  
 Newborns, safe surrender at health care facilities, information concerning: SB 5522  
 Opportunities, educational/employment, association of Washington generals role: SB 5746



Parentage act, uniform, concerning parentage and surrogacy agreements: SB 6037  
 Paternity, genetic testing for, termination of legal responsibilities due to, when: SB 5461  
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 Safety belts or child restraint systems, age-based requirements for: EHB 1188  
 Sexual exploitation of children, special inquiry judge subpoena authority: \*EHB 1728, CH 114 (2017)  
 Social services, DSHS, documentation/paperwork requirements, review of: \*E2SHB 1819, CH 207 (2017)  
 Visitation, by relatives, petitioning the court: SB 5598  
 Vulnerable youth guardianships, for immigrants, establishment by court, when: \*SHB 1988, CH 279 (2017), SB 5559  
 Vulnerable youth guardianships, for immigrants, trafficking task force role: \*SHB 1988, CH 279 (2017)

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Annexation, of unincorporated urban growth areas, measures to encourage: SB 5215  
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 Business licenses, municipal general, business licensing service use for: \*EHB 2005, CH 209 (2017), SB 5777  
 Business licenses, municipal general, model ordinance development committee: \*EHB 2005, CH 209 (2017), SB 5777  
 Commercial office space, development tax exemption incentives, role of cities: E2SHB 1495  
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 Telecommunications, small cell facilities and networks, installation, rights-of-way: SB 5711  
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**CITIES, WASHINGTON ASSOCIATION OF**

General business licenses, model ordinance development committee, AWC role: \*EHB 2005, CH 209 (2017), SB 5777

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Commission, renaming by replacing "preferences" with "expenditures": SB 5513  
 Preferences, commission review process, JLARC role: SB 5847  
 Preferences, various, commission 2016 recommendations and review process: SB 5844  
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Low-income/indigent persons, roles of office and oversight committee: SB 6041

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 Real property, damage due to work on adjacent property, civil actions for: SB 5080  
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Baseline federal standards, rules to be as stringent as, role of authorities: SB 6083  
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Climate change data, protecting against federal censorship: SB 6104  
 Climate impacts group at U of W, certain ecology consultation with, repealing: SB 5172  
 Climate protection and clean energy jobs act, carbon pollution tax: SB 6096

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Initiatives, comprehensive review before filing, code reviser's office role: SB 5386  
 Legal material in official electronic records, preservation and authentication: \*SB 5039, CH 106 (2017)

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Agreements, establishing prevailing rate of wage through: HB 1674, SB 5493  
 Agreements, mandatory provision of school/ESD benefits through PEBB: SB 5726  
 Agreements, state, posting for public inspection on OFM web site: \*SB 5969, CH 23 (2017)  
 Bargaining unit representatives, for certain public assistance providers, elections: SB 5551  
 Bargaining unit representatives, higher education and common schools, elections: SB 5551  
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 Community and technical college employees, compensation: EHB 1237, SB 5993  
 Definition, for public employee bargaining with public employer: SB 5865  
 Employers, public, administrative costs of, covering with union dues, when: SB 5914  
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 Ferry employees, bargaining agreements, unused vacation leave accrual: \*HB 1530, CH 168 (2017), SB 5390  
 Labor organizations, bargaining with governor, campaign contributions: SB 5533  
 Labor organizations, bargaining with local agency, campaign contributions: SB 5865  
 Labor organizations, dues/other amounts, covering public employer costs, when: SB 5914  
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 School districts and ESD's, agreements to provide benefits through PEBB: SB 5726  
 School districts, bargaining and salaries, modifications: \*EHB 2242, CH 13 (2017) PV  
 Union security provisions, prohibiting, exceptions: SB 5692

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Committee on advanced tuition payment and college savings, membership: SB 5967

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Advanced placement (AP) tests, credit policy for: ESHB 1333, **\*ESB 5234, CH 179 (2017)**  
 Art, appropriations to higher education for, use of: SB 6064  
 Assessments, college readiness, as high school assessments for graduation: SB 5202  
 Athletic departments, senate committee budget approval due to deficits: SB 5109  
 Bill of rights, academic, concerning free speech and expression: SB 5832  
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 Branch campuses, "branch" as identifying term, eliminating: **\*HB 1107, CH 52 (2017)**  
 Campus antiharassment act, within new "academic bill of rights": SB 5832  
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 Central Washington U., traffic safety instructors, consulting with DOL: **\*ESHB 1481, CH 197 (2017)**  
 College savings program, Washington, transfer of tuition units to, when: SB 5923, SB 6087  
 Course materials, open educational resources grant pilot program: E2SHB 1561  
 Disabilities, higher education transfer students with, work group on, reauthorizing: **\*SHB 2037, CH 175 (2017)**  
 Employees, collective bargaining unit representative elections: SB 5551  
 Employees, requiring union membership or dues/fees payment, prohibiting: SB 5692  
 Evergreen State College, The, transitioning to private college: SB 5946  
 Facilities, various, leasehold excise tax exemption: SB 5677  
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 Financial aid, college bound scholarship program, pledge options: SHB 1293, E2SHB 1512  
 Financial aid, college bound scholarship, aligning eligibility with state need grant: E2SHB 1512, SB 5074  
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 Financial aid, education loan debt counseling services, providing: 2SHB 1169  
 Financial aid, education loan debt, opportunity, assistance, and relief for: 2SHB 1169  
 Financial aid, evergreen investment scholarship program, establishing: SB 6101  
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 Financial aid, legislative page scholarship program, establishing: ESHB 1194  
 Financial aid, loan debt information for students, when: SB 5017, SB 5022  
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 Financial aid, loan servicers and ombuds, student education loan bill of rights: E2SHB 1440, SB 5210  
 Financial aid, pathways scholarship account, for professional-technical programs: HB 1452, SB 5361  
 Financial aid, state need grant, award criteria and disbursement methods: SB 5820  
 Financial aid, state need grant, eligibility, minimum GPA requirement for: SB 5820  
 Financial aid, state need grant, expanding eligibility: SB 5476  
 Financial aid, state need grant, funding via repeal of certain tax preferences: SB 5821  
 Financial aid, third-party student loan modification: E2SHB 1440, SB 5210, SB 6029  
 Financial aid, via bilingual educator initiative for bilingual students: SB 5712  
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 Food services, leasehold excise tax exemption: EHB 1913, SB 5677  
 Forest reserve lands for community and technical colleges, exchanges/transfers: **\*SB 5924, CH 35 (2017) PV**  
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 Paraeducators, associate of arts degree and apprenticeship standards: **\*ESHB 1115, CH 237 (2017) PV**, SB 5070  
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 Sexual violence, campus, student offenders, notation on records of: SB 5764  
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 Sexual violence, campus, task force on preventing, recommendations of: SB 5764  
 STEM fields, increasing higher education enrollments to meet workforce needs: SB 5902  
 Students, "resident student," spouse/child of uniformed services member as, when: **\*SB 5778, CH 191 (2017)**  
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Students, working connections child care work requirement exemption: SB 6100  
 Textbooks, cost of, in course descriptions for registration or via link: \***E2SHB 1375, CH 98 (2017)**  
 Transportation, electric vehicles, requirements for institutions: SB 6098  
 Trigger warnings, using at faculty or staff discretion: SB 5832  
 Tuition and fees, transfer of certain units to college savings program: SB 5923, SB 6087  
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 Tuition/fees, waiver, veteran/national guard, to include domestic support personnel: \***SB 5826, CH 127 (2017)**  
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 School counselors, psychologists, and social workers, task force on, convening: SHB 1377  
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Background checks of county employees and certain others, by ordinance, when: **\*EHB 1620, CH 332 (2017)**, SB 5399  
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 Clark, elder justice center demonstration program, Clark county center expansion: SB 5349  
 Commissioners, county employee recognition awards, board role: SB 6088  
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 Coroners and medical examiners, case management system for, funding of: **\*HB 1794, CH 146 (2017)**, SB 5612  
 Cowlitz, adding to farm internship pilot project: **\*HB 1906, CH 150 (2017)**

Criminal justice purposes, property tax levies for, authority of all counties for: SHB 2006  
 Eastern Washington county consortium, juvenile correctional facility operation by: **\*HB 1983, CH 278 (2017)**  
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 Guardians ad litem, volunteer, for a child, removal by court, when: **\*HB 1401, CH 99 (2017)**  
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 Juvenile treatment courts, establishing: SB 5695  
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Distributors of spirits and/or wine, fee when certain retailers use credit card: SHB 1893

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Abuse or neglect of children, screened-in reports of, caseload forecasting of: EHB 2008

Ammunition, large capacity magazines, prohibitions and penalties: SB 5050, SB 5444, SB 6049

Animal abuse offenses, offender registry, requirements: SB 5804

Animals, cruelty in first degree, involving sexual conduct or contact: SB 6076

Assault of a child, domestic violence involved, offender scoring points: \***E2SHB 1163, CH 272 (2017)**, SB 5904

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Assault, of a utility employee, as aggravating circumstance, when: HB 1859

Assault, second degree, persistent offender sentencing based on, resentencing: SB 5287

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Dogs, unlawful tethering and inhumane treatment: SB 5356, SB 5424

Driving under the influence, provisions: \***E2SHB 1614, CH 336 (2017)**, \***SB 5037, CH 335 (2017) PV**, SB 5904

Economic disruption, intent to cause, criminal offense special allegation of: SB 5009

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Entry, unlawful, trespasser removal and wrongfully removed persons: SB 5388

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Food stamp fraud, as theft in first or second degree, statute of limitations: SB 6138

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Horses, police, harming, class B felony, when: SB 5771

Human trafficking, convictions for prostitution offenses by victims, vacating: SB 5272

Human trafficking, definitions and statute of limitations: EHB 1078, \***SB 5030, CH 231 (2017)**

Human trafficking, no-contact orders: \***SHB 1079, CH 230 (2017)**, SB 5029

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Human trafficking, noncitizen victims and family members, public assistance for: SB 5818

Human trafficking, perpetrator ignorance of victim's age, not a defense: \***SB 5813, CH 126 (2017)**

Identity, concealing with mask, hood, or device, gross misdemeanor, exceptions: SB 5941

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Marijuana business, robbery of, as special allegation for robbery: SB 5284

Marijuana, possession, misdemeanor, repealing: SB 5904

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Mistreatment, criminal, domestic violence involved, offender scoring points: \***E2SHB 1163, CH 272 (2017)**, SB 5904  
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 Physical control of vehicle under the influence, provisions: \***E2SHB 1614, CH 336 (2017)**, \***SB 5037, CH 335 (2017)**  
**PV**, SB 5904  
 Police vehicle, attempting to elude, "pursuing police vehicle" definition: HB 1844  
 Property, crimes against, habitual property offender special allegation: SB 5703, SB 5904, SB 5934  
 Reckless endangerment of work zone workers, by driver, gross misdemeanor: HB 2087, SB 5841  
 Robbery, first or second degree, robbery of marijuana business special allegation: SB 5284  
 Robbery, second degree, persistent offender sentencing based on, resentencing: SB 5287  
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 Theft or taking of motor vehicle, community custody pilot program for: SB 5539, SB 5904, SB 5934  
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 U.S. citizen or lawful resident alien, unlawful investigation or detainment of, felony: SB 5176  
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 Vulnerable adult, criminal mistreatment of, provisions: \***ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904  
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 Vulnerable adults, abuse, neglect, or financial exploitation of, willful: SB 6111  
 Vulnerable adults, crimes against, elder justice center demonstration programs: SB 5349  
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#### **CRIMINAL JUSTICE TRAINING COMMISSION**

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 Hiring and continuing employment, lawful permanent residents, eligibility of: HB 1182, SB 5389  
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#### **CRIMINAL OFFENDERS (See also BAIL AND BAIL BONDS; CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL PROCEDURE; IDENTITY; MENTAL HEALTH; ORDERS OF COURT; SENTENCING; SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)**

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 Behavioral health treatment, diversion center pilot project for: SB 6060  
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 Community review board, creating to review offenders for early release: SB 5600

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 Early release and community custody, positive achievement time: SB 5904, SB 5934  
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 Incarcerated adults, associate degree education for, when: SHB 1129, SB 5069  
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 Arrest warrant, person with, on public agency property, employee requirements: SB 5218  
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 Domestic violence assault, arresting 16- and 17-year-olds: SB 5618  
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 Fines, for certain crimes committed by corporations, limits for: HB 1806  
 Fingerprints, law enforcement agency collection, "biometric identifier" exclusion: \***HB 2213, CH 1 (2017)**  
 Forfeiture of assets, under controlled substances act, burden of proof: SB 5044  
 Forfeiture of assets, under controlled substances act, seizing-agency records: SB 5255  
 Home detention, pretrial, requirements and conditions: SB 5987  
 Human trafficking, perpetrator ignorance of victim's age, not a defense: \***SB 5813, CH 126 (2017)**  
 Indigency, court imposition of costs on indigent defendant, prohibiting: E2SHB 1783  
 Indigency, determinations, indigent or indigent and able to contribute: SB 5376  
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Court interpreters for persons with hearing impairment, oath requirements: **\*HB 1285, CH 83 (2017)**  
 Dog guides or service animals, trained or in training, interfering with, crimes: **\*HB 1676, CH 170 (2017)**  
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 Indian tribes, dental health aide therapist services: SHB 1414, SB 5079, SB 5224  
 Insurance, dental only plans, carrier benefits explanations, work group on: ESHB 1316  
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 Managed care dental program, statewide prepaid, establishing: SB 5604  
 Opioid drugs, best practices for prescribing, practitioner continuing education: ESHB 1339  
 Opioid drugs, practitioner restrictions and requirements when prescribing: SB 6050  
 Oral health connections medicaid pilot program, for diabetics and pregnant women: SB 5540  
 Practices, permissible role of corporations or other entities or persons in: SB 5158  
 Suicide prevention, dental students and dentists, training curriculum for: **\*E2SHB 1612, CH 262 (2017) PV**

**DEVELOPMENTAL DISABILITIES OMBUDS, OFFICE OF**

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**DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH (See also DEVELOPMENTAL DISABILITIES OMBUDS, OFFICE OF)**

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 Community access and employment services, access to, requirements: SB 5201  
 Community residential services, direct care staff hours, Snohomish county rate: SB 5014  
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 Educational entities, employees and volunteers, background checks, when: SB 5605  
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 Endangerment of dependent person with controlled substance: SB 5988  
 Long-term care, providers, collective bargaining unit representative elections: SB 5551  
 Personal care services, by family member, consumer-directed medicaid program: **\*2ESB 5867, CH 34 (2017)**  
 Personal care services, in-home by family member, payment when tribal client: **\*2ESB 5867, CH 34 (2017)**  
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 Residential habilitation centers, Yakima Valley School, requirements: \***ESB 5646, CH 19 (2017)**, SB 5887  
 Respite care services, certain providers of, training requirements for: \***EHB 1322, CH 267 (2017)**, SB 5360  
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Diking improvement districts, in Snohomish county, certain fees, exemption: SB 5524

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 Assistive devices, accessible taxicab HOV lane use: SB 5018  
 Court interpreters for persons with hearing or speech impairment, oath requirements: \***HB 1285, CH 83 (2017)**  
 Dog guides or service animals, trained or in training, interfering with, crimes: \***HB 1676, CH 170 (2017)**  
 Emergencies, person with disability at scene, responder training and 911 service: \***SHB 1258, CH 295 (2017)**  
 Endangerment of dependent person with controlled substance: SB 5988  
 Highway workers, spouse and children college tuition/fees exemption, when: SB 5575  
 Long-term care, providers, collective bargaining unit representative elections: SB 5551  
 Opportunities, educational/employment, association of Washington generals role: SB 5746  
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 Pregnancy disability, state employee shared leave program to include: SHB 1434, SB 5295  
 Providers, long-term care, requiring union membership/dues payment, prohibiting: SB 5692  
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 Students with disabilities, higher education transfer, work group on, reauthorizing: \***SHB 2037, CH 175 (2017)**  
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 Veterans with disabilities, adapted housing, certain tax preferences for: \***SHB 2138, CH 176 (2017)**  
 Veterans with disabilities, nonservice-connected, U.S.-facility treatment: SB 6023  
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#### **DISCOVER PASS**

Access pass, in lieu of discover pass, for veteran's disability pass holders: SB 6128  
 Complimentary, spouses performing sufficient volunteer hours: \***SB 5200, CH 121 (2017)**  
 Penalty for failure to comply with pass requirements, monetary, distribution of: SB 5342  
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 Ethnicity, public agency disclosure to federal authorities, prohibitions: EHB 2097, SB 5828  
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 Hate crimes, against law enforcement officers due to occupation: ESB 5280  
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 Immigration or citizenship status, discrimination based on, freedom from: SB 5803  
 Malicious harassment, of law enforcement officer due to occupation: ESB 5280  
 National origin, public agency disclosure to federal authorities, prohibitions: EHB 2097, SB 5828  
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 Child support, court process, for pregnant sexual assault victim: \***SHB 1543, CH 234 (2017)**  
 Child support, economic table for, updating: HB 1603  
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 Parentage act, uniform, concerning parentage and surrogacy agreements: SB 6037  
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Marijuana, businesses, business and nonprofit entity interest holders' residency: SB 5102, SB 5284

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 Interstate 5, new Columbia river bridge, project planning, governor role: EHB 2095, SB 5806  
 Ombuds, office of the state, establishing in office of governor: SB 5978  
 Performance management, office of, creating in office of governor: SB 5065  
 State of state message, joint legislative session for: **\*HCR 4412 (2018)**  
 Tribal hunting, tribal consultation with governor, when: ESHB 1097

#### **GROWTH MANAGEMENT (See also ENVIRONMENT; LAND USE PLANNING AND DEVELOPMENT)**

Community, fully contained, action establishing, effective date: ESHB 2023  
 Comprehensive planning, groundwater withdrawals, requirements: SB 6091  
 Comprehensive planning, population growth criteria, simplifying: SB 5755  
 Comprehensive planning, potable water supply, using certain rules as guide: SB 5239  
 Comprehensive planning, water recharging via land use changes as factor: SB 5789  
 Comprehensive plans, Kitsap county, schedule for updates to: HB 1089  
 Comprehensive plans, municipal, population density standards in: SB 6077  
 Effective date, initial, for certain actions under GMA: ESHB 2023  
 Electric vehicles, charging stations, in areas zoned for multifamily residences: SB 5716  
 Growth management act, economic development element, requirements: SB 5790, SB 5954  
 Growth management act, rural development within rural element, requirements: SB 5790  
 Higher education facilities, private, public facilities and utilities extension for: SB 6121  
 Housing supply and affordability reviews, cities and counties, when: SB 5254  
 Housing, affordable, growth management provisions in aid of: SB 5254

Manufactured housing communities, affordable, outside urban growth areas: SB 5615  
 Railroads, short line, freight rail dependent uses on land near, authorizing: \***ESHB 1504 (2017) V, \*3ESB 5517, CH 18 (2017)**  
 Resort, master planned, action creating or expanding, effective date: ESHB 2023  
 Schools, siting in rural areas, authority and requirements for, when: \***ESHB 1017, CH 129 (2017) PV, \*HB 2243, CH 32 (2017)**, SB 5942, SB 5945  
 Schools, siting, as essential public facilities and/or outside urban growth areas: SB 5651  
 Schools, siting, public facility/utility extensions when rural/outside UGA: \***ESHB 1017, CH 129 (2017) PV, \*HB 2243, CH 32 (2017)**, SB 5651, SB 5942, SB 5945  
 Sewage systems, on-site, county reliance on self-inspection of: \***ESHB 1503, CH 105 (2017)**  
 Sewage systems, on-site, limiting application of requirements to: \***SHB 1683, CH 305 (2017)**  
 Urban growth areas, action expanding, effective date: ESHB 2023  
 Urban growth areas, outdoor burning pilot program in: SB 6055  
 Urban growth areas, population density standards: SB 6077

**GUARDIANSHIP (See also ABORTION; CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD; PUBLIC GUARDIANSHIP, OFFICE; VULNERABLE ADULTS)**

Guardians ad litem, volunteer, for a child, removal by court, when: \***HB 1401, CH 99 (2017)**  
 Incapacitated persons, contact with others, restrictions on, guardian role: SB 5685  
 Incapacitated persons, guardian notification of certain others, when: \***2SHB 1402, CH 268 (2017)**, SB 5577  
 Incapacitated persons, guardians for, complaints investigation pilot program: SB 5690  
 Incapacitated persons, guardianships, less restrictive alternative option, when: \***SB 5691, CH 271 (2017)**  
 Incapacitated persons, right of communication and visitation, guardian role: \***2SHB 1402, CH 268 (2017)**, SB 5577  
 Training curriculum and materials, for professional guardians, disclosure of: SB 5687  
 Vulnerable youth guardianships, for immigrants, establishment by court, when: \***SHB 1988, CH 279 (2017)**, SB 5559  
 Vulnerable youth guardianships, for immigrants, trafficking task force role: \***SHB 1988, CH 279 (2017)**

**GUBERNATORIAL APPOINTMENTS**

Adams, Cheryl C., member, Pharmacy Quality Assurance Commission: SGA 9128  
 Adams, Gretchen, member, Tacoma Community College Board of Trustees: SGA 9155  
 Albay, Marianne, member, Bellevue College Board of Trustees: SGA 9168  
 Albright, Jennifer R., member, Sentencing Guidelines Commission: SGA 9191  
 Alexander, Monica A., member, The Evergreen State College Board of Trustees: SGA 9336  
 Allard, Jerrie L., member, Pharmacy Quality Assurance Commission: SGA 9130  
 Anderson, Anthony J., member, Bates Technical College Board of Trustees: SGA 9342  
 Anderson, Philip, member, Pacific States Marine Fisheries Commission: SGA 9187  
 Anderson, Steven F., member, Pharmacy Quality Assurance Commission: SGA 9031  
 Andrews, Lia F., member, Edmonds Community College Board of Trustees: SGA 9169  
 Avery, Janis, member, State Board of Education: \***SGA 9059 (2017)**  
 Bagherpour, Bahram, member, State Board for Community and Technical Colleges: SGA 9348  
 Bailey, Mona H., member, State Board of Education: \***SGA 9229 (2017)**  
 Barbieri, Don, regent, Washington State University: SGA 9052  
 Barrett, Phillip L., member, Shoreline Community College Board of Trustees: \***SGA 9146 (2017)**  
 Barry, Christopher P., member, Pharmacy Quality Assurance Commission: SGA 9017  
 Batayola, Teresita, member, Seattle College District Board of Trustees: SGA 9079  
 Baum, Elizabeth L., member, Housing Finance Commission: SGA 9078  
 Belo, Ariele P., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: \***SGA 9188 (2017)**  
 Bennett, Cynthia L., member, State School for the Blind Board of Trustees: SGA 9018  
 Benoliel, Joel, member, University of Washington Board of Regents: SGA 9149  
 Benson Tolle, Tia H., member, Edmonds Community College Board of Trustees: \***SGA 9096 (2017)**  
 Bernstein, Lois, member, Tacoma Community College Board of Trustees: SGA 9227  
 Berntsen, Teresa, director, Office of Minority and Women's Business Enterprises - Agency Head: SGA 9136  
 Biery, Nancy, member, Salmon Recovery Funding Board: SGA 9080  
 Birch, Susan, director, Health Care Authority: SGA 9339  
 Black, Erin L., member, Central Washington University Board of Trustees: \***SGA 9158 (2017)**  
 Bladow, Layne, member, Bates Technical College Board of Trustees: SGA 9150



Blake, Brian, member, Pacific States Marine Fisheries Commission: **\*SGA 9097 (2017)**  
 Blankenship, Brett, regent, Washington State University: **\*SGA 9198 (2017)**  
 Blocker, Christina, member, Bates Technical College Board of Trustees: SGA 9218  
 Bogdanoff, Peter W., member, Lottery Commission: SGA 9009  
 Bohlke, Wendy K., member, Whatcom Community College Board of Trustees: SGA 9334  
 Bolerjack, Bob, member, Everett Community College Board of Trustees: SGA 9313  
 Bonker, Don, member, Columbia River Gorge Commission: SGA 9131  
 Bonlender, Brian, director, Department of Commerce: SGA 9006  
 Boschok, Jacelyn M., member, Green River College Board of Trustees: SGA 9216  
 Bowdish, Vicky M., member, Personnel Resources Board: SGA 9071  
 Breckel, Jeffrey, member, Salmon Recovery Funding Board: SGA 9220, SGA 9300  
 Brennan, Mark E., member, Public Employment Relations Commission: SGA 9126  
 Brown, Kay M., member, Pollution Control/Shorelines Hearings Board: SGA 9170  
 Brown, Larry, member, State Board for Community and Technical Colleges: SGA 9141  
 Brown, Mark O., member, Parks and Recreation Commission: SGA 9224  
 Bugert, Bob, member, Salmon Recovery Funding Board: SGA 9027  
 Bugert, Robert M., member, Salmon Recovery Funding Board: SGA 9299  
 Burt, Timothy, member, Walla Walla Community College Board of Trustees: **\*SGA 9171 (2017)**  
 Callender, Jeffrey F., member, Bellingham Technical College Board of Trustees: **\*SGA 9199 (2017)**  
 Cantrell, Laura F., member, Lottery Commission: SGA 9044  
 Captain, Roy, member, Cascadia College Board of Trustees: SGA 9352  
 Carpenter, Larry M., member, Fish and Wildlife Commission: SGA 9301  
 Carson, Scott E., regent, Washington State University: SGA 9036  
 Charbonneau, Jeffrey A., member, Washington Student Achievement Council: **\*SGA 9172 (2017)**  
 Chernin, Louise, member, Seattle College District Board of Trustees: SGA 9081  
 Childs, Shannon L., member, Olympic College Board of Trustees: SGA 9343  
 Chin, Lisa H., member, Bellevue College Board of Trustees: SGA 9200  
 Cho, Yang-Su, member, State School for the Blind Board of Trustees: SGA 9034  
 Clark, Keri J., member, Washington State School for the Blind Board of Trustees: SGA 9192  
 Clark, Tim, member, Green River Community College Board of Trustees: SGA 9063  
 Cockrill, Michael, chief, Office of the Chief Information Officer: SGA 9005  
 Colliton, Jeffry D., member, Horse Racing Commission: SGA 9013  
 Curtis, James H., member, Tacoma Community College Board of Trustees: **\*SGA 9082 (2017)**  
 Dahl, Carol, chair, The Life Sciences Discovery Fund Authority Board of Trustees: SGA 9019  
 Daniyelyan, Narek , regent, Washington State University: SGA 9186  
 Davis, Jefferson S., member, South Puget Sound Community College Board of Trustees: SGA 9215  
 Dehler, William E., member, Sentencing Guidelines Commission: SGA 9226  
 Dekay, Loretta S., member, Columbia River Gorge Commission: SGA 9021  
 Deller, Michael R., member, Everett Community College Board of Trustees: SGA 9208  
 Deller, Michael R., member, Recreation and Conservation Funding Board: **\*SGA 9230 (2017)**  
 Dietzel, Greg , member, Bellevue College Board of Trustees: SGA 9314  
 Dillon, Rita E., member, Small Business Export Finance Assistance Center Board of Directors: **\*SGA 9060 (2017)**  
 Dowd, Patrick, director, Office of the Family and Children Ombudsman - Agency Head: **\*SGA 9061 (2017)**  
 Drew, Kathleen, chair, Energy Facility Site Evaluation Council: SGA 9350  
 Durand, Lou Oma, director, Department of Services for the Blind: SGA 9026  
 Edelheit, Lewis, member, The Life Sciences Discovery Fund Authority Board of Trustees: SGA 9045  
 Entenman, Debra J., member, Renton Technical College Board of Trustees: SGA 9142  
 Erickson, Ronald P., member, Central Washington University Board of Trustees: SGA 9114  
 Estes, Jeffrey C., member, State Board of Education: SGA 9035  
 Farrell, Michelle, member, Washington State School for the Blind Board of Trustees: **\*SGA 9189 (2017)**  
 Fennerty, Jr., Frank E., member, Board of Industrial Insurance Appeals: SGA 9020  
 Fenton, Michael J., member, Sentencing Guidelines Commission: SGA 9304  
 Ferreira, Teri L., member, Pharmacy Quality Assurance Commission: SGA 9132  
 Finn, Frederick W., member, Lottery Commission: SGA 9195  
 Flores, Aurora, member, Professional Educator Standards Board: SGA 9098

Fox, Kelly L., member, State Investment Board: SGA 9161  
Fukutaki, Richard G., member, Bellevue College Board of Trustees: \*SGA 9084 (2017)  
Gardow, Kathryn, member, Recreation and Conservation Funding Board: SGA 9234  
Glenn Sayan, Marilyn, member, Public Employment Relations Commission: SGA 9228  
Gonzales, Irene, member, The Evergreen State College Board of Trustees: SGA 9173  
Gordon, Bill, member, Columbia Basin College Board of Trustees: SGA 9201  
Gordon, Kimberly N., member, Sentencing Guidelines Commission: SGA 9305  
Grace, Claire, member, Higher Education Facilities Authority: SGA 9308  
Gregory, Robert J., member, Lower Columbia College Board of Trustees: \*SGA 9108 (2017)  
Grinstein, Bill, member, Life Sciences Discovery Fund Authority Board of Trustees: SGA 9099  
Guenther, Judy, member, Lottery Commission: SGA 9309  
Guenther, Judy, member, Pharmacy Quality Assurance Commission: SGA 9129  
Guerin, Tracy, director, Department of Retirement Systems - Agency Head: \*SGA 9190 (2017)  
Gutierrez Kenney, Phyllis, member, State Board for Community and Technical Colleges: SGA 9077  
Hanson, Harold W., director, Washington State Lottery Commission: SGA 9008  
Harrell, Joanne R., member, University of Washington Board of Regents: SGA 9133  
Hartmann, Judith L., member, South Puget Sound Community College Board of Trustees: SGA 9318  
Hauge, Russell D., chair, Sentencing Guidelines Commission: SGA 9222  
Hecox, Nancy, member, Pharmacy Quality Assurance Commission: SGA 9062  
Hedine, Karen, member, The Life Sciences Discovery Fund Authority Board of Trustees: SGA 9046  
Henderson, Clarence M., member, Human Rights Commission: SGA 9085  
Hepfer, Russell, member, Puget Sound Partnership Leadership Council: SGA 9100  
Hernandez, Sergio, member, Walla Walla Community College Board of Trustees: SGA 9330  
Heynderickx, Roy F., member, Higher Education Facilities Authority: \*SGA 9166 (2017)  
Hill, Steven R., member, Seattle College District Board of Trustees: SGA 9345  
Hofmeister, Nancee R., member, Cascadia College Board of Trustees: \*SGA 9101 (2017)  
Hruska, Rhianna, member, The Evergreen State College Board of Trustees: SGA 9174  
Hunter, Ross, member, Bellevue College Board of Trustees: SGA 9115  
Hunter, Ross, secretary, Children, Youth, and Families, Department of: SGA 9340  
Jackson, Douglass L., member, Shoreline Community College Board of Trustees: SGA 9319  
Jackson, Kedrich, member, Columbia Basin College Board of Trustees: SGA 9326  
Jackson, Tamra L., member, Wenatchee Valley College Board of Trustees: SGA 9316  
Jensen, Deborah B., member, Puget Sound Partnership Leadership Council: SGA 9185  
Jensen, Elizabeth K., member, Pharmacy Quality Assurance Commission: SGA 9064  
Johnson, Jack G., member, Public Disclosure Commission: SGA 9233  
Johnson, Rebecca M., member, Whatcom Community College Board of Trustees: SGA 9337  
Johnson, Tom A., member, Higher Education Facilities Authority: SGA 9015  
Joiner, Allie M., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: \*SGA 9139 (2017)  
Jones, Denise L., member, Lake Washington Institute of Technology Board of Trustees: SGA 9327  
Kariier, Thomas M., member, Northwest Power and Conservation Council: SGA 9119  
Kauffman, Claudia, member, Green River College Board of Trustees: SGA 9151  
Kelly, D. Michael, member, Cascadia Community College Board of Trustees: \*SGA 9065 (2017)  
Kenyon Jr., Kenneth W., member, Pharmacy Quality Assurance Commission: SGA 9134  
Kiley, Edmund I., member, Board of Pilotage Commissioners: SGA 9040  
Kirtley, Eleanor K., member, Board of Pilotage Commissioners: SGA 9137  
Knight, Joseph A., member, Central Washington University Board of Trustees: SGA 9176  
Koon, Holly A., member, State Board of Education: SGA 9038  
Kuschel, Judy, member, State Investment Board: SGA 9073  
Kyle, Kathleen M., member, Sentencing Guidelines Commission: SGA 9102  
Lane, Jonathan M., member, Big Bend Community College Board of Trustees: SGA 9202  
Lantz, Patricia T., member, Parks and Recreation Commission: SGA 9058  
Larsen, Ken A., member, Housing Finance Commission: SGA 9086  
Latimer, Michael S., member, Parks and Recreation Commission: SGA 9341  
Lawrence, Wendy L., member, Housing Finance Commission: SGA 9087  
Lee, Karen T., member, Washington Student Achievement Council: SGA 9177

Lee, Lorraine, director, Office of Administrative Hearings: **\*SGA 9088 (2017)**  
Lemley, Phillip R., member, Sentencing Guidelines Commission: SGA 9306  
Levinson, Anne, member, Public Disclosure Commission: SGA 9054  
Link, Gregory C., member, Sentencing Guidelines Commission: SGA 9347  
Liu, Chris, director, Department of Enterprise Services: SGA 9011  
Lopez, Robert J., member, Horse Racing Commission: SGA 9089  
Loveland, Valoria A., member, Lottery Commission: SGA 9159  
Lucatero, Flora E., member, Skagit Valley College Board of Trustees: SGA 9346  
Lynch, Bill, chair, Energy Facility Site Evaluation Council: SGA 9030  
Lynch, Timothy W., member, Pharmacy Quality Assurance Commission: SGA 9033  
Macomber, Everett, member, Horse Racing Commission: SGA 9231  
Mah, Doug, member, South Puget Sound Community College Board of Trustees: SGA 9145  
Manning, Jay J., member, Puget Sound Partnership Leadership Council: SGA 9160  
Mansy, Heather L., member, Lower Columbia College Board of Trustees: SGA 9219  
Marchioro, Joan M., member, Pollution Control/Shorelines Hearings Board: SGA 9014  
Martin, Wayne J., member, State Board for Community and Technical Colleges: SGA 9090  
Matthews, John, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9127  
Maxwell, Mark J., member, Board of Tax Appeals: SGA 9074  
Maxwell, Michael S., member, Peninsula College Board of Trustees: SGA 9317  
Mayer, Donald W., member, Board of Pilotage Commissioners: SGA 9154  
Mayer, Susan M., member, Small Business Export Finance Assistance Center Board of Directors: **\*SGA 9056 (2017)**  
McClure, Neil A., member, Yakima Valley Community College Board of Trustees: SGA 9331  
McCormick, Margaret, member, Life Sciences Discovery Fund Authority Board of Trustees: SGA 9069  
McCulloch, Julie, member, Peninsula College Board of Trustees: SGA 9120  
McDaniel, Janet M., member, Cascadia College Board of Trustees: SGA 9315  
McDaniel, Nancy L., member, State School for the Blind Board of Trustees: SGA 9029  
McIsaac, Donald O., member, Fish and Wildlife Commission: SGA 9302  
McMillan, Ariel N., member, Eastern Washington University Board of Trustees: SGA 9178  
McQuary, Donald R., member, Walla Walla Community College Board of Trustees: SGA 9328  
Mendoza, Frederick, member, Highline College Board of Trustees: **\*SGA 9209 (2017)**  
Millar, Roger, director, Department of Transportation - Agency Head: **\*SGA 9193 (2017)**  
Miller, Toraya, member, Everett Community College Board of Trustees: SGA 9091  
Miller, Cheryl A., member, Olympic College Board of Trustees: SGA 9349  
Miller, Susan L., member, Personnel Resources Board: SGA 9042  
Milner, Steven S., member, Parks and Recreation Commission: SGA 9225  
Mitsunaga, Darrell S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9152  
Morrill, Thomas C., member, Pollution Control/Shorelines Hearings Board: SGA 9049  
Moss, Steven M., member, Housing Finance Commission: SGA 9092  
Murillo-Rosales, Jessica T., member, Washington Student Achievement Council: SGA 9179  
Navas, Sharonne A., member, Green River College Board of Trustees: SGA 9143, SGA 9329  
Nellams, Robert L., member, Central Washington University Board of Trustees: SGA 9223  
Norman, Guy R., member, Northwest Power and Conservation Council: SGA 9203  
Olsen, Russell E., director, Pollution Liability Insurance Program: **\*SGA 9010 (2017)**  
Page, Allyson M., member, Columbia Basin College Board of Trustees: **\*SGA 9113 (2017)**  
Palmer, Susan A., member, Renton Technical College Board of Trustees: SGA 9210  
Parsley, Charlotte A., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: **\*SGA 9196 (2017)**  
Patnode, Jeff A., member, Indeterminate Sentence Review Board: SGA 9093  
Patterson, Julia L., member, Gambling Commission: SGA 9047  
Pearsall-Stipek, Cathy R., member, Bates Technical College Board of Trustees: SGA 9109  
Peinecke, Dale R., commissioner, Employment Security Department: SGA 9003  
Pellham, Clara R., member, Shoreline Community College Board of Trustees: SGA 9157  
Peralta, Rosa, member, Seattle College District Board of Trustees: SGA 9351  
Pollard, Royce E., member, Clark College Board of Trustees: SGA 9204  
Powers, Quentin, member, Edmonds Community College Board of Trustees: **\*SGA 9121 (2017)**  
Pritchard, Faaluaina S., member, Clover Park Technical College Board of Trustees: SGA 9211

Ramsdell, Lori M., member, Indeterminate Sentence Review Board: SGA 9075  
 Rancourt, Jennifer J., member, Clemency and Pardons Board: SGA 9312  
 Rancourt, Jennifer, member, Clemency and Pardons Board: SGA 9041  
 Ready, Danica, member, Recreation and Conservation Funding Board: **\*SGA 9232 (2017)**  
 Redman, Heather B., regent, Washington State University: SGA 9323  
 Reich, Jay A., member, State Board for Community and Technical Colleges: SGA 9164  
 Reyes, Susana, member, Washington Student Achievement Council: **\*SGA 9094 (2017)**  
 Roarty, Angela G., member, Pierce College Board of Trustees: **\*SGA 9153 (2017)**  
 Robinson, Randy J., member, Housing Finance Commission: SGA 9022  
 Rockefeller, Phil, member, Salmon Recovery Funding Board: SGA 9122  
 Ronayne, Matthew P., member, Pharmacy Quality Assurance Commission: SGA 9162  
 Rumbaugh, Stanley J., member, Sentencing Guidelines Commission: SGA 9197  
 Rushford, Jane E., member, Liquor and Cannabis Board: SGA 9147  
 Ryan, Robert M., member, Tacoma Community College Board of Trustees: SGA 9320  
 Sacks, Joel, director, Department of Labor and Industries: SGA 9004  
 Sambataro, Arundhati, member, Pharmacy Quality Assurance Commission: SGA 9104  
 Saven, John D., member, Energy Northwest Executive Board: SGA 9221  
 Scheibmeir, Mark C., member, Centralia College Board of Trustees: SGA 9344  
 Schwenk, Robert M., member, Life Sciences Discovery Fund Authority Board of Trustees: SGA 9066  
 Shaffer, Catherine, member, Sentencing Guidelines Commission: SGA 9110  
 Sharratt, Gene C., member, Higher Education Facilities Authority: SGA 9307  
 Shiosaki, Michael S., member, Recreation and Conservation Funding Board: **\*SGA 9184 (2017)**  
 Simmons Sparks, Maureen C., member, Pharmacy Quality Assurance Commission: SGA 9032  
 Sinkovitz, Nancy J., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: **\*SGA 9105 (2017)**  
 Sizemore, Bud, member, Gambling Commission: SGA 9070  
 Snook, Edwin J., member, State School for the Blind Board of Trustees: SGA 9016  
 Soleimanpour, Sepi, member, Pharmacy Quality Assurance Commission: SGA 9140  
 Solien, Stephanie M., member, Puget Sound Partnership: SGA 9043  
 Sorscher, Stanley M., member, Small Business Export Finance Assistance Center Board of Directors: **\*SGA 9072 (2017)**  
 Spencer, Gabe P., member, Housing Finance Commission: SGA 9024  
 Sperling, Ronald K., member, Health Care Facilities Authority: SGA 9012  
 Stearns, Chris, member, Gambling Commission: SGA 9095  
 Stewart, Terri J., member, Sentencing Guidelines Commission: SGA 9125  
 Strachan, Steve, member, Clemency and Pardons Board: SGA 9205  
 Strange, Cheryl, secretary, Department of Social and Health Services - Agency Head: SGA 9303  
 Stredwick, Thomas R., member, Big Bend Community College Board of Trustees: SGA 9325  
 Strong, Charlene D., member, Human Rights Commission: SGA 9002, SGA 9310  
 Strong, Rekah T., member, Clark College Board of Trustees: SGA 9332  
 Szabo, Greg, member, Washington State School for the Blind Board of Trustees: SGA 9338  
 Takamura, Frieda K., member, Renton Technical College Board of Trustees: **\*SGA 9106 (2017)**  
 Tamaki, Blaine, member, University of Washington Board of Regents: SGA 9321  
 Taoka, Susan, member, Puget Sound Partnership Leadership Council: SGA 9057  
 Thomas, Luke E., member, Professional Educator Standards Board: SGA 9111  
 Three Stars, Lenore, member, Human Rights Commission: SGA 9118  
 Tiam, Amadeo T., member, Pierce College Board of Trustees: **\*SGA 9212 (2017)**  
 Tietz, Pamela J., member, Housing Finance Commission: SGA 9028  
 Troutt, David, chair, Salmon Recovery Funding Board: SGA 9053  
 Tunheim, Jon J., member, Sentencing Guidelines Commission: SGA 9311  
 Unti, Brian K., member, Renton Technical College Board of Trustees: SGA 9324  
 Vilchez, Maribel, member, Professional Educator Standards Board: **\*SGA 9144 (2017)**  
 Vincent, Stephen W., member, Lower Columbia College Board of Trustees: **\*SGA 9112 (2017)**  
 Wainwright, Janet, member, Columbia River Gorge Commission: **\*SGA 9167 (2017)**  
 Warren, William W., member, Walla Walla Community College Board of Trustees: SGA 9335  
 Washines, Emily A., member, Central Washington University Board of Trustees: SGA 9333

Wecker, Miranda, member, Fish and Wildlife Commission: SGA 9023  
 Wettack, Tim G., member, Sentencing Guidelines Commission: SGA 9135  
 Whang, Frederick P., member, State Board for Community and Technical Colleges: SGA 9165  
 Wigen, Janice H., member, Community Colleges of Spokane Board of Trustees: SGA 9213  
 Wigfall, James S., member, The Evergreen State College Board of Trustees: SGA 9163  
 Wilcox Jr, James T., member, Puget Sound Partnership Leadership Council: SGA 9051  
 Wildfong, Laura S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9298  
 Willhite, Theodore R., member, Recreation and Conservation Funding Board: \*SGA 9055 (2017)  
 Winmill, Marissa, member, Professional Educator Standards Board: SGA 9194  
 Withrow, Harold W., member, Clover Park Technical College Board of Trustees: SGA 9138  
 Wood, Doris, member, Centralia College Board of Trustees: SGA 9322  
 Wood, Tana, member, Indeterminate Sentence Review Board: SGA 9181  
 Wright-Pettibone, Austin M., member, University of Washington Board of Regents: \*SGA 9182 (2017)  
 Yenson, Evelyn P., member, Clemency and Pardons Board: SGA 9206  
 York, Rina S., member, Professional Educator Standards Board: SGA 9107  
 Zapora, Carl J., member, Edmonds Community College Board of Trustees: \*SGA 9207 (2017)

**HARDWOODS COMMISSION (See also FOREST PRACTICES AND PRODUCTS)**

Assessment for commission funding, revising and adjusting: SB 6073

**HAZARDOUS MATERIALS (See also AIR QUALITY AND POLLUTION)**

Asphalt pavement sealant, in coal tar pollution statutes: SB 5814  
 Brake friction materials, excessive-copper, modifying requirements: \*SHB 1738, CH 204 (2017)  
 Flammable trains, high hazard, speed limits in certain urban areas: SB 5098  
 Lead, drinking water service lines containing, replacing: SB 5745  
 Lead, in school drinking water and fixtures, testing for: SB 5745  
 Lead, lead-based paint activities program, certification fee, increasing: SB 5643  
 Methamphetamine, properties and transient accommodations contaminated by: \*HB 1757, CH 115 (2017)  
 Nuclear material, Hanford site, former employee occupational disease presumption: SHB 1723, SB 5940  
 Oil transport, contingency plans, class III railroads hauling noncrude oil, exemption: \*ESHB 1136, CH 239 (2017)  
 Oil transport, contingency plans, exempting class III railroads hauling nonfuel oils: SB 5123  
 Oil transport, contingency plans, exempting food grade vegetable oil: SB 5137  
 Oil transport, high hazard flammable trains, speed limits in certain urban areas: SB 5098  
 Oil transport, spill plans, notice, financial responsibility, and emergency response: SB 5462  
 Oil transport, spill prevention and response, oil spill prevention account: SB 5425  
 Petroleum storage tanks, assistance for safe operation and leaks or spills: \*SHB 1266, CH 23 (2017)  
 Possession of hazardous substances, tax on, adding surtax: SB 5501  
 Trains, transporting hazardous materials, crew requirements: SB 5846  
 Transient accommodations, contamination by hazardous chemicals: \*HB 1757, CH 115 (2017)

**HAZARDOUS WASTE (See also DRUGS; HAZARDOUS MATERIALS; SEWAGE AND SEWERS)**

Hazardous substances independent remedial actions under toxics control act: SB 5170, SB 5943  
 Hazardous substances remedial actions, appeals, ecology requirements: SB 5943  
 Mercury-containing lights stewardship program, provisions: \*SB 5762, CH 254 (2017)  
 Model toxics control act, actions under: SB 5170, SB 5943  
 Paint, architectural, paint stewardship via architectural paint recovery program: SB 5419  
 Paint, lead-based paint activities program, certification fee, increasing: SB 5643  
 Radioactive waste, low-level, management of, transferring authority for: SB 5319  
 Site cleanup, independent remedial actions, procedural requirements exemptions: SB 5170, SB 5943  
 Site cleanup, requirements for department of ecology and others: SB 5943

**HEALTH AND SAFETY, PUBLIC (See also ABORTION; AIR QUALITY AND POLLUTION; ALCOHOL AND DRUG ABUSE; DEATH; DISABILITIES, INDIVIDUALS WITH; DRUGS; FOOD AND FOOD PRODUCTS; HAZARDOUS MATERIALS; HAZARDOUS WASTE; HEALTH CARE; HEALTH CARE PROFESSIONS AND PROVIDERS; HUMAN REMAINS; MENTAL HEALTH; PUBLIC ASSISTANCE; SEWAGE AND SEWERS; WATER POLLUTION)**

AIDS and HIV, treatment of a minor, information disclosure to parent or guardian: SB 5561

Asphalt pavement sealant, in coal tar pollution statutes: SB 5814  
 Assistive devices, for disability, accessible taxicab HOV lane use: SB 5018  
 Birth control, contraceptive drugs, health plan coverage for twelve-month supply: \***SHB 1234, CH 293 (2017)**, SB 5554  
 Birth control, health plan coverage for contraception: SB 5760  
 Blood-collecting or distributing establishment vehicles, HOV lane access for: SB 5837  
 Cancer, Andy Hill cancer research endowment program, fund, and account: ESB 5375  
 Cancer, breast, reconstruction and prostheses insurance coverage availability: SB 5481  
 Cancer, cancer research endowment authority, program, and accounts, renaming: ESB 5375  
 Cancer, Fred Hutchinson center, Fred Hutch special license plates, creating: \***SHB 1568, CH 25 (2017)**  
 Cancer, stage 4 metastatic, mandatory step therapy for, prohibiting: SB 5626  
 Contraception, employer health plan coverage for: SB 6102  
 Contraception, health plan coverage for: SB 5760  
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Commercial structures, fees, depositing in new account: \***HB 1716, CH 11 (2017)**  
 Crime victims compensation program, benefits and services, provisions: \***ESHB 1739, CH 235 (2017)**  
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- Accountability and community input, model policies for: SB 5073
- Arrest warrant, person with, on public agency property, notifying law enforcement: SB 5218
- Arrested persons, optional law enforcement recording of palmprints of: SB 5730
- Biometric identifiers, attaining and using by agency, requirements and prohibitions: **\*SHB 1717, CH 306 (2017), \*HB 2213, CH 1 (2017)**
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- Blood samples, collection by forensic phlebotomists or certain professionals, when: **\*E2SHB 1614, CH 336 (2017), SB 5186**
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- Deadly force, agency policies, investigations, and reporting requirements: SB 5073
- Deadly force, in community policing, joint legislative task force, recommendations: SB 5073
- Deadly force, law enforcement and/or corrections officer standards for use of: SB 5000, SB 5073
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- Disability, person with, at emergency scene, officer training and awareness: **\*SHB 1258, CH 295 (2017)**
- Dogs, police dogs and accelerant detection dogs, harming, class B felony, when: SB 5771
- Employee names and contact information, records request for, procedures, when: SB 5326
- Firearm purchase and transfer applications, denial when ineligible, provisions: **\*SHB 1501, CH 261 (2017)**
- First responders killed in line of duty, spouses of, property tax exemption: SB 5104
- Gambling commission enforcement officers, authority of, civil liability immunity: **\*HB 1475, CH 111 (2017), SB 5582**
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- Religious beliefs, law enforcement actions based on, prohibitions: EHB 2097, SB 5828
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- Sexual violence crime fee, to fund crime investigations and aid victims: SB 5830
- Sheriffs, financial affairs statement, requirements: HB 1833
- State patrol, animal abuse offender registry, WSP to maintain: SB 5804
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- Students, interviewing or interrogating, school district policy/procedures adoption: SB 6065
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 College presidents, selection process, to require senate confirmation: SB 5584  
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 Task force, joint select, on sexual assault forensic examination best practices: \***ESHB 1109, CH 290 (2017)**  
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Child support, order compliance, licensees not in, DSHS notice to parent: \***ESHB 1814, CH 269 (2017)**, SB 5490  
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 Mercury-containing lights, stewardship organization plan, report, and audit: \***SB 5762, CH 254 (2017)**

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 Infrastructure, project financing, loan agreements with housing finance commission: SB 5088  
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 Safe streets pilot project, creating to foster community engagement: SB 5650  
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 Adult family homes, abuse and neglect reports, investigating: SB 5406  
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 Assisted living facilities, licensing violation civil monetary penalties, adjusting: HB 1492  
 Continuing care retirement communities, agreements and disclosure statements: SHB 1232, SB 5395  
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 Nursing facility medicaid payment, persons with cognitive/behavioral impairments: **\*SB 5715, CH 286 (2017)**  
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 Personal care services, by family member, consumer-directed medicaid program: **\*2ESB 5867, CH 34 (2017)**  
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Providers, adult family home, collective bargaining unit representative elections: SB 5551  
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 Residents of facilities, electronic monitoring of sleeping rooms of, role of ombuds: SB 5181  
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 Homeownership development, low-income by nonprofit, property tax exemption: SHB 1532, SB 5143  
 Housing, affordable, certain real estate excise taxes and revenues to support: SB 5482  
 Housing, affordable, land acquisition loan program, for vacant or improved land: **\*HB 1616, CH 274 (2017)**  
 Housing, affordable, manufactured housing communities beyond urban growth areas: SB 5615  
 Housing, affordable, very low-income, local property tax exemption program: SB 5182, SB 5254  
 Hunger, food insecurity and USDA nutrition assistance programs, data on: SB 5485  
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 Vehicle fee rebate program, low-income, by transportation benefit districts: SB 5785  
 Vehicles, zero-emission, charge ahead Washington program: SB 6080  
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 Salmon, Atlantic, aquaculture leases, permits, and authorizations, prohibitions: SB 6086  
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 Suicide prevention, dental students and dentists, training curriculum for: \*E2SHB 1612, CH 262 (2017) PV  
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 Telemedicine, behavioral health services for children, through medicaid: \*E2SHB 1713, CH 202 (2017), SB 5763  
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Electrical contractors, vehicle identification requirements, instituting: HB 1855  
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 Student education loan bill of rights, Washington, loan servicing and modification: E2SHB 1440, SB 5210, SB 6029  
 Student loan transparency act, Washington state, debt information for students: SB 5022  
 Student opportunity, assistance, and relief act, concerning education loan debt: 2SHB 1169  
 Student sun safety education act, tropical sunscreen at schools/events, permitting: SB 5404  
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 Travis alert act, person with disability at emergency scene, alerting responders: \***SHB 1258, CH 295 (2017)**  
 Underground utility damage prevention act, removing reference and certain dates: \***HB 1064, CH 20 (2017)**, SB 5091  
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 Uniform parentage act, concerning parentage and surrogacy agreements: SB 6037  
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 Unlawful dog tethering act of 2017: SB 5424  
 Voidable transactions act, uniform, formerly uniform fraudulent transfer act: \***SB 5085, CH 57 (2017)**  
 Voting rights act of 2017, Washington, equal opportunity for protected classes: HB 1800, SB 5067, SB 5267  
 Voting rights act of 2018, Washington, equal opportunity for protected classes: SB 6002  
 Washington academic, innovation, and mentoring (AIM) program act: SB 5258

Washington sovereignty act, right to protest certain federal executive orders: SB 5724  
 Women helping women act, feminine hygiene product tax revenues to help women: SB 5092  
 Workforce investment act, updating obsolete references to: **\*SB 5237, CH 39 (2017)**  
 Young voter registration equality act, preregistration for 16- and 17-year-olds: SB 5110  
 Youth behavioral health protection act, primary care behavioral health integration: SB 5779

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Disaster response account, budget stabilization account appropriations deposit: **\*EHB 2190, CH 29 (2017)**  
 Earthquake and tsunami, Cascadia subduction zone, requesting surplus equipment: SJM 8010  
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Dual language learning, PESB role: **\*SHB 1445, CH 236 (2017)**, SB 5529

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Principals, professional certification to be optional, PESB role: **\*E2SHB 1341, CH 26 (2017) PV**

Professional educator collaborative, on educator certification, PESB role: SB 5858

School counselors, psychologists, and social workers, task force on, board role: SHB 1377

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Teachers, certification, alternative route programs, outcomes-based policies: **\*EHB 1654, CH 14 (2017)**, SB 5217

Teachers, certification, professional educator collaborative, PESB role: SB 5858

Teachers, certification, three options for, PESB role: SB 5858

Teachers, professional certification to be optional, PESB role: **\*E2SHB 1341, CH 26 (2017) PV**

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**AND LAW ENFORCEMENT OFFICERS; LICENSING, DEPARTMENT; PLUMBERS AND PLUMBING; REAL ESTATE AND REAL PROPERTY; SPORTS AND RECREATION; VETERINARIANS)**

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 Behavioral health services, DSHS documentation requirements, DSHS to review: \*E2SHB 1819, CH 207 (2017)  
 Behavioral health services, HCA documentation requirements, HCA to review: \*E2SHB 1819, CH 207 (2017)  
 Behavioral health services, provision of, reducing inefficiencies/duplications: SB 5749  
 Patient/client threats against persons, violent, psychologist responsibility: ESB 5800  
 School counselors, psychologists, and social workers, task force on, convening: SHB 1377  
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 Medicaid, consumer-directed program, family member providing certain care: **\*2ESB 5867, CH 34 (2017)**  
 Medicaid, critical access hospitals in rural access pilot, alternatives for payment: **\*SHB 1520, CH 198 (2017)**  
 Medicaid, dental health aide therapist services funding for Indian tribes: SHB 1414, SB 5079  
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 Medicaid, medicaid fraud control unit, establishing: SB 6051  
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 WorkFirst TANF program, requirements, suspension for certain caregivers, when: SB 5898  
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 Senior citizen centers, multipurpose, property tax exemption: \***SHB 1526, CH 301 (2017)**, SB 5783  
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 Spacecraft, R&D by manufacturers, tax credit and deferral, when: SB 5630  
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 Vessels, large recreational, sales and use tax exemptions: SB 5383  
 Veterans with disabilities, adapted housing, certain tax preferences for: \***SHB 2138, CH 176 (2017)**  
 Veterans, total disability, property tax exemption program, "disposable income": SB 5704  
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 Aerospace product development for others, businesses engaging in, B&O tax rate: SB 5929  
 Apportionment, local B&O tax apportionment task force, establishing: \***EHB 2005, CH 209 (2017)**, SB 5777  
 Business and service activities, additional tax rate, when: ESB 5113  
 Filing threshold, raising and simplifying: SB 5840, SB 5929  
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 Regional transit authorities, tax imposed by, taxpayer accountability statement: SB 5908  
 Regional transit authorities, tax imposed by, taxpayer relief: SB 5905  
 Regional transit authorities, tax imposed by, vehicle valuation requirements: SB 5851, 2ESB 5893, SB 5905

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 Collection, county treasurer role, administrative efficiencies: \***EHB 1648, CH 142 (2017)**, SB 5314  
 Confidential information, assessments and notices, electronic communication of: SB 5358  
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 Delinquent taxes, direct and indirect costs, interest, and foreclosure avoidance: HB 1991  
 Delinquent taxes, foreclosure sale proceeds claimants: SB 6005  
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 Equalization, county boards of, certification of assessment rolls, deadlines: SB 5133  
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 Levies, for fire protection districts, removing certain requirements: \***HB 1166, CH 107 (2017)**, SB 5121  
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 Levies, for schools, maintenance and operation, not using for basic education: \***EHB 2242, CH 13 (2017) PV**, \***ESB 5023, CH 6 (2017)**  
 Levies, for schools, state additional, lowering in 2018: SB 6004, SB 6033  
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Collection of tax, duties of remote sellers, referrers, and marketplace facilitators: **\*EHB 2163, CH 28 (2017)**, SB 5929  
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 Local sales and use, for mental health/chemical dependency: SB 5903  
 Local sales and use, for mental health/chemical dependency, funds use flexibility: SHB 2006  
 Local sales and use, for public facilities district regional center: **\*EHB 1201, CH 164 (2017)**, SB 5193  
 Local sales and use, for therapeutic court programs and services for homeless: SB 5903  
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 Local sales and use, imposition by certain cities commencing annexation, when: SB 5215  
 Local sales and use, increase by public transportation benefit area, voter approval: SB 5288  
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 Lodging, car rentals, and restaurants, sales by, revenue for tourism marketing: SB 5251  
 Marketplace facilitators, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
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 Recreational vessels, large, limiting tax along with sales and use exemption: SB 5383  
 Referrers, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
 Remote sellers, retail sales tax collection by, adopting nexus standards to require: SB 5855, SB 5856  
 Remote sellers, retail sales tax collection by, funding public assistance, when: SB 5856  
 Remote sellers, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
 Spirits, retail sale in original package, revenue use for access for all trust: SB 5747  
 Streamlined sales and use tax mitigation account, repealing: **\*EHB 2163, CH 28 (2017)**

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Education legacy trust account, deposits of revenue into: **\*ESHB 1677, CH 10 (2017) PV**, SB 5112  
 Public works assistance account, deposits into, shifting to education funding: **\*ESHB 1677, CH 10 (2017) PV**

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Collection of tax, duties of remote sellers, referrers, and marketplace facilitators: **\*EHB 2163, CH 28 (2017)**, SB 5929  
 Feminine hygiene products, sales and use tax on, using revenues to help women: SB 5092  
 Local sales and use, for mental health/chemical dependency: SB 5903  
 Local sales and use, for mental health/chemical dependency, funds use flexibility: SHB 2006  
 Local sales and use, for public facilities district regional center: **\*EHB 1201, CH 164 (2017)**, SB 5193  
 Local sales and use, for therapeutic court programs and services for homeless: SB 5903  
 Local sales and use, health sciences and services authorities, extending authority: SB 5544  
 Local sales and use, imposition by certain cities commencing annexation, when: SB 5215  
 Local sales and use, increase by public transportation benefit area, voter approval: SB 5288  
 Local sales and use, public transportation services for certain people, when: SB 5414  
 Marketplace facilitators, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
 Recreational vessels, large, limiting tax along with sales and use exemption: SB 5383  
 Referrers, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
 Remote sellers, sales and use tax collection duties of: **\*EHB 2163, CH 28 (2017)**, SB 5929  
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 Tobacco products, sale in open unsecured displays, allowing: \***HB 2038, CH 210 (2017)**



Tobacco, enforcement, powers of liquor enforcement officers: SB 5132  
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## **TRAFFIC (See also BICYCLES; DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; PARKING; ROADS AND HIGHWAYS; TOWING AND TOW TRUCKS; TRAFFIC OFFENSES; TRAFFIC SAFETY COMMISSION; TRAFFIC SAFETY EDUCATION)**

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 Adult family homes, vehicular traffic due to, limiting: SB 5060  
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Police vehicle, attempting to elude, "pursuing police vehicle" definition: HB 1844

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#### **TRAFFIC SAFETY COMMISSION**

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Restraint systems for children in vehicles, information about, commission role: EHB 1188

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#### **TRANSPORTATION (See also FERRIES; MOTOR VEHICLES; OIL AND GAS; PUBLIC TRANSIT; RAILROADS; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS; TRAFFIC; TRANSPORTATION, DEPARTMENT; UTILITIES AND TRANSPORTATION COMMISSION)**

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Commercial transportation services, freight delivery, vehicle insurance: SB 5026

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Economic disruption, intent to cause, special allegation of, when: SB 5009

Electrification of transportation, city plans and electric vehicle infrastructure: SB 6098

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For hire vehicle companies, wheelchair accessible, special parking privileges: \***EHB 2003, CH 151 (2017)**

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For hire vehicles, wheelchair accessible, regulation of vehicles and operators: SB 5812

High capacity transportation systems, certain taxes for, nullification of: SB 5817

Limousines, operating within port district, limiting entry and charging fee: SB 5739

Motor carrier, truck owner-operator as, industrial insurance exemption, when: SB 5565

Motor carriers, industrial insurance, defining "truck" for purposes of: SB 5565

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Taxicab companies, when wheelchair accessible, special parking privileges: \***EHB 2003, CH 151 (2017)**

Taxicabs, operating within port district, limiting entry and charging fee: SB 5739

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Transportation benefit districts, imposing fees and charges, public hearing before: HB 1606

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 Airports, community aviation revitalization loan program, DOT role: EHB 1656  
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 Projects, DOT highway, local ordinances, exemption from: SB 5603  
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 Taxicabs, wheelchair accessible, HOV lane use by, DOT role: SB 5018

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Access for all trust, Washington, and standing committees, creating: SB 5747  
 Access for all trust, Washington, creating as single health financing entity: SB 5747  
 Apple care trust, Washington, and committees, as single health financing agency: SB 5701  
 Investment trust, Washington, creating: SB 5464

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Aquaculture, nonnative finfish, certain employees as dislocated workers: SB 6086  
 Interpreters and language translators, unemployment compensation exclusion: SB 5233  
 Overpayment, when labor lockout back pay award, employer repayment: SB 5773  
 Transportation services, commercial, unemployment compensation exemption: SB 5362

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Bonneville power administration, certain hydroelectric output marketed by: SB 5232  
 Bonneville power administration, new Eastern Intertie rate design, requesting: SHJM 4008  
 Carbon pollution mitigation tax, imposing, including revenues disposition: SB 5509  
 Carbon pollution tax on fossil fuels, imposing, role of utilities: SB 5930  
 Carbon pollution tax, imposing, tax preferences as part of, role of utilities: SB 5930  
 Carbon reduction investments, in rural manufacturing, incentives for: SB 5918  
 City-owned, surplus property of, disposition: SB 6030  
 Coal-fired plants, transition to natural gas or biomass, tax exemptions for: SB 5439  
 Conservation or efficiency, projects of statewide significance for: SB 5621  
 Easements for utility lines on state-owned aquatic lands, charge for: \***HB 1001, CH 19 (2017)**, SB 5171  
 Electric, community solar garden operation by: SB 6130  
 Electric, customer payments, city using to provide telecommunications, prohibiting: SB 5921  
 Electric, customers of, billing statement information requirements: SB 5467, SB 5624, SB 6081  
 Electric, fuel mix disclosure by, repealing, when: SB 5930  
 Electric, hearings concerning rates or charges, written notice: SB 5624  
 Electric, using funds from new carbon reductions solutions account for: SB 5930  
 Electric, utility net metering: SB 6081  
 Electricity sales to electrolytic processors, public utility tax exemption, extending: SB 5332, SB 6007  
 Electrification of transportation, city plans and electric vehicle infrastructure: SB 6098  
 Employee of utility, assaulting, as aggravating circumstance, when: HB 1859  
 Facilities, removal or relocation due to rail fixed guideway systems, costs: SB 5717  
 Gas distribution businesses, carbon pollution tax credit: SB 6096  
 Hydroelectric generation, as renewable energy resource for utilities, when: SB 5232  
 Light and power businesses, carbon pollution tax credit: SB 6096  
 Public utility district privilege taxes, local and state distributions date, revising: \***EHB 2163, CH 28 (2017)**  
 Public utility districts, attachments and rates for small cell facilities and networks: SB 5711  
 Public utility districts, elections, district-based or alternative: HB 1800, SB 5267, SB 6002  
 Public utility districts, electric vehicle infrastructure role of: SB 6098  
 Public utility districts, privilege taxes, tools for administering: SB 5358  
 Public utility districts, providing retail telecommunications services: SB 5139, SB 5483, SB 6034  
 Public utility districts, public works procurement with unit priced contracts: \***SB 5036, CH 85 (2017)**  
 Renewable energy system cost recovery program, modifications: SB 5027, SB 5499, SB 5939

Renewable energy systems, encouraging and studying: SB 6081  
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 Renewable resource, development of, projects of statewide significance for: SB 5621  
 Renewable resource, eligible, definition and utility requirements: \***ESB 5128, CH 315 (2017)**, SB 5918  
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 Schools, siting, public facility/utility extensions when rural/outside UGA: \***ESHB 1017, CH 129 (2017) PV, \*HB 2243, CH 32 (2017)**, SB 5651, SB 5942, SB 5945  
 Silicon smelters, sales of electricity to, tax preferences for: SB 5515  
 Solar energy systems, shared commercial solar projects, role of utilities: SB 5939  
 Solar energy systems, tax preferences, role of utilities: SB 5027, SB 5499, SB 5939  
 Solar gardens, community, electrical company or utility operation: SB 6130  
 Telecommunications, small cell facilities and networks, attachments and rates for: SB 5711  
 Telecommunications, small cell facilities and networks, deployment and permits: SB 5935  
 Underground utility damage prevention act, removing reference and certain dates: \***HB 1064, CH 20 (2017)**, SB 5091  
 Universal communications services program, delaying expiration and revising: SB 5935  
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 Railroad crews, contract transportation providers and vehicles, UTC regulation of: \***ESHB 1105, CH 333 (2017)**, SB 5759  
 Railroad employees, yardmaster working hours, violations, UTC role: SB 5845  
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Assistance programs, property tax levy for: SB 6031  
 Benefits, various, defining "veteran" for, when: \***SHB 1369, CH 97 (2017)**, SB 5245  
 Colleges, veterans attending, mental health counselors for: SB 5525  
 Community care and supportive services pilot program, process for initiating: HB 1571  
 Definition of "veteran," modifying: \***SB 5391, CH 185 (2017)**  
 Department, veterans affairs, community care and supportive services pilot program: HB 1571  
 Department, veterans affairs, peer-to-peer support volunteers, training for: \***SB 5849, CH 192 (2017)**  
 Disabilities, nonservice-connected, U.S.-facility treatment reimbursement: SB 6023  
 Disabilities, veterans with, lifetime veteran's disability pass, access to parks, etc.: SB 5305, SB 6128  
 Driver's license, veteran designation on, via federal ID card: SB 6012  
 Employment, military recruitment program for veterans, developing: \***SB 5849, CH 192 (2017)**  
 Grashio, Samuel, memorial highway, renaming a part of SR 395 as: SJM 8011  
 Higher education tuition/fees waiver, for child or spouse, to include stipend, when: 2SHB 2009  
 Higher education tuition/fees waiver, to include domestic support personnel: \***SB 5826, CH 127 (2017)**  
 Housing, adapted for disabled veterans, certain tax preferences for: \***SHB 2138, CH 176 (2017)**  
 Iran and Afghanistan conflicts, veterans, naming I-5 bridges over Nisqually river for: SJM 8005  
 Legal services, pro bono, office of military and veteran legal assistance, creating: \***SHB 1055, CH 163 (2017)**, SB 5021  
 Opportunities, educational/employment, association of Washington generals role: SB 5746  
 POW/MIA flag, national league of families', display requirements: \***HB 1204, CH 79 (2017)**  
 Property tax exemption program, to include regular school district levy exemption: SB 5825  
 Property tax exemption program, veterans with disabilities, "disposable income": SB 5704  
 Retirement, LEOFF plan 2, interruptive service credit requirement, studying: \***SB 5661, CH 188 (2017)**  
 Retirement, WSPRS, military service credit for: SB 5061  
 Services for veterans, peer-to-peer support volunteers, training for: \***SB 5849, CH 192 (2017)**  
 Shared leave program, state, uniformed service member, veteran, or spouse, when: \***E2SHB 1802, CH 173 (2017)**  
 Shared leave program, state, veterans in-state service shared leave pool, creating: \***E2SHB 1802, CH 173 (2017)**  
 Travel for medical/health care, using state employee business travel awards for: SB 5861

**VETERANS AFFAIRS, DEPARTMENT (See also VETERANS)**

Powers, duties, and functions of department, provisions: \***SB 5391, CH 185 (2017)**

**VETERINARIANS**

Emergency volunteer health practitioners act, uniform: SB 5990  
 State veterinarian, elk hoof disease prevention strategies, DFW to request: SB 5474

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Commercially sexually exploited children statewide coordinating committee, extending: \***HB 1832, CH 18 (2017)**  
 Commercially sexually exploited children statewide coordinating committee, reporting by: \***HB 1832, CH 18 (2017)**  
 Compensation program (CVCP), benefits and services, provisions: \***ESHB 1739, CH 235 (2017)**  
 Crime victim certification steering committee, convening: SHB 1022  
 Girls, dually involved in child welfare and juvenile justice systems, studying: SB 5831  
 Human trafficking, convictions for prostitution offenses by victims, vacating: SB 5272  
 Human trafficking, no-contact orders to aid victims: \***SHB 1079, CH 230 (2017)**, SB 5029  
 Human trafficking, noncitizen victims and family members, public assistance for: SB 5818  
 Human trafficking, noncitizen victims, U and T nonimmigrant visas for: SHB 1022  
 Human trafficking, perpetrator ignorance of victim's age, not a defense: \***SB 5813, CH 126 (2017)**  
 Human trafficking, state task force against trafficking of persons, duties: \***SHB 1988, CH 279 (2017)**  
 Prostitution offenses, convictions for, by victims of certain crimes, vacating, when: SB 5272  
 Prostitution, promoting, no-contact orders to aid victims: \***SHB 1079, CH 230 (2017)**, SB 5029  
 Rape, pregnant survivor, court aid to avoid parenting interactions with rapist: SB 5321  
 Sex and kidnapping offenses, offender petition for relief from, notice to victim: SB 5083  
 Sex offenders, out-of-state moving into state, notifying in-state victims of: SB 5430  
 Sexual assault and trafficking, aiding victims via program and training: \***ESHB 1109, CH 290 (2017)**  
 Sexual assault, bill of rights for survivors when examined or interviewed: SB 5686  
 Sexual assault, pregnant victim, parental rights and child support court process: \***SHB 1543, CH 234 (2017)**  
 Sexual assault, pregnant victim, parenting plans and consent for adoption: \***SHB 1543, CH 234 (2017)**  
 Sexual assault, survivor's advocate, consulting with: SB 5686  
 Sexual violence crime fee, to fund crime investigations and aid victims: SB 5830  
 Sexual violence, at colleges, survivor-advocate records, confidentiality: SB 5764  
 Vehicular assault, compensation program eligibility standards for: \***ESHB 1739, CH 235 (2017)**  
 Women helping women act, feminine hygiene product tax revenues to help women: SB 5092

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Employment training program, Washington customized, repealing expiration of: \***SHB 1130, CH 21 (2017)**, SB 5381  
 Financial aid, loan disbursement via servicer or financial institution: HB 1499  
 Financial aid, private vocational school unfair practices, student protections: E2SHB 1439  
 Private vocational schools, unfair practices, student ombuds, and requirements: E2SHB 1439  
 Skilled worker outreach, recruitment, and key training program, creating: SB 5713  
 Study of private vocational schools and for-profit institutions, continuing: E2SHB 1439  
 Unfair business practices, by private vocational schools, violations/penalties: E2SHB 1439  
 Workforce education needs for agriculture, natural resources, and environment: SB 5285  
 Workforce investment act, updating obsolete references to: \***SB 5237, CH 39 (2017)**  
 Workforce training and education, 2016 state comprehensive plan, approving: HCR 4402, \***SCR 8401 (2017)**  
 Yoga, practice or instruction programs, regulating as private vocation schools: SB 5141

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Abuse or neglect, medicaid fraud control unit, establishing: SB 6051  
 Abuse, neglect, or exploitation, prevention or treatment of: \***ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904  
 Abuse, neglect, or financial exploitation, elder justice center demonstration programs: SB 5349  
 Abuse, neglect, or financial exploitation, willful, definition of: SB 6111  
 Access to vulnerable adults, unsupervised, persons with, background checks: \***EHB 1620, CH 332 (2017)**, SB 5399  
 Criminal cases involving vulnerable adults, protocol and advocacy teams: \***ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904  
 Criminal mistreatment of a vulnerable adult, provisions: \***ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904  
 Endangerment of dependent adult with controlled substance: SB 5988  
 Incapacitated adults, guardian notification of certain others, when: \***SHB 1402, CH 268 (2017)**, SB 5577

Incapacitated adults, guardians for, complaints investigation pilot program: SB 5690  
 Incapacitated adults, guardianships, less restrictive alternative option, when: **\*SB 5691, CH 271 (2017)**  
 Incapacitated adults, right of communication and visitation, guardian role: **\*2SHB 1402, CH 268 (2017)**, SB 5577  
 Incapacitated persons, restricting contact with others, when, guardian role: SB 5685  
 Theft from a vulnerable adult, crime of: **\*ESHB 1153, CH 266 (2017)**, SB 5099, SB 5904

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Correctional industries work programs, offender workers' wage deductions: **\*EHB 1248, CH 81 (2017)**  
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 Labor hours, apprentice utilization percentage, certain public works contracts: HB 1849, SB 5576  
 Long-term care providers, hours paid by DSHS for, extending current limit: **\*SB 5976, CH 24 (2017)**  
 Railroad employees, yardmaster working hours: SB 5845  
 Retaliation and discrimination against employees, protections: EHB 1506, SB 5528  
 Wage laws, compliance with, as public works responsible bidder criterion: SB 5301  
 Wage or salary history, prospective employee's, restricting employer inquiries: SB 5555  
 Wage theft by employer, damages in civil action for: SB 5249  
 Wages, agricultural labor, break time/rest period remedial compensation, when: ESB 5720  
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 Wages, equal pay for men and women: SB 5344  
 Wages, equal pay for men and women, legislative intent: SB 5836  
 Wages, equal pay opportunity act: SB 5140  
 Wages, minimum wage act, amending: SB 5528  
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 Wages, minimum wage, I-1433 increase, reducing: SB 5541  
 Wages, minimum wage, reduced rate for youth workers: SB 5541

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Authentication and preservation, as legal material in official electronic records: **\*SB 5039, CH 106 (2017)**  
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 Irrigation districts, authority of, various provisions: **\*HB 1578 (2017) V, \*SB 5261, CH 63 (2017)**  
 Potable water, adequate supply evidence with building permit application: SB 6091  
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 Public water systems, lead-containing drinking water service lines, replacing: SB 5745  
 School facilities, lead in drinking water and fixtures, testing for: SB 5745  
 Water-sewer districts, water storage asset management services, procurement: **\*SB 5119, CH 314 (2017)**  
 Watershed restoration and enhancement bonds, issuance: SB 6089, SB 6091  
 Watershed restoration and enhancement committees and plans, establishing: SB 6091  
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Clean water climate program account, creating: SB 5509  
 Facilities, pollution control, water-sewer district acquisition, lease, or sale of: **\*SB 5119, CH 314 (2017)**

Infrastructure projects, funding from new water infrastructure account: SB 5930  
 Lead, drinking water service lines containing, replacing: SB 5745  
 Lead, in school drinking water and fixtures, testing for: SB 5745  
 Pavement sealant, asphalt, in coal tar pollution statutes: SB 5814  
 Sewage systems, on-site, county reliance on self-inspection for protecting water: **\*ESHB 1503, CH 105 (2017)**  
 Standards, baseline federal, agency rules to be as stringent: SB 6083  
 Stormwater projects, and hazardous substance tax revenues, report concerning: SHB 2182  
 Wastewater, treatment plant operator certification account, creating: HB 1267, **\*SB 5162, CH 35 (2017)**

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Banking, rights transfer to trust water program, county mitigation programs: SB 5024  
 Banks, county-owned, rights permanently available for mitigation: SB 5002  
 Columbia river basin water supply, voluntary regional agreements, extending: SB 6125  
 Columbia river water right permits, application processing, legislative intent: SB 5269  
 Flows, instream or base, permit-exempt withdrawal nonimpairment presumption: SB 5239  
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 Flows, instream, seasonal right transfer to trust, nonimpairment presumption, when: SB 5794  
 Flows, instream, voluntary regional agreements, extending expiration: SB 6125  
 Flows, minimum instream, approving water uses that impair, requirements: SB 5003  
 Groundwater withdrawals, new, pilot project to measure use: SB 6091  
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 Groundwater withdrawals, permit-exempt, importance of certain rules, when: SB 6091  
 Groundwater withdrawals, permit-exempt, water recharging via land use changes: SB 5789  
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 Municipal water supply, identifying irrigation suppliers' rights for municipal uses: SB 5005

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Commissioners, insurance coverage for: SB 6044  
 Pollution control facilities, district acquisition, lease, or sale of: **\*SB 5119, CH 314 (2017)**  
 Warrants for payment of obligations, board issuance of own: **\*SB 5119, CH 314 (2017)**  
 Water storage asset management services, district authority to contract for: **\*SB 5119, CH 314 (2017)**

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 Damage due to wildlife, claim process, review of: SB 5078  
 Elk, Colockum herd, active management pilot project: **\*SHB 1353, CH 244 (2017)**  
 Elk, hoof disease, strategies for controlling: SB 5474  
 Elk-vehicle collision on highway, reimbursement of emergency response agency: SB 5078  
 Fish and wildlife advisory commission, advisory role of: SB 5718  
 Marbled murrelet, habitat protection support and mitigation: SB 6020  
 Orcas, unlawful orca captivity, misdemeanor: SB 6099  
 State wildlife account, moneys in, deposit and use: **\*ESHB 1597, CH 8 (2017)**  
 Wildland urban interface code, international, adoption: SB 6109  
 Wolves, predation by, certain prevention information, disclosure exemption: **\*ESHB 1465, CH 246 (2017)**  
 Wolves, predation by, NE Washington wolf-livestock management grant, creating: **\*ESHB 2126, CH 257 (2017)**

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19th amendment to U.S. constitution, centennial of, preparing to commemorate: HB 2007, SB 5780  
 Birth control, contraceptive drugs, health plan coverage for twelve-month supply: **\*SHB 1234, CH 293 (2017)**, SB 5554  
 Birth control/reproductive health care coverage, employee reproductive choice act: SB 5760  
 Breast density, mammographic, communication to patients: SB 5084  
 Breast reconstruction and prostheses, insurance coverage for cancer patients: SB 5481  
 Businesses, women-owned, U of W medical facility alternative contracting: HB 1861, **\*SB 5631, CH 124 (2017)**  
 Contraception, employer health plan coverage for: SB 6102

Contraception, health plan coverage for: SB 5760  
 Contraception, reproductive health care services reimbursement program: SB 6105  
 Contraceptive drugs, health plan reimbursement for twelve-month-supply refills: \***SHB 1234, CH 293 (2017)**, SB 5554  
 Depression, maternal depression screening, through medicaid: \***E2SHB 1713, CH 202 (2017)**  
 Employment, equal opportunities for men and women: EHB 1506  
 Females, dually involved in child welfare and juvenile justice systems, studying: SB 5831  
 Feminine hygiene products, free of cost in school restrooms for female students: SB 5802  
 Feminine hygiene products, sales and use tax exemptions for: SB 5093, SB 5150  
 Feminine hygiene products, sales and use tax on, using revenues to help women: SB 5092  
 History consortium, women's, role in commemorating national women's suffrage: HB 2007, SB 5780  
 Housing assistance, after release from women's corrections center: SB 5077  
 Mammography, insurance coverage to include digital breast tomosynthesis, when: SB 5912  
 Mother-newborn contact, newborn delivery services, medicaid requirements: SB 5299, SB 5835  
 Pregnancy and childbirth, doula or midwifery services for incarcerated women: SHB 2016  
 Pregnancy disability and parental leave, state shared leave program to include: SHB 1434, SB 5295  
 Pregnancy, genetic and gestational surrogacy agreements: SB 6037  
 Pregnancy, healthy pregnancy advisory committee, establishing: ESHB 1796, SB 5299, SB 5835  
 Pregnancy, medicaid oral health connections pilot program: SB 5540  
 Pregnancy, reproductive health care services reimbursement program: SB 6105  
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 Pregnancy, workplace accommodations for childbirth and, when: SB 5299, SB 5531  
 Pregnancy, workplace accommodations for, when: ESHB 1796  
 Pregnant women assistance program, remote seller sales tax to fund: SB 5856  
 Rape, pregnant survivor, court aid to avoid parenting interactions with rapist: SB 5321  
 Sexual assault, pregnant victim, parental rights and child support court process: \***SHB 1543, CH 234 (2017)**  
 Sexual assault, pregnant victim, parenting plans and consent for adoption: \***SHB 1543, CH 234 (2017)**  
 Sexual violence, at colleges, survivor-advocate records, confidentiality: SB 5764  
 Sexual violence, at colleges, task force on preventing, recommendations of: SB 5764  
 Sommers, Helen, former representative, naming "1063 Building" after: HCR 4400, SCR 8403  
 Voting, national women's suffrage, commemoration of centennial of, preparing for: HB 2007, SB 5780  
 Wages, equal pay for men and women: EHB 1506, SB 5344  
 Wages, equal pay for men and women, legislative intent: SB 5836  
 Wages, equal pay opportunity act: SB 5140  
 Women helping women grant program and account, creating: SB 5092

**WORKER TRAINING AND WORKFORCE NEEDS (See also APPRENTICES AND APPRENTICESHIP PROGRAMS)**

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 Customized employment training program, repealing expiration of: \***SHB 1130, CH 21 (2017)**, SB 5381  
 Opportunities, educational/employment, association of Washington generals role: SB 5746  
 Skilled worker outreach, recruitment, and key training program, creating, DOC role: SB 5713  
 STEM fields, increasing higher education enrollments to meet workforce needs: SB 5902  
 Talent pipeline gaps in the outdoor recreation industry, task force on, establishing: SB 6097  
 Veterans, military recruitment program, developing: \***SB 5849, CH 192 (2017)**  
 Workforce education needs for agriculture, natural resources, and environment: SB 5285  
 Workforce investment act, updating obsolete references to: \***SB 5237, CH 39 (2017)**  
 Workforce needs and skilled worker programs, assessing and coordinating: SB 5713  
 Workforce training and education, 2016 state comprehensive plan, approving: HCR 4402, \***SCR 8401 (2017)**

**WORKERS OF INDUSTRIAL INSURANCE SELF-INSURED EMPLOYERS, OFFICE OF OMBUDS FOR**

Functions and duties of office, performance by new state ombuds office: SB 5978

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Claims, self-insurer deadline for allowing or denying: SB 5822

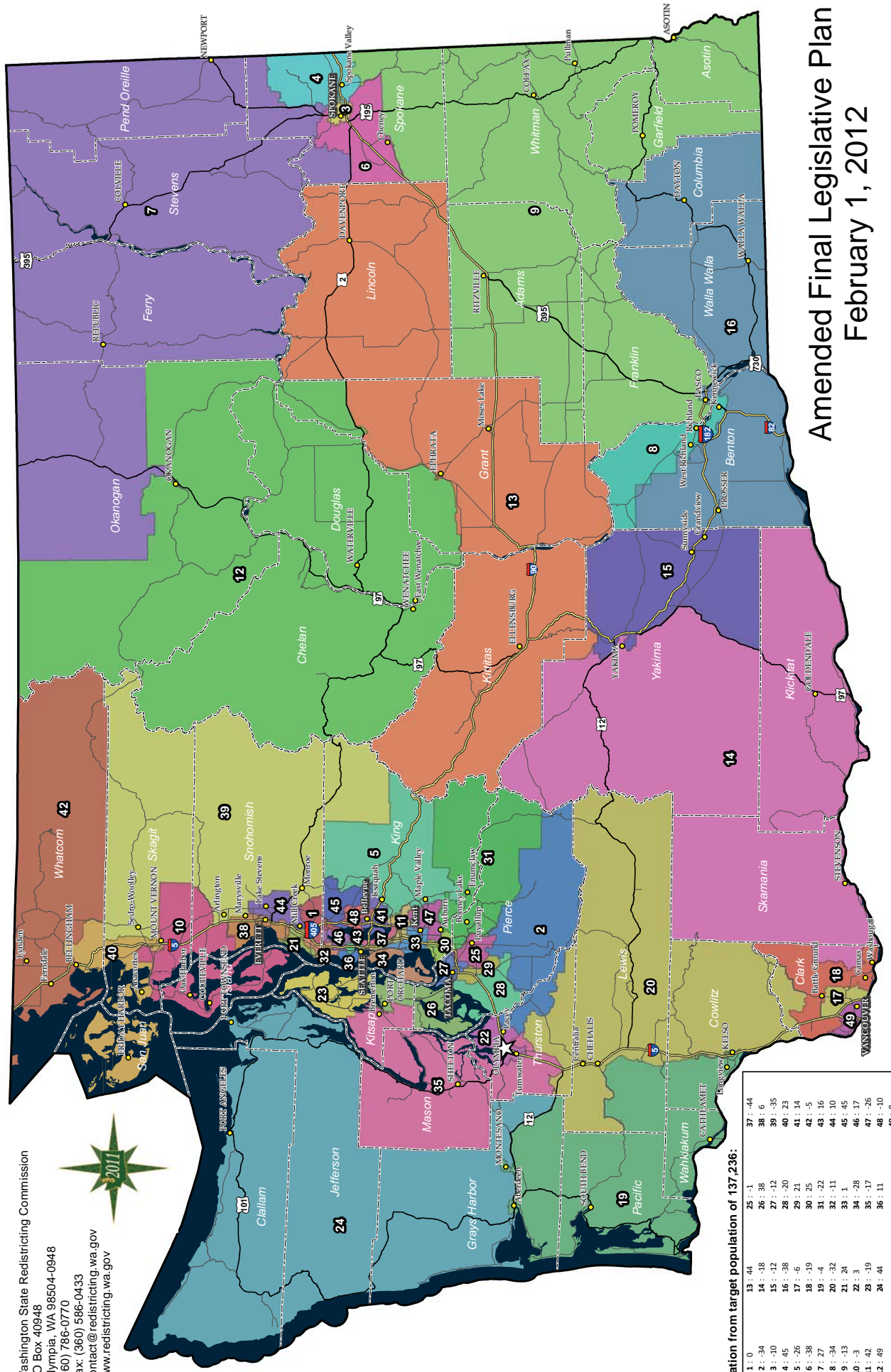


Fire investigators, public employee, occupational disease presumptions: SB 5477  
 Firefighters, public employee, occupational disease presumptions: SB 5477  
 Firefighters, public employee, occupational diseases, mental conditions as: SHB 1655  
 Hanford nuclear site, former employees, occupational disease presumption, when: SHB 1723, SB 5940  
 Industrial insurance, defining "independent contractor" for purposes of: SB 5527  
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 Occupational diseases, and proximate causes of, defining: SB 5822  
 Occupational diseases, mental conditions and disabilities as, when: SHB 1655  
 Occupational diseases, presumption of, various medical conditions: SHB 1723, SB 5477, SB 5940  
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 Recovery of damages, third-party, L&I notice to state fund employer concerning: \***SHB 1755, CH 145 (2017)**, SB 5670  
 Recovery of damages, third-party, L&I or self-insurer reimbursement from: SB 5822  
 Self-insurers, claim order deadline, additional time order, and disability benefits: SB 5822  
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Health workforce council, data for children's mental health clinicians, analyzing: SB 5763  
 Work-integrated learning advisory committee, board to convene: ESHB 1600  
 Work-integrated learning experiences, project programs, evaluating, board role: ESHB 1600  
 Workforce for agriculture, natural resources, and environment, board to assess: SB 5285  
 Workforce needs and skilled worker programs, board role: SB 5713

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Deviation from target population of 137,236:

|        |         |         |         |
|--------|---------|---------|---------|
| 1: 0   | 13: 44  | 25: -1  | 37: -44 |
| 2: -34 | 14: -18 | 26: -38 | 38: 6   |
| 3: -10 | 15: -12 | 27: -12 | 39: -35 |
| 4: 45  | 16: -38 | 28: -20 | 40: 23  |
| 5: -28 | 17: -6  | 29: 21  | 41: 14  |
| 6: -38 | 18: -19 | 30: 25  | 42: -5  |
| 7: 27  | 19: -4  | 31: -22 | 43: 16  |
| 8: -34 | 20: -32 | 32: -11 | 44: 10  |
| 9: -13 | 21: 24  | 33: 1   | 45: 45  |
| 10: -3 | 22: 3   | 34: -28 | 46: 17  |
| 11: 42 | 23: -19 | 35: -17 | 47: -26 |
| 12: 49 | 24: 44  | 36: 11  | 48: -10 |
|        |         |         | 49: 8   |

# Amended Final Legislative Plan February 1, 2012